



## **Lower Penn Parish Council Response to the South Staffordshire District Council Local Plan Regulation 19 consultation December 2022**

Lower Penn Parish Council (LPPC) would like to respond that the South Staffordshire District Council (SSDC) Local Plan is unsound for the following reasons:

1. Public consultations since the start of the process (in 2018) do not comply with the SSDC Statement of Community Involvement 2019 or Town and Country Planning Regulations regulations.
2. The complexity and technicality of the Plan is contrary to the Statement of Community Involvement. Not transparent or open.
3. SSDC have not acted on feedback from prior consultations regarding the challenging nature of the consultation interface, and the heavy reliance on online channels to communicate information on the Publication Plan, and previous consultations. There has been no effort to connect with hard to reach groups.
4. The online portal and preferred response method is not fit for purpose and far too complicated to use.
5. Crucial documents are missing from the evidence base. (Air Quality Study, Urban Capacity Study, Statements of Common Ground for example). Numerous documents are listed as 'Key Evidence' in the Publication Plan which are not linked, nor included in the online evidence base. Not compliant with NPPF chapter 35 (a) and (c).
6. There is no information in the evidence base relating to site 582 Langley Road around infrastructure. This was requested by Wolverhampton City Council in their Preferred Options response. This is contrary to NPPF chapter 35 indent a and c.
7. Duty to Cooperate figures are outdated (2014) and have not been updated to reflect a true picture of our population. See appendix A Gerald Kells report.
8. Extra special circumstances have not been demonstrated to remove greenbelt status. Adjacent authorities have not clearly justified that all brownfield land has been utilised. (NPPF chapter 141)
9. Numerous issues around sustainability. There is no justification that the Langley site will be sustainable as required in NPPF 35 (d). See Appendix B
10. Village hierarchy has been changed without clear process or consultation.
11. External factors have not been taken into account. The Plan has not been sufficiently updated to reflect several important changes including but not limited to; new levelling up schemes destined for the West Midlands, the impact of the collapse of the Black Country Plan, newly available census data and direction of travel in changing government guidelines.

**The SSCD Local Plan Review: Publication Plan cannot be considered sound as the type and scale of development it proposes to deliver will not be sustainable. Duty to Cooperate has been employed only to assist neighbouring authorities with their unmet need, without ensuring that those authorities make as much use as possible of suitable brownfield sites and underutilised land (NPPF 141 (a)) before South Staffordshire greenbelt land is released. In these ways, amongst others, as we will**

expand on below, the Publication Plan falls short of all of the four measures of soundness of NPPF 35.

**There is ample opportunity for sustainable development in neighbouring authorities which have far superior infrastructure (South Staffordshire does not even have an NHS hospital providing A&E services) but the DC has failed to push back and in doing so failed to encourage the revitalisation of nearby Wolverhampton. It would appear that this plan will in fact disincentivise the regeneration of the city, simply re-locating those who no longer find the city an appealing place to live to South Staffordshire and further impacting the economic and cultural decline of a once vibrant and prosperous city.**

**This plan is, despite stating the opposite, not infrastructure-led. It is led by a desire to vastly increase the housing numbers in the district and forgets that housing is inseparable from transport, health, care and so on.**

#### **1 - 4. The Consultation Process**

Lower Penn Parish Council considers the public consultation process to be unsound. South Staffs District Council have not followed the policies set out in the South Staffordshire District Council Statement of Community Involvement (SCI) June 2019, specifically point 2.1:

**2.1 At the heart of the planning system is the requirement to involve local communities and stakeholders in the process of Local Plan preparation at the earliest opportunity. The Government therefore requires the planning system to be:**

- transparent and open;**
- one that will be easily understood and accessible to all, including traditionally hard-to-reach groups, and also;**
- has the support of the community and stakeholders with opportunities for participation clearly identified.**

**The Public Consultations have not been inclusive or accessible.**

Residents who have not visited the council website during the consultation periods are unlikely to have seen any information on the Local Plan

Any resident that is not computer literate has been effectively excluded from this process. A copy of the quarterly review which should be delivered to every address in the District was mentioned as a publicity tool for the 2021 consultation but by the end of the consultation enquiries made showed that barely any copies of this magazine were received.

Online sessions have been wholly unenlightening - questions could be posed, but it was impossible to ask for further clarification if the answer was not satisfactory due to the online format and moderator-led selection of questions.

The online meetings were also technically unreliable - connection failures and people being unable to access meetings were common.

It was pointed out then, as now, that this the information about the Local Plan was not reaching enough people. The Local Plan team considered their roll out of one to one meetings with residents and the virtual presentation to Parish Councils for their 2021 consultation a success. Our council and residents disagree.

In the 2021 Consultation there were 1690 uniques responses and 3869 responses overall (including at least 144 stakeholder responses). There are 110,472 residents of South Staffs (Census 2021). Can a response rate of 3.5% be classed as a successful consultation? Given that, does the inspectorate consider that a council can be genuinely involving the community with such a low engagement rate?

Both the Preferred Options document and the Regulation 19 Publication Plan are saturated with technical terminology and references to external documents. Is is not 'easily understood'. For example, the first question in the 2021 Preferred Options consultation:

'Do you agree that the evidence base set out in Appendix A is appropriate to inform the new Local Plan?'

Appendix A contains 31 separate reports and studies (which were not linked on the consultation page). Is the expectation that a resident should be able to read and evaluate these 31 documents in order to answer this question? All the 2021 consultation questions are similarly daunting.

Many residents found the documents onerous and difficult to understand. Residents also told us they found that responding on the portal was an overly complex process with log-ins and passwords required, complex questions to answer and being logged out during the process. No summarised, easy to understand document was printed along side the plan.

It is difficult to identify the documents which pertain to site 582. The site is rarely, if at all, referenced by the parish name - Lower Penn. This has made finding references to our specific site extremely difficult and confusing.

## **5. Key Evidence**

Statements of Common Ground between SSDC and other authorities appear to be in draft form and have not been submitted by the relevant authorities themselves. Also South Staffs' nearest neighbour Wolverhampton doesn't appear to be included.

2021 Preferred Options Consultation Responses are not in the evidence base. These include key stakeholder responses and public responses.

In Wolverhampton City Councils response to the Preferred Options Consultation December 2021( Appendix C ) they stated:

"If infrastructure impacts are not fully assessed and mitigated through the contributions of developers and infrastructure providers these developments could have negative impacts on Wolverhampton infrastructure, including transport, public open space, education and health services. The developments could also have negative impacts on the environmental quality and amenity of immediately adjoining residential areas if not properly planned. Therefore, each development, including Langley Road, needs to be carefully masterplanned, based on sufficient detailed evidence, and it is vital that close joint working between SSDC and CWC continues on all relevant issues throughout the Plan preparation, SPD preparation and planning application processes.

h) Request that a SPD and Infrastructure Delivery Strategy is also prepared for the Langley Road site;

The proposed SPDs and Infrastructure Delivery Strategies for the Linthouse Lane and Cross Green sites are supported, however it is crucial that key planning issues for the Langley Road site are subject to the same level of discussion and agreement with CWC through preparation of an SPD and Infrastructure Delivery Strategy, to ensure that the design and infrastructure requirements for this significant development on the edge of the Wolverhampton area are fully explored and formally established before submission of a planning application."

No evidence of a SPD, infrastructure delivery strategy or master plan is included in the evidence base for Langley Road in this consultation to show that the plan is justified.

#### **NPPF 35 (b)**

Lack of **Urban Capacity Study**. There is no evidence to prove that SSDC has undertaken such a study. How has SS demonstrated that it has examined fully all other reasonable options - **NPPF 141** refers.

Nothing included in the evidence base from Local Health Authorities, Social Services, LEA, Highways Authority, Emergency Services.

No up to date Air Quality Study.

## **6. Infrastructure**

SSDC Local Plan lacks reference/evidence to show how infrastructure would need to be improved (and how to achieve) to accommodate minimum of 390 dwellings by working with Wolverhampton (In the case of the Langley Road Site) with regard to the Statement of Common Ground and NPPF 85, 35 (c) of the NPPF guidelines requires a plan to be 'based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground'

Wolverhampton City Council requested in their response to the 2021 consultation that a Masterplan be completed for the Langley Road site together with a supplementary Planning Document (SPD) containing evidence that the local area around the site and within the Wolverhampton boundary could cope with the increase in traffic, doctors, dentists and schools. This has not been done and so the plan is not sound. This should be in the evidence base for the plan.



SSDC have also yet to demonstrate how they will contribute to the increased demand on the infrastructure on neighbouring Wolverhampton based on their proposed development sites.

Local transport, shops, doctors, dentists, shops and schools to name but a few, are all based in and will solely rely on facilities within Wolverhampton. SSDC have shown no evidence that the Wolverhampton NHS Trust have been consulted as to whether their GP practices or even the city Hospital, New Cross, are able to cope with the vast increase of population on the border.

The nearest hospital and GP practices to site 582 are not within the target distances.

Objective 8: Health and Wellbeing:

*SSDC should seek to ensure that residents have access to NHS hospitals, GP surgeries and leisure centres. Sustainable distances to each of these necessary services are derived from Barton et al.*

Travel distances shown below were calculated using Google maps.

NHS Hospital:

New Cross 8.2km. The recommended target sustainable distance is 5km or less.

GP surgery:

Coalway Road 2.3km (Wolverhampton)

Castlecroft 2.6km (Wolverhampton)

Warstones 1.6km (Wolverhampton)

The target distance is 800m or less.

Given the current demographic of Lower Penn, single story retirement homes are in much demand in the area. The number of people aged 75 to 84 years rose by around 2,900 (an increase of 40.7%), while the number of residents between 35 and 49 years fell by around 4,400 (19.1% decrease).

12.3% of the population of South Staffordshire is over 75. <sup>1</sup>

SSDC have not displayed any evidence that the homes that they are proposing in Lower Penn, are in fact needed within the area. As the population ages, no thought has been given to the development of care homes or the hefty contribution this development will have on the already overstretched NHS or Social Services.

Given the lack of any dedicated traffic surveys by South Staffordshire District Council, it is impossible to justify any given proposed development site within the South Staffordshire boundary. Highways data should be recorded and obtained from both Wolverhampton and Staffordshire Highways in order to ascertain whether a rural, agricultural village like Lower Penn, could sustain the vast increase in traffic that is being proposed. How will this housing development affect the already over congested roads in the Merry Hill area of Wolverhampton? How will the C roads in Lower Penn, many of which are single traffic

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<sup>1</sup> <https://www.ons.gov.uk/visualisations/censusareachanges/E07000196/>

lanes and without pavements cope with the vast increase in cars that 390 proposed houses will generate?

Public right of way/Cycle paths

B.17.8.8 states that site 582 is within 600m of a public right of way/cycle path. The South Staffordshire Railway walk runs to the north of the site, but to access it requires crossing a private track.

The Preferred Options Housing Site Selection Paper (September 2021) noted in Appendix 3:

‘Site opportunity...The site is adjacent to the South Staffordshire Railway Walk, although it has not been confirmed that access can be provided to this at this stage’

There is currently no public access into the site to the North, the track is gated. The paper suggests that the developers may not have obtained access to this track. If there is no access at this point the distance to access the railway walk would be 2.1km, well outside the target distance of 600m or less.

The railway walk is on the other side of this access track, but even if members of the public were allowed to cross the track to access it, the walk is at the bottom of a steep embankment at this point. The existing steps at this point are steep and slippery so inaccessible for a large proportion of the public. To build a new entrance at this point would risk destabilising the already unstable banks and would have a direct impact of the protected wildlife. The railway walk is heavily shaded at this point and is not lit and would therefore not be a suitable route for commuters in the morning or evening for many months of the year.

Given the lack of any facilities within the hamlet of Lower Penn, no shops, no medical care, no secondary schools etc, and poor access to PRowS from the Langley site, traffic increase would not be limited to just ‘peak’ working hours and access to private transport would be essential.

### **South Staffordshire Local Plan Preferred Options 2021**

**This infrastructure led strategy reflects the Council’s desire to see growth that does not put a strain on existing infrastructure, and where possible delivers new infrastructure benefits, whilst also reflecting national policy requirements by ensuring growth is situated in locations with good access to sustainable public transport, or where brownfield opportunities exist. In setting the apportionment of growth to different villages and broad locations regard has therefore been had to what infrastructure could be delivered. In many cases these reflect infrastructure opportunities and where known deficiencies exist where these have been confirmed by the infrastructure provider (e.g. need for a First School for Codsall/ Bilbrook).**

Contrary to this statement taken from the Local Preferred Option document, the site at Langley Road (582) will most certainly put tremendous strain on the limited independent facilities within Merry Hill, Wolverhampton, both in terms of parking and road network. There is limited to no parking at many of the local shops in this area. No public transport from the site to either this, or the wider commercial village of Wombourne or indeed into Wolverhampton City.

Given the congestion already seen on the Wolverhampton side of the Langley Road, it is inevitable, should the development of site 582 go ahead, that a vast increase of road users will again try to avoid congested areas in adjoining settlements and instead add to the congestion on Market Lane, Dene Road, Springhill Lane and Radford Lane. All of which are country lanes that struggle with the volume of traffic already cutting through Lower Penn Conservation Area. All the lanes in Lower Penn are classified 'C' roads, with few road markings, limited footpaths and little street lighting.

### **South Staffordshire Local Plan Preferred Options 2021**

**The level of growth identified for specific locations is proportionate to the type of infrastructure that can be provided: i.e larger allocations can facilitate more significant new infrastructure provision e.g. a school or improvements to sports and leisure facilities; whereas smaller allocations are directed towards the smaller villages with less existing infrastructure and where no opportunities for specific new infrastructure have so far been identified. Regard has also been had to the relative level of existing services and facilities in villages - informed by the Rural Services and Facilities Audit 2021 - and opportunities for development to make the most of existing infrastructure provision when setting levels of housing growth.**

As a tier 5 village, Lower Penn has a local pub, village hall and small church. There are no other facilities available to residents. Local facilities, supermarkets, leisure centres etc, are only accessible via private transport and are within the City of Wolverhampton.

From the allocated site 582, private transport would even be needed to access the limited facilities available within the Parish.

#### SA Objective 10: Transport and Accessibility

Distances below are calculated assuming exiting from the south of the site onto Langley Road and using Google maps.

Transport:

St George Metro Station 5.6km

Wolverhampton Railway Station 6km

Both are well outside the 2km target.

Bus stop – there is no bus stop close to the site on Langley Road. The nearest is 1.1km away (about a 14 minute walk), well outside the 400m target.

Both these negatively affect resident's access to public transport and lead to a less sustainable, car reliant development. Therefore, public transport infrastructure is not in place for this proposed site.

Local services: shops

Lidl Finchfield 2.3km: Coop Finchfield 2.3km: Small shops at Windmill Lane 2.3km: Tesco, Penn Rd, 4.3km

These are all outside the target distance. It would take around 27 minutes to walk to the nearest shop.

### SA Objective 11: Education

800m is given as the target distance for travelling to a primary school and 1.5km to a secondary school. It is notable in the methodology that these target distances are presented as buffer zones drawn around the schools (Figures 3.9 and 3.10), rather than the actual road distances that would need to be travelled.

Site 582 stands out for this objective as it has been assigned a 'major positive++'. This is presumably because the site is adjacent to the playing field of Bhylls Acre Primary School. As noted in section 3.8 above, there is currently no public access in or out of the proposed site at the northern boundary. *If* public access to the private track was secured in the future, the pedestrian distance to Bhylls Acre would be within the target distance for primary schools. This would also be the case if an additional pedestrian entrance was made to the rear of the school from the proposed site.

**However**, if public access is not secured at the north of the site, the distance via Langley Road would be 1.9km, about a 23-minute walk, well outside the target distance. The nearest secondary school is Highfields School, within Wolverhampton. It is 1.6km to drive and 1.4km to walk. This falls just within the target distance of 1.5km.

However, **no assessment of the availability of places at either of these schools has been included here**. Bhylls Acre currently has extra capacity for only 6 children. An extension to Bhylls Acre Primary School has been suggested using part of the proposed site close to the school's playing field. However, this area is currently a pond that the fields drain into, so is unlikely to be suitable.

Highfields Secondary School is already oversubscribed by 12 places, so has no capacity for new residents and will give priority to Wolverhampton pupils. The nearest South Staffordshire catchment secondary school is over 6km away in Wombourne. It currently has some capacity, but 514 houses are also being proposed for Wombourne in this current Local Plan. Even if there is capacity, children will have to be bused from Langley Road to Wombourne.

**Thus, the nearby schools, particularly secondary, that led to the major positive rating for this site are not in reality available, so this assessment is flawed.**

SSDC have not demonstrated any robust evidence to promote sites or routes in Lower Penn which could enhance and develop widen transport choice, or indeed, any evidence to suggest that exceptional circumstances have been satisfied to develop the Green Belt.

There is little in this plan that delivers the infrastructure required to support the population increase that approximately 10,000 new homes will create.

Certainly, the infrastructure in South Staffordshire is not currently capable of supporting this growth. Indeed, there is no evidence to suggest that building new homes will be enough to attract the level of migration that this plan seems to anticipate. Population growth in South Staffordshire in the 10 years up to 2021 was 2.2% - far below the national average (6.6%), and the average for the West Midlands (6.2%).

Whilst this low number could be attributed to a lack of suitable homes, it could just as easily be due to a lack of available employment, poor public transport options, a lack of healthcare provision amongst other factors.

The LPR does nothing to address the serious infrastructure shortcomings in the region, and will only exacerbate the heavy car use in the district (according to 2021 Census data, of those who travel to work in South Staffordshire, 83% do so by car or van).

## **7. Duty to Co-Operate**

There is no requirement in law to accept overspill from neighbouring authorities. This is especially the case if this will result in the loss of greenbelt land. The 4,000 housing uplift to meet Black Country need is not justified and this together with wider sustainability issues mean that the exceptional circumstances given to remove site 582 from the green belt do not exist.

Now that the Black Country Plan has collapsed and the Black Country Authorities are going it alone the whole dynamic of Duty to Cooperate changes. Dudley MBC have stated that they can take care of their own housing, Wolverhampton our nearest neighbour has had help to identify areas for up to approximately 5,000 houses that were not included within their original plan.

There has also been no account taken of Wolverhampton City Centre where there is the potential to totally regenerate this area with government funding and create another additional 5,000 dwellings. It is so unclear at the moment what the housing shortfall will end up being in our adjoining areas that it seems ludicrous to start ripping up green belt areas. Our local cities, already decimated by COVID will end up being an empty nucleus whilst our important open green spaces, so important in light of climate change will have been decimated.

The figures used to shape the plan are outdated (see Lower Penn's Consultant report appendix A) and using more up to date figures will decrease the shortfall. If you look at the Black Country figures the majority of the housing shortfall is within the Borough of Sandwell. This local authority is not adjacent to South Staffordshire. Adjacency one of the criteria set out by South Staffordshire District Council to justify the duty to cooperate.

Of the two adjacent authorities to Lower Penn, Dudley has stated it has sufficient numbers to service its own housing requirements and Wolverhampton has sites situated to the north of Wolverhampton where new employment sites have been identified.

No consideration has been given to the many of millions of pounds WMCA has been given to regenerate brownfield sites within the West Midlands. A recent new housing

development of over 5000 houses has been given the go ahead at the NEC (west of Birmingham) on brownfield land. There is also a project in Bushbury, Wolverhampton for a new large housing development on an old school site. These types of housing development on brownfield sites always need to be used before looking to greenbelt land and the SSDC planning team should be engaging with their neighbouring authorities about the need to reduce duty to cooperate figures as these sites come on board.

Our consultant in his report has shown that windfall sites have been vastly underestimated in the plan especially for the Birmingham and Black Country area. There has also been no consideration given to the 10k+ empty homes within the West Midlands area or the change in the way people use both town centres and office provision in the light of covid. All of these spaces could be transformed into housing and employment.

It has also not been questioned by SSDC why the government uplift of 35% to the 20 largest cities in the UK have been merely added to the housing figure requirement for the Black Country when as specified in the December 2020 government report this uplift should be met within each city's boundaries and be on brownfield sites. On top of this SSDC have built in a 13% buffer to the figures increasing their housing need by another 1153 houses.

## 8. Greenbelt

### Do exceptional circumstances exist?

SSDC claim to adhere to the fundamental protection of the Green Belt except in 'Very Special/Exceptional Circumstances in accordance with NPPF guidance. However, LPPC do not consider that having to accommodate neighbouring authorities' unmet housing need, due to the Duty to Cooperate, amounts to the 'Exceptional Circumstances' required to justify development in the Green Belt. Such a development is not considered to be one of the 7 exceptions referenced in **NPPF 149**.

We would also like to state that we do not think that the Black Country Authorities or SSDC have demonstrated that they have examined fully all other reasonable options for meeting its identified need **NPPF 141**. SSDC have not completed an Urban Capacity Study to demonstrate potential areas in smaller villages and the Black Country Authorities in particular Wolverhampton our neighbour have not even assessed their city centre where many derelict and disused buildings lie empty. Also see point 11 on levelling up funding for Wolverhampton and the West Midlands.

All brownfield sites need to be utilised before greenbelt land is released. The CPRE brownfield report identified 99,600 dwellings that could be built in the West Midlands on brownfield sites in 2021.

## 9. Sustainability

There are many serious issues surrounding the sustainability of the Langley site and indeed of the LPR as a whole. The LPR and SA don't sufficiently address all aspects of sustainability, ie, environmental, economic and social. Our assessment of the LPR from

an environmental point of view and the information in the SA makes it clear that the residual adverse effect far outweigh the residual positive effects.

South Staffordshire Council published a Sustainability Appraisal in 2021 (SA 2021) and an updated version in October 2022 (SA 2022) to appraise the sustainability performance of potential site allocations for housing.

SA Objective 1: Climate Change Mitigation:

The impact of the proposed housing developments on Climate change is appraised. However, this does not include any calculations of CO<sub>2</sub>, despite the minimum number of houses per site being well known. The reason is given as:

One potential method to estimate GHG emissions would be based on per capita calculations, using the UK local authority emissions statistics which is published by the Government annually, based on the average number of people per dwelling and the proposed number of dwellings for new development sites. However, at this stage in SSDC's plan-making process the housing capacity of sites is uncertain. While site boundaries and site areas are known, as yet unknown on-site constraints may substantially affect housing capacity. The GHG emissions as a consequence of the allocation of sites is recorded as uncertain at this stage.(SA 2022 D.2.1.11)

As a result, all the sites are given the identical assessment of 'uncertain +/- ', so the process has failed to make any distinctions between sites and has failed to be a useful measure of climate change impact.

This is despite stating:

it is assumed that development on previously undeveloped or greenfield land would result in an increase in GHG emissions (D.2.1.10).

The reluctance to include the known proposed minimum house numbers in this assessment appears at odds with the precautionary principle as stated in 2.6.3 (SA 2021) 'When selecting a single value to best represent sustainability performance, and to understand the significance of effects in terms of the relevant SA Objective, the precautionary principle has been used. This is a worst-case scenario approach.'

Using figures given elsewhere in this appraisal, the increase in population associated with the new housing can be put at a minimum of 23,432 people. Using 7.8 tonnes per person per year (D.2.1.12) gives an additional burden of 182,773 tonnes per year. This is equivalent to 21% of the emissions for South Staffordshire in 2019. It is remarkable that no analysis was undertaken on this.

The large-scale building on rural fields runs in direct opposition to the recommendations of the Staffordshire Climate Change Adaptation and Mitigation report (2020, Chapter 4.2), which explored opportunities to sequester CO<sub>2</sub> from the atmosphere through nature based solutions - ecosystems such as woodland, grassland and wetland. The land use and vegetation cover that is present at these sites prior to development will affect the change in carbon storage and sequestration rates.

Summary

The complete lack of analysis of greenhouse gas emissions undertaken for all these proposed sites pays lip service to the goal of climate change mitigation. This is at odds with the NPPF paragraph 153 'plans should take a proactive approach to mitigating and adapting to climate change' and with paragraphs 8c and 154b. There is no attempt to quantify and understand the real impact that these large green belt housing developments will have on CO2 emissions at district or county level.

This fails to meet the objective of the SEA directive:

to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development

### Assessment of Site Allocation for Site 582 (SA 2022, Vol. 2 Chapter 6.5, Appendix G)

#### SA Objective 2: Climate Change Adaptation

Site 582 is rated as a development proposal within an area at high risk of surface water flooding - a major negative impact. This is defined as having more than a 3.3% chance of flooding each year.

The Climate change adaptation and mitigation study (2020) (3.1.7) states that

'Climate change is expected to exacerbate and enhance the impacts experienced throughout Staffordshire, due to warmer, wetter-winters and hotter, drier summers, with an increase in the frequency and intensity of extreme weather events'.

Therefore, the current high risk of flooding at this site indicates that adaptation to future climate change would be extremely problematic. This alone is a reason to rule out this site for development.

The pre-mitigation assessment rates this site as a major negative. However, for the post-mitigation assessment (SA 2022), this objective is now shown as a positive for this site.

What is not explained is how the flooding has been addressed in between these two assessments.

#### SA Objective 3: Biodiversity and Geodiversity

Site 582 has a Local Nature Reserve along one of its boundaries. Local Nature Reserves are designated sites regarded as 'ecological receptors' in this objective. Therefore 3.3.2 (SA 2021) states that

'Where a site is coincident with, adjacent to or located in close proximity of an ecological receptor, it is assumed that negative effects associated with development will arise to some extent'

However in the case of Site 582 the pre-mitigation assessment given is 'uncertain +/-'.

The reasoning behind this discrepancy is given in B.17.3.3 (SA 2021) - that

'due to the nature of this LNR, the proposed development at these four sites would be expected to have a negligible impact on the LNR.'

We were surprised by this statement. The document states that:

'all options must be assessed in the same way within the SA process and any introduction of site-based detail should be made clear in the SA report as the new data could potentially introduce bias and skew the findings of the assessment process.' (2.7.3)



No detail or evidence is given as to why this LNR is regarded as less sensitive than other LNRs. In fact, the linear nature of this LNR contributes to its importance as a major wildlife corridor in the landscape. This assessment is out of line with the stated methodology (box 3.3), which indicates the assessment here should be minor negative. In contrast, in SA 2022 (Appendix G) another site which runs alongside this same LNR is assessed as having a potential major negative effect on the LNR.

At the consultation in 2021 there was a submission for the ecologists Prof Trueman, Dr Besenyi and Dr Tobin about the priority habitats and species on this site and its role in the transboundary ecological corridor with Wolverhampton. Staffordshire Wildlife Trust, in their response to the Local Plan (2021), also referred to the semi-natural habitat at the Langley Road site, and proposed that more detailed assessment was required before any decisions were made. Despite these submissions, the post -mitigation assessment (SA 2022) has been edited to show this objective as 'neutral'.

The assessments here appear to be completely random and without due regard to the sensitivities of the site.

### **Summary**

**The appraisal of the suitability of Green Belt sites for housing has not been carried out objectively and with due regard for the sustainability of the site, so does not comply with the NPPF Paragraph 35d.**

### SA Objective 12: Economy and Employment

There are no major employers local to site 582, with no retail parks or industrial estates. As a result, residents will have to travel out of the area to their place of employment, and due to the lack of public transport here, this would be by car. The appraisal notes that residents at this proposed site would have 'unreasonable sustainable access to employment opportunities.'

### Summary

- Site 582 is shown to be completely unsuitable in terms of climate change adaptation due to the acknowledged surface flooding problems
- It is also clear from this sustainability appraisal that this site would not be sustainable in terms of access to hospitals, GPs, leisure centres, train stations, bus stops or shops. The lack of local infrastructure would lead to car dependency.
- The Staffordshire catchment secondary school at 6km is not within the target distance of the site (1.5km), so the site should not have been assessed as a major positive.
- There are no major employers locally so residents at this proposed site would have "unreasonable' sustainable access to employment opportunities' and be dependent on cars to travel to their place of employment.

**In conclusion the sustainability appraisal has highlighted the unsustainable nature of any development at site 582.**

**The local plan aims ‘to locate development in more sustainable locations with access to existing services, including public transport options.’ This criteria has not been met, therefore the plan is unsound.**

Appendix H (SS 2022) South Staffordshire Council Reasons for Selection of Site 582 (Page H13)

Key positives and negatives

- *Majority of site area is of lesser Green Belt harm (‘moderate-high’) than the majority of other land in this broad location*

Approximately half the site was assessed as moderate-high harm, rather than high harm. The rationale given was that ‘This part of the sub-parcel is tightly contained by outcrops of the settlement of Wolverhampton’. However, ironically this part of the site is tightly contained to the northwest not by housing, but by a linear Local Nature Reserve which is acting as a bat corridor for nationally important bat species. This part of the site is playing a vital role in the ecological networks of the landscape at this point. Please see the ecology report for further details.

- *Similar landscape sensitivity to the majority of land in this broad location (site is ‘moderate’)*

The landscape assessment parcel SL28, which this site is part of, was assessed as one larger unit of 172ha. It is notable however that the sensitive features referred to in that report – ‘intact hedgerows and mature hedgerow trees, including oaks’, ‘little change in field pattern since the late 19th century’, ‘priority habitat deciduous woodland along the disused railway line...local nature reserve’ and ‘local heritage features’ are all present at the proposed site.

- *Major positive impacts predicted against education in the Sustainability Appraisal*

This assessment is inaccurate as these education places are not available, please see above

- *Major negative impacts predicted against the landscape criteria in the Sustainability Appraisal, but failing to consider such areas for development may result in an unsustainable pattern of development and would run contrary to the Association of Black Country Authorities’ proposed use of the Green Belt/landscape evidence base as set out in Duty to Co-operate correspondence.*

The Sustainability Appraisal also confirms lack of local access to hospitals, GPs, leisure centres, train stations, bus stops, shops and local employment. The lack of local infrastructure would lead to car dependency, in contradiction of the policy to use sustainable locations for developments. In addition, the acknowledged surface flooding issues make this site completely unsuitable in terms of climate change adaptation. Use of this site would therefore be an example of unsustainable development.

Conclusion

*Having regard to all site assessment factors set out in the pro-forma, the site is considered to perform better than other site options and could deliver the Council’s preferred spatial strategy.*

**This conclusion is at odds with the stated objectives of the Sustainability Appraisal as laid out above.**

The Staffordshire Climate Change Adaptation and Mitigation report (2020) (Table 5.4) lists the risks of urban extension type housing developments for flood risk, infrastructure failure.

## **10. Village Hierarchy Settlement**

The aim of the South Staffordshire Local plan is to “protect and Enhance its distinctive rural character, communities and landscape”. Lower Penn is a distinctive rural village of character. In fact, the centre of the village is a conservation zone. Described in the Lower Penn Conservation Area Management Plan (2010) as:

\*A historic agricultural village on the edge of the West Midlands Conurbation focused around farmhouses, cottages and a small church along a long winding country lane. A rural setting characterised by hedge-lined lanes and large farmhouses set in large plots with farm buildings and cottages scattered around them.\*

The risks that were identified in the Lower Penn Conservation Area Management Plan were the maintenance of the rural character and the volume of traffic through parts of the Conservation Area. These risks, far from being addressed in the Local Plan Review, are significantly increased through the inclusion of site 582 Langley Road, as well as sites 416, 463 and 284 in Wombourne.

A major mystery throughout the preparation of the Local Plan is why and when it was deemed justifiable to split Lower Penn into separate parts. There was no public consultation on this matter and the splitting of the parish into different 'settlements' seems to have been buried in the local plan review. Part of our parish is now re-named 'land to the west of Wolverhampton' and 'urban edge'. The use of 'Lower Penn' in the Publication Plan is conspicuous in it's absence, appearing only once.

We are a strong village community with a thriving village hall, one local pub and a small church. There are just over 400 houses in the village and we are classed as a tier 5 settlement within the District Council's own settlement hierarchy (Rural Services Audit 2021) which is a small village/hamlet. A housing estate of a minimum of 390 houses within our village boundary and on green belt would change our character, community and landscape which totally goes against the ethos of this plan. If we were treated as other tier 4/5 settlements we would have been allocated no new dwellings (see 5.19 of the publication plan).

We believe the splitting of Lower Penn Parish into separate 'settlements' is contrary to NPPF Chapter 35 (b) At no time have the District Council answered our request to justify why this strategy to divide our village has been put in place without consultation with the residents or the Parish Council.

## 11. External Factors in the wider HMA and beyond

There are several external factors that have not been considered but that will impact the South Staffordshire and the HMA over the plan period.

### Brownfield redevelopment schemes

It is well known that the West Midlands, as a post industrial area, has a significant amount of brownfield and previously developed land that has been derelict and underused for decades. The LPR presents an opportunity for neighbouring authorities, such as South Staffs to hold those authorities accountable for the regeneration of the numerous sites that could be used for housing, employment and leisure sites before they commit, through duty to cooperate, to accommodate what is considered to be unmet housing need, and release Greenbelt land for that purpose.

Since the start of the LPR in 2018, the WMCA have received £503 million in government funding to clean up derelict sites for homes.<sup>2</sup> The WMCA continues to look for sites across the region which are suitable for development, and with this funding, sites which would have been previously unsuitable, can now come forward. Wolverhampton alone has been awarded a share of over £340 million to regenerate the city centre which will include transforming vacant retail into vibrant, accessible housing.

This surely warrants a re-evaluation of housing need in the GBBCHMA, and in turn a reassessment of the housing that SSDC should deliver through duty to cooperate to our neighbouring authorities.

The National Brownfield Institute, opened in Wolverhampton in October 2022 places the resources to redevelop land right on the doorstep, itself built on a brownfield site. Transforming brownfield could not be made more accessible. And assessing brownfield site has become significantly easier and more cost-effective in just the last 6 months. This has huge implications but has not been given due consideration before the publishing of the Publication Plan. The Publication Plan therefore falls short on NPPF 35 (a) (b) and (c).

### Failure of the Black Country Plan

The Black Country Plan collapsed in October 2022. Following striking opposition to the plan from residents, the leader of Dudley Council decided to pull two greenbelt sites from the plan. The consortium were unable however to come to agreement regarding this decision, leading Dudley to pull out of the Black Country Plan altogether.

The four authorities; Dudley, Wolverhampton, Sandwell and Walsall will now work on their own plans. Three of these four authorities share a boundary with South Staffordshire so joint working is even more important. It is possible that these authorities could discover that, like Dudley, they are able to meet their own housing need. Until these individual plans are more advanced, committing to such a large contribution to their unmet need is disingenuous, and contrary to NPPF 35 (c).

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<sup>2</sup> Letter from Tom Byrne (Mayoral Office Correspondence Advisor) to Lower Penn Parish Clerk

## Direction of Travel of Government Planning Policy reforms.

On the 6th December 2022, the Secretary of State for Levelling Up, Housing and Communities gave a statement to the House of Commons detailing proposed changes to the planning system.

The Secretary of State made it clear that the government intends to **remove mandatory housing targets** and drop the requirement for a 20% buffer. The impact of these changes on the housing requirement for South Staffordshire, as well as Wolverhampton and the Black Country and the GBBCHMA is potentially huge. Additionally, the Secretary of State's comments around the possibility of reassessing release of land for development are particularly pertinent to the South Staffordshire LPR:

“Where authorities are well-advanced in producing a new plan, but the constraints which I have outlined mean that the amount of land to be released needs to be reassessed, I will give those places a two year period to revise their plan against the changes we propose and to get it adopted. And while they are doing this, we will also make sure that these places are less at risk from speculative development, by reducing the amount of land which they need to show is available on a rolling basis—from the current five years to four.”

District Councillors have consistently stated that not having a plan in place puts the district at risk from speculative development, and presented this as the main reason to continue with an unpopular and arguably unsound plan. This statement from the Secretary of State allays those fears and gives the DC time to revise the housing requirement and duty to cooperate numbers down to a more reasonable level, meaning that unsuitable sites, such as those on greenbelt, can be removed from the plan.

A representative from Lower Penn Parish Council would like to participate in the hearings. We feel strongly that a local viewpoint should be heard. We are residents that live in South Staffordshire and understand the infrastructure and sustainability issues in our own locality and the wider area. We will have to live with any developments that come forward from this Plan and the changes they bring.

## APPENDICES

Appendix A Gerald Kells report 2021

Appendix B Ecology Report Kate Tobin 2021

Appendix C Wolverhampton City Council Preferred Options Response 2021

Appendix D Lower Penn Parish Council Preferred Option Response 2021

Appendix E Open Letter From LPPC to SSDC October 2022

Appendix F Open Letter from LPPC to SSDC December 2022

## **APPENDIX A**

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### ASSESSMENT OF HOUSING PROPOSALS: LOWER PENN

For Lower Penn Green Belt Action Group/Lower Penn Parish Council

Gerald Kells

November 2021

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## 1. Introduction

I was asked by the Lower Penn Green Belt Action Group and Lower Penn Parish Council to review the housing need and supply situation in South Staffordshire in relation to the proposed Local Plan allocations by including the need for additional housing to meet wider needs in the Black Country.

I was asked to specifically appraise the broad justification for releasing land North of Langley Road at Lower Penn to provide 390 houses on the edge of Wolverhampton (Site 582 in the Plan). I undertook a site visit on 3 November 2021 and was able to see much of the site and observe it from various surrounding locations.

There is also a current application for a battery storage facility on land to the West of the adjacent substation (21/00440/FUL). As it is not part of this site, I have not reviewed it in detail.

As well as looking at the 2021 Consultation Plan, I have also taken into consideration the most recent Strategic Housing and Employment Land Availability Assessment (SHELAA 2021) as well as the landscape, historic and Green Belt Assessment undertaken to support the plan and the 2019 Strategic Housing Strategy and Infrastructure Delivery Report which underpins the choice of Option G for housing delivery which has been adopted into this plan<sup>3</sup>.

I have taken account (with their permission) of previous work undertaken for the Campaign to Protect Rural England (West Midlands Regional Group) to assess housing need and supply in Birmingham and the Black Country and those reports are included as Appendices 1 and 2.

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<sup>3</sup> Documents at <https://www.sstaffs.gov.uk/planning/the-evidence-base.cfm>



## 2. Summary Findings

Below is a summary of my findings in this report, which suggest:

- a. that the housing numbers in South Staffordshire, particularly the uplift of 4,000 to meet Black Country need is not justified and
- b. that, for this reason and wider sustainability reasons, the exceptional circumstances given for the removal of Site 582 on the Langley Road from the Green Belt do not exist.

### a. Housing Numbers

1. The justification for the housing numbers proposed in South Staffordshire relies on 4,000 from overspill from the Black Country that is untested. Without them no new allocations are needed.
2. The Government's arbitrary 35% uplift of housing in Wolverhampton is being added to general housing need when it should be targeted at brownfield regeneration.
3. The level of housing supply both in the Black Country (and wider conurbation) and in South Staffordshire is being under-estimated. In the case of the Black Country this could amount to over 5,000 homes and in South Staffordshire another 1,000 homes from windfall sites.
4. Accelerated changes to retail and office provision, particularly in centres following COVID may increase the housing land available in the Black Country.
5. Even if this level of housing is required from the Black Country South Staffordshire is overproviding by 1153 homes, so does not need this housing allocation

### b. Sustainability of Site 582

6. The location of the site suggests it would, along with other allocations in South Staffordshire, encourage people to move out of the Black Country and then commute back in.
7. The site is located in the Green Belt without a clear boundary beyond it. The impact could be significant on the purposes of the Green Belt, in particular encroachment into the countryside, urban sprawl and impact on regeneration.
8. The site is poorly located for public transport access and is likely to be heavily car-dependent, increasing climate change emissions.
9. The site would impact on the landscape and amenity of people round the site
10. There are potential flooding and water issues that need further investigation on the site.
11. The site is used by a variety of wildlife and includes important habitats which link into a wildlife corridor along the South Staffordshire Railway Trail and the Smestow Nature Reserve
12. It is not clear that the site is adequately served by local services and, although there is a nearby Primary School, it is unclear how educational services would be improved to cater for the site.

13. There are heritage assets in terms of a World War II battery which have yet to be properly examined.

My report considers:

- housing need and supply in South Staffordshire and the Black Country and Birmingham,
- the implications of the Strategic Housing Market Assessment (SHMA) for South Staffordshire,
- the justification for the distribution of housing in the plan,
- specific site issues on site 582 (Langley Road)

My report also includes some suggestions for comments in response to the local plan questions, although other work, including the ecological and flooding reports by local residents may also be used to inform the answers to those questions.

### 3. Housing Need and Supply

#### a. Need in South Staffordshire

The local housing need for a local authority is established through the demographic household projections of the Office for National Statistics. The Government then requires the authority to apply a Standard Methodology which includes an additional uplift based on the affordability of the area as measured by the ratio of median house prices and wages.

The most recent ONS Housing Projections are for 2018<sup>4</sup>. However, both these and the previous ONS2016 Housing Projections are considerably lower nationally than the ONS 2014 Projections so the Government insists on Councils continuing to use the 2014 Projections even though there is good reason to believe that the more conservative estimates both of population growth and household growth in ONS2016 and ONS2018 are more likely to be correct. This impacts little on South Staffordshire itself but severely on both Birmingham and the Black Country.

These, themselves, do not (using the Standard Methodology) meet the overall politically-driven national target of 300,000 dwellings per annum so the twenty largest cities have a further 35% added to their total including Birmingham and Wolverhampton which I discuss further on.

In the case of South Staffordshire itself the difference between the Projections is not very significant. The ONS2016 and ONS2018 projections would be higher but would exceed the Government's cap on 40% increase above the existing plan.

The results are set down in Table 1. This suggests that the local plan figure for South Staffordshire itself is robust and because of the high affordability uplift represents a figure significantly higher than the base-line demographic need (25% or 816 dwellings).

The Plan uses the ONS2014 figure, then adds a further 750 based on delivery in the period 2018-2021, giving a total of 4881 for housing need within South Staffordshire.

Notably the 2020 Strategic Housing Market Assessment (SHMA Para 5.4) assumes the use of the 254 2018ONS figure, not the Government's preferred figure of 245, but admits that as this is above the demographic need-based figure of 209, saying: *'If these 254 homes are built, the population will be larger than projected.'* In other words, even the Standard Methodology figure implies South Staffordshire will accommodate growth from other areas, most probably from the Black Country.

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<sup>4</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/datasets/householdprojectionsforengland>

South Staffordshire	ONS2014	ONS2016	ONS2018
Demographic Need	195	203	204
Standard Methodology (2020- 2030 base and 2020 affordability rates)	<b>243 (25% uplift)</b>	252	254
Local Plan 40% Cap (based on 175 dpa)	245	<b>245 (24% uplift)</b>	<b>245 (25% uplift)</b>
Demographic Requirement (2021-2038: 17 Years)	3315	3451	3468
Plan Requirement (2021-2038: 17 Years)	<b>4131</b>	<b>4165</b>	<b>4165</b>

Table 1: ONS Housing Need for South Staffordshire Summarised

*b. Birmingham and Black Country Overspill*

The South Staffordshire Plan goes on to increase that figure by 4,000 to account for assumed overspill housing from the Conurbation, principally the Black Country. This is more contentious and I discuss in this section the question of whether that overspill figure is justified.

According to the Plan this figure was set in 2018 following the GBHMA Strategic Growth Plan (Para 4.8) which estimated the short fall across the whole area (mainly Birmingham and the Black Country) to be 28,000 dwellings by 2031 and 61,000 by 2036<sup>5</sup>. However, as the South Staffordshire Plan itself acknowledges (Para 4.11) that overspill has since dramatically reduced.

But it is important to stress that this provision would be under the Duty to Cooperate provisions of the planning system, in which a local authority can ask neighbouring authorities to accept some of its overspill need. There is no requirement for the receiving authority to agree to this. And it would seem that there is a strong reason for reluctance by South Staffordshire to accept any additional housing given the impact on Green Belt and the ‘exceptional circumstances’ required for its release.

<sup>5</sup> [https://www.birmingham.gov.uk/downloads/download/1945/greater\\_birmingham\\_hma\\_strategic\\_growth\\_study](https://www.birmingham.gov.uk/downloads/download/1945/greater_birmingham_hma_strategic_growth_study)

I also note that this figure of 4,000 homes, up to this point, been referred to as being 'tested' by South Staffordshire. What that meant in practice is unclear. Sites have been allocated to meet it but I can see no specific logical case put forwards for why the level of housing being accepted should be that high.

As set out further on in this report the Plan could provide just under 1,000 homes for the Black Country based on already allocated sites and a more realistic windfall assumption. This would avoid the removal of Green Belt sites which require 'exceptional circumstances' to be released. Without a clearer justification for the figure of 4,000 it is hard to conclude that condition has been met.

### Birmingham

One critical reason for the reduction has been the over-estimate of housing need and under-estimate of housing capacity which underpinned the Birmingham Plan in 2014 (See Detailed Update of Birmingham's Housing Position in Appendix 2). There are two reasons for this.

The first is that, unlike South Staffordshire, the ONS2014 housing projections seriously over-estimate need in Birmingham compared to either of the updated ONS projections. Under the ONS2018 figures, the demographic need would be lower than the plan provision and the Standard Methodology figure only just above it (See Table 2).

Secondly, the supply of houses, particularly of windfall homes, has dramatically outstripped the Birmingham Plan where the windfall assumptions were excessively conservative, based on the low-levels of building in the recession not the longer-term trends.

In fact, since 2017 when the shortfall was established, the capacity in Birmingham has increased by 13,942 or 27%, according to the Combined Authorities 2020 Update Report<sup>6</sup>.

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<sup>6</sup> Greater Birmingham and Black Country Housing Market Area (GBBCHMA) Housing Need and Housing Land

Standard Methodology Housing Need (2020-2030 Base, 2020 Affordability)	Official Local Plan Need	ONS 2014 Capped + (Birmingham and Wolverhampt	Standard Methodology ONS2014	Standard Methodology ONS2016	Standard Methodology ONS2018	Demographic Need 2018	Official Local Plan Provision
Birmingham Plan	4550	4829	5000 (Capped to 3577)	3631 (Capped to 3577)	2582	2350	2555
Black Country (Consultation Plan)	4004	3981	3741 (Capped to 3711)	2947	3324	3000	2518
Total	8554	8810	8741	6578	5906	5350	5073

Table 2: Standard Methodology, Comparison of annual figures for Birmingham and the Black Country based on 2020 Affordability Rates

This is not surprising because since 2016 windfalls have averaged 1822 dwellings per annum, and consistently above 1000, while the authority is still assuming only 600 windfalls a year and has not updated its approach in line with the evidence. Even updating that assumption to a modest 1000 dpa would add 5,815 to the supply up to 2031 and more beyond. The majority of those are flats. However, 29% are houses and 62% outside the City Centre<sup>7</sup>.

**Table 6: Change in housing capacity (2011-31) by Local Authority 2017 (SGS baseline) to 2019<sup>14</sup>**

LPA	2017 SGS	2019	change	%	LPA	2017 SGS	2019	change	%
Birmingham	51458	55400	13942	27%	Sandwell	19930	14824	-5106	-26%
Bromsgrove	5099	5335	236	5%	Solihull	15717	17273	1556	10%
Cannock Chase	4615	4969	354	8%	South Staffordshire	3493	4090	597	17%
Dudley	17918	17514	-404	-2%	Stratford on Avon	16713	16624	-89	-1%
Lichfield	10973	11287	314	3%	Tamworth	4495	5267	772	17%
North Warwickshire	9060	9071	11	0%	Walsall	10879	12155	1276	12%
Redditch	7488	7329	-159	-2%	Wolverhampton	13816	14244	428	3%
					<b>Total</b>	<b>191654</b>	<b>205382</b>	<b>13728</b>	<b>7%</b>

However, this was then complicated because the Government announced on 16 Dec 2020 in its response to consultation on its proposed planning reforms, that instead of adopting the heavily criticised new housing algorithm it previously proposed instead of the current standard methodology it would instead stick with the current calculations but add 35% to the largest twenty cities, an arbitrary figure designed purely to meet its political target<sup>8</sup>.

But in the same statement the Government caveated this increase, saying it should specifically be met within those cities because 1. that is where the services are, 2. there is a ‘profound structural change’ likely that will release land for housing and 3. it helps meet climate change ambitions.

And the real-world change in our cities is visible for all to see. There has been a significant shift in retail behaviour (accelerated by the COVID pandemic) which has seen high streets contract and vacant units in many other retail centres. The move towards increased home-working has also been accelerated by the pandemic potentially leading to smaller floor space requirements for future office developments. These effects are still in their infancy and hard to quantify, but support the view that there is likely to be more dynamic change in our cities which will support (and indeed rely on) a continued flow of windfall housing development opportunities on brownfield sites.

Unfortunately, at present many planners are simply adding the 35% to the existing figures and coming out with increased shortages at the other end of the calculation. Given that the 35% is added to an already inflated ONS2014 figures (albeit capped in Birmingham’s case), this appears completely irrational. Taking into account both the

<sup>7</sup> [https://www.birmingham.gov.uk/downloads/file/19174/shlaa\\_2020\\_final\\_report](https://www.birmingham.gov.uk/downloads/file/19174/shlaa_2020_final_report), Page 30, Windfalls.

<sup>8</sup> <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

need and supply issues in Birmingham there seems no reason why the city should not meet its own housing needs. The overspill appears dubious.

### Black Country

However, despite this underlying improvement in housing supply across the conurbation, and particularly in Birmingham, South Staffordshire has not reduced its contribution to meet the GBBHMA shortfall (4,000 homes).

This is because the emerging Black Country Plan sets a shortfall of 47,837 homes (by the later date of 2039). Some of that shortfall is being targeted at Green Belt sites in the Black Country, mainly Walsall, but the Plan assumes 28,239 will be provided in neighbouring authorities (including South Staffordshire).

But I would question the basis for the degree of overspill set out by the Black Country Authorities. As the report I did for West Midlands CPRE examining their Urban Capacity Report of May 2021<sup>9</sup> shows (Appendix 1), this shortfall is predicated on a number of questionable assumptions which a number of parties, including CPRE, are challenging through the Black Country Plan process. Moreover, the approach has been questioned not only by the West Midlands Mayor, but also senior Black Country politicians including, for example, the Leader of Dudley Council.

As with Birmingham the use of the ONS2014 Housing Projections artificially increases the need. On the same calculation the ONS 2016 figure is 15,580 less and the ONS2018 figure is 7,258 less. Furthermore, if you remove the 35% uplift for Wolverhampton you reduce the figure by 5,130. Taken together using the latest 2018 projections along with removing the 35% uplift would reduce the need by 12,483 or for the lowest 2016 projections by 19,646.

In fact, the 2016 figure may well be the most accurate because the 2018 figures rely on the new recording methods from the NHS to identify internal migration patterns between local authorities within England. Moreover, as these numbers are all based on the Standard Methodology, they all add additional homes to the actual demographic need.

And taken alongside the most up-to-date demographic figures (ONS2018) this would suggest just over 5,300 homes were needed a year across both the Black Country and Birmingham (See Table 2) and even with the SM affordability add on only 6,000. However, the official Government calculation is for 8,800 homes. Over twenty years that amounts to need-inflation of between 56,000 and 70,000 homes. Without that housing inflation there would be little need to build on the Green Belt anywhere, even without any increase in windfalls in the conurbation.

And not only is the need exaggerated in the Black Country. The work I did for CPRE suggests the supply is being under estimated. My calculation suggests at least 5,897 windfalls should be added to the supply, including an allowance for some larger windfalls in line with past trends. Including that figure, as well as removing the 35% uplift, would adjust the supply equation by significantly more than the houses proposed in South Staffordshire.

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<sup>9</sup> <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4c/>



Moreover, as with Birmingham, there is reason to believe that what the Government refers to as ‘profound structural change’ is likely to impact on the Black Country. Indeed, the greater weakness of the Black Country centres suggests both that they are more likely to contract and more important that housing is introduced to those centres to support their future prosperity.

Although the Government has said using different lower housing figures requires strong justification, the level of over-estimation and the direct impact on Green Belt, both inside the Black Country and in surrounding areas, justifies, in my view, a case for lower housing figures.

Given the extent of that discrepancy, around 25,000 over the plan period, reducing the deficit in the Black Country to 22,000, with potential surplus in Birmingham, the case for allocating Green Belt land in South Staffordshire (and elsewhere) is seriously weakened.

It should also be said that the use of the shortfall is not simply a theoretical exercise. In practice it creates a fixed and, in many cases, wholly-unrealistic brownfield capacity, which allows the release of Green Field (in this case Green Belt) sites in poorly located areas. Those releases themselves influence the market to reduce provision on brownfield sites.

And as the 16 December 2020 Government statement rightly points out they are generally in areas with less access to services and where there is likely to be much greater reliance on private transport, increasing the impact on both congestion and climate change.

Moreover, the 16 December 2020 Statement reiterates the Government’s intention to repeal the Duty-to-Cooperate mechanism under which local authorities are obliged to consider their next-door neighbour’s need, albeit it there is no clarity as to any replacement.

Lastly, it is important to consider that before either the Black Country or South Staffordshire Plan are adopted, we may have more up to date demographic evidence in terms of the 2020ONS Population figures, as well as updated baseline figures based on the Census which, if they confirm the lower housing need in the last two ONS projections could have implications for the overall housing need.

*c. Housing Supply in South Staffordshire*

The first thing to note about the supply in South Staffordshire is that the Plan significantly over-supplies housing in the Borough (even including the Black Country overspill) by 1153 homes (13%) (See Table 3). This oversupply is hard to justify. There is no evidence put forwards that suggests housing in the authority is not being delivered.

Minimum Housing Supply (South Staffordshire Plan 2018-2038)	Plan	Plan Plus increased Windfalls	Only Allocated and Safeguard Land/ Increased Windfalls
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Tier 2	1707	1707	1337
Tier 3	651	651	570
Tier 4/5	288	288	288
Areas adjacent to neighbouring town and cities	2958	2958	
Windfalls	450	1500	1500
Total	10,034	1,1084	5736
Above Need (with Black Country Overspill)	1153 (13%)	2303 (26%)	-3145 (-35%)
Above Need (without Black Country Overspill)	5553 (106%)	6603 (137%)	855 (18%)

Table 3: Based on Summary of Minimum Housing Provision in South Staffordshire Plan

According to the SHELAA *'It is also important to note that in the monitoring period this statement is based on (2007-2017), only one planning permission for 10 or more dwellings has lapsed meaning that it would not be appropriate to apply a blanket non-implementation rate to sites of 10 or more dwellings.'*

The SHELAA does suggest that sites under 10 dwellings have sometimes not been completed within 5 Years. However, these would in most cases be windfalls and since the past windfall rate is calculated based on completions, there seems little justification for discounting, especially as the current windfall allowance (as discussed further on) is considered conservative by South Staffordshire Council themselves.

Moreover, the Plan assumes these are 'minimum' figures, partly because the assessments are in many cases based on generalised density assumptions. In other words, there may well be room for increasing delivery on some sites.

According to the Plan (Para 4.18) this is justified because it *'will help the plan to meet the national policy requirement to respond to changing circumstances in the plan period.'* However, this seems a weak justification given the level of over-supply, and that the Plan is already heavily over-supplying for its own need and that all the evidence is that the need in the conurbation is likely to be over-estimated and the supply under-estimated. Moreover, it does not seem consistent with the Council's own climate goals.

The second issue is the under-provision of Windfalls against the Authority's own evidence. The SHELAA gives a table of windfall provision in the Borough. This covers the period 2000-2016.

Windfall Allowance Options

Gross completions all sites 2000 – 2016	4235	265 pa
Gross windfalls	3273	205 pa
Windfalls less completions on former residential land	2211	138 pa
Non-residential land windfall sites >10 dwellings	1496	94 pa
Non-residential land windfall sites >10 dwellings excluding colliery site and large scale conversions	1002	67 pa
Non-residential land windfall sites <10 dwellings	715	47 pa

Table 4: Windfall Completions, South Staffordshire (From 2021 SHELAA)

It can be seen that, even relying only on small windfalls, the Plan figure of 30 dpa is below the level achieved. If one adds in larger windfalls, excluding one-offs the level of windfall supply significantly increases.

There is a further source of supply on former residential land, but Para 5.60 of the SHELAA specifically excludes consideration of this. That policy position is consistent with previous versions of the Government’s National Planning Policy Framework but the 2021 Version (Para 69), only suggests local Plans ‘*should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.*’ It no longer excludes such sites from the windfall calculation. The previous position, as adopted by South Staffordshire, has always been questionable, given that some residential infill will happen (indeed, in some cases will be desirable) and so will contribute in reality to supply.

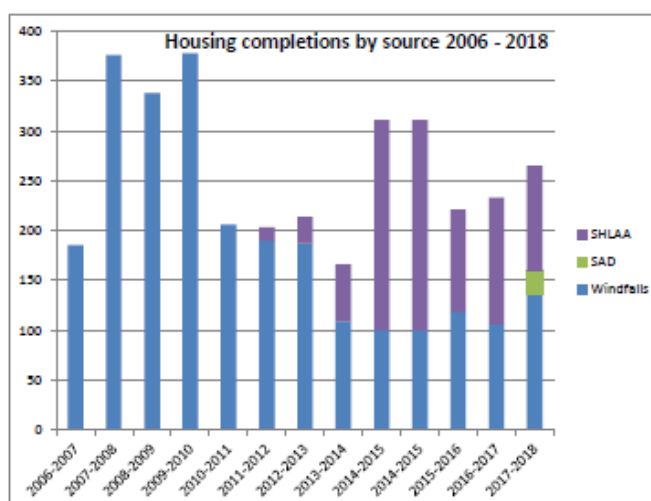


Table 5: Housing Completions, South Staffordshire (From 2021 SHELAA, 5 Year Land Supply)

In other words, the assumption in the Plan of only 30 dpa of windfalls seems not merely conservative, but highly unlikely. There appears to be a justifiable historic supply of 47 dpa from small sites (which is the way the figure is usually calculated in Plans) as well as up to 67 dpa from large sites (114 dpa) and up to 138 dpa if one considers all residential sites.

It seems that a minimum windfall assumption of 47 dpa seems easily justified. This would amount to 705 dwellings over the plan period, 255 extra homes (using 15 years, assuming windfalls in the first two years are already in the planning system). However, a more realistic figure would be 100 dpa which has been exceeded in every year since 2006 (see page 27 of the SHELAA) which would amount to 1500 over the plan period. This would increase supply over the plan period by 1050.

In Table 3 the final column demonstrates that if one includes a more realistic windfall provision one can provide more than enough housing for the needs of South Staffordshire and make a more reasonable contribution to Black Country Need of 855 homes.

There are some further assumptions in the SHELAA in relation to the yield from each site. In some cases, there is specific site information which justifies the number of houses on each site. However, where that is not the case the SHELAA uses assumptions about how much of the land will be developable and what density will be achieved. In the case of sites above 2 hectares, for example, only 60% of the gross land is assumed will be developed. While these may be reasonable for the purposes of that exercise, they allow for the assumption that minimum housing delivery may be exceeded.

Lastly in terms of supply it should be noted that Policy SA3 - Strategic development location: Land North of Linthouse Lane, gives the capacity of the whole site area released from the Green Belt as 1976 homes, of which only 1200 are anticipated to be provided within the Plan Period.

However, that assumes that delivery of housing on that site (as on others) reflects past delivery rates achieved in the past ten years (2007-2017) as is explained in the 2021 SHELAA (Para 5.47).

The Council goes on to say in the same paragraph of the SHELAA that it will review these assumptions with relevant stakeholders prior to the submission of the Local Plan Review, to ensure that they reflect the most up-to-date market trends.

Should housing delivery on that site exceed expectations a further 776 homes would be added to the supply, further reducing any deficit and providing further comfort that the overall supply figure could be reduced elsewhere if that site remains in the plan.

The SHELAA includes land for 71,329 homes which is either suitable or potentially suitable, and land for 27,591 homes which is considered unsuitable (whether because its location is not close to a local service centre or because it is open space, local nature reserve or other designations or reasons). I have not considered all the sites but I am aware that most will be greenfield sites (given the nature of South Staffordshire) so I do not consider there is likely to be significant additional urban supply within the Borough itself which could alleviate the need for housing in South Staffordshire.

#### *d. Conclusions on Housing Need and Supply*

Having considered the overall position in regards to Need and Supply, I conclude that the Standard Methodology figure should be considered a robust assessment of need in South Staffordshire and amounts to 4131-4165 dwellings over the plan period (4881 including housing supply from 2018). This would include some 700 additional to demographic need. Given that there are 2628 on allocated sites (Table 8) and a further 1500 are likely to come forward as windfalls, this would drastically reduce the amount of Green Belt land required. I see no reason to increase it.

I do not consider the additional 4,000 to meet housing need in the Black Country (and more widely the conurbation) is clearly justified. Given that delivery in Birmingham suggests significantly greater supply in the urban area than is being allowed for and given the overestimate of real need (perhaps by 20,000) and underestimate of supply (perhaps by 5,000) in the Black Country, the level of overspill and the amount South Staffordshire should accommodate seems to me unproven. Specifically, the use of the 35% uplift in Wolverhampton to justify the shortfall seems contrary to Government Policy. The figure of 4,000 should be removed from the Plan and, if it deemed necessary, a policy included for an early review of the Plan when more up-to-date information is available.

I also consider that, even if the Black Country overspill is accepted, the supply in South Staffordshire is excessive. Not only are there 1153 homes (13%) in the supply above the need (with the Black Country overspill included) and 5553 (106%) above the need (without the Black Country) but a further 1050 can be reasonably expected to be delivered on windfall sites over the plan period creating an oversupply of 6603, (137% above the need generated within South Staffordshire) and, even with the Black Country contribution 2303 (26%). I also note that a further 776 homes may come forwards on the Linthouse Lane site if it goes ahead and delivery there is faster than assumed.

Lastly, it is worth pointing out that within the ONS demographic calculations there are already assumptions about migration and it is reasonable to assume, given the nature of South Staffordshire, that some, if not much of the growth assigned to South Staffordshire will already come from out-migration from the neighbouring conurbation, particularly Wolverhampton and the Black Country (See SHMA discussion below). This

suggests that at a policy level the numbers-driven approach currently being adopted will accelerate that process.

This would, on the logic of the Government's 16 December 2020 Statement, be against good planning because it would direct housing 1. away from where services are, 2. away from where there is likely to be 'profound structural change and 3. towards locations which will undermine our climate change objectives, of which the Lower Penn site would be just an example.

#### 4. SHMA/Underlying Housing Evidence

As well as the housing calculations the Council commissioned HDH Planning to update the Strategic Housing Market Assessment (SHMA) in 2020. The report gives a detailed breakdown of housing characteristics within the Borough.

The report includes, for example, evidence about commuting patterns from the 2011 Census (Table 1.1). Although 20.7% of people in work commute within South Staffordshire, of the rest 45.8% commute to the Black Country 23.9% to Wolverhampton and 5.9% to Birmingham.

In terms of migration Table 1.3 shows that 45% of people who left South Staffordshire in 2018 moved to Wolverhampton, Walsall or Dudley based on ONS projections and 49.5% moved to South Staffordshire from all the Black Country authorities, with Wolverhampton, Walsall and Dudley the three highest scorers.

Table 1.4 goes on to include a comparison of average land registry house prices showing prices in South Staffordshire are higher than the Black Country across the board, with an average in 2019 of £257,051 compared to £185,042 (Walsall), £191,279 (Dudley) and £167,010 (Wolverhampton).

The introduction to the SHMA concludes that it is still correct to include South Staffordshire within the GBBCHM (Para 1.28). However, it can also be deduced from this evidence that new homes provided in the South Staffordshire Green Belt, especially adjacent to the Black Country boundary, are likely to predominantly attract residents from the Black Country who will then, if they are working, commute back into the Black Country. The price distinction suggests those most likely to be drawn out of the Black Country are those who can afford more expensive properties, whether working or retired, and that this is likely to contribute to greater social polarisation within the Black Country.

Figure 2.1 of the SHMA compares the age range of people in South Staffordshire between 2013 and 2018 and confirms a significant aging of the population which may also explain the estimated reduction in household size between 2011 and 2016 compared to a level figure for the West Midlands and England (Table 2.1). Fig 2.3 goes on to show a greater number of households with two adults but no dependent children.

At the same time the level of unemployment is unsurprisingly lower than the average (Figure 2.4) and Occupational Groups generally higher than across the West Midlands (Table 2.2) with qualifications also higher (Figure 2.5) as well as individual and household incomes (Figures 2-6-2.8). This affluence is reflected in larger house sizes (Table 2.8) with more owner-occupiers (Figure 2.10).

Figure 3.1 goes into more detail, considering the distribution of house prices across South Staffordshire. The area around Lower Penn, while not in the highest bracket, is in the next down (£250,001 to £300,000). Further tables consider the cost of houses across both the private and rented sector. They culminate in Figure 3.10 which sets out the affordability of properties across different groups and not surprisingly shows that it is



among lone parents and those households needing 4 bedrooms that houses are least affordable.

The SHMA goes on to consider the impact on South Staffordshire of the projected growth from the Plan, including the overspill 4,000 homes for the Black Country. Table 5.1 shows the dramatic increase in population from 2018-2038 rising from 112,125 to 129,908. Of the 17,783 additional people 3,872 would be 60-75 and 7,403 over 75. In other words, 11,275 additional people, or 63%, would be over 60, comprising over a third of the population. Not surprisingly this would lead to a rise in one person households.

The SHMA goes on to consider the implications of such a population increase on the size and tenure of housing required and also identifies the potential for increased need for specialist accommodation.

In relation to housing need and supply my conclusion from this snapshot is that South Staffordshire's position as an affluent neighbour to the Black Country means it is likely to remain a location which draws in more wealthy people from the sub-region.

Given the level of potential demand it is hard to see why new housing provision, particularly in the wealthier areas of South Staffordshire would reduce prices or alter the profile of those leaving the Black Country for South Staffordshire.

Taking account of the doubts I raised in earlier sections about the genuineness of the overspill issue in the Black Country (explicitly accepted by the SHMA writers who adopt the ONS2018 calculations) I would be concerned that the provision of additional housing in South Staffordshire will not address local affordability issues (something also tacitly admitted in the SHMA which requires a much higher allocation to provide enough affordable houses) but will increase socially and environmentally unsustainable out-migration into the District from the Black Country.

## 5. Distribution of Development

A number of options were considered for the distribution of development in South Staffordshire in the Spatial Housing Strategy of October 2019 of which Option G was chosen which was classed as Infrastructure-Led Development with a Garden Village area of search beyond the Plan Period.

At that time South Staffordshire had only committed: *'to continue to test a contribution of up to 4,000 dwellings towards the unmet needs of the wider GBHMA'* (Para 5.11)

The approach to those Options appeared reasonable, but only if one assumed the need for such a high level of additional housing. As set out in Table 3 above, the requirement to identify additional land was entirely driven by the West Midlands Conurbation overspill issue.

Following that Strategy, the site selection process was then set out in a Site Selection Topic Paper. The Plan itself then modifies this approach, among other things increasing housing around Cheslyn Hay, Great Wyrley and Penkridge and reducing housing on the Western edge of the Black Country on the basis that Dudley has lower levels of unmet need.

A further question then arose as to whether to locate more development in the Open Countryside area outside the Green Belt. However, that would generally fare worse in terms of sustainable development.

It is also noteworthy that, although the site is in the Lower Penn area abuts the South of Wolverhampton District, given the two much more significant sites immediately North of Wolverhampton (2,400 homes), and given that there are no other urban extension sites further South in South Staffordshire, it seems rational to consider the justification for the site at Langley Road is principally to support housing needs in Dudley.

However, Dudley on its own does not need to release any Green Belt. The 2014ONS Standard Methodology calculation is 635 dpa or 12,065 over the 19-year Plan Period. 13,235 houses are allocated in Dudley in the Black Country Plan, of which 1,117 are on Green Belt leaving 12,118 homes provided, more than the SM requirement (See Table 3 of the Black Country Plan Preferred Option).

It is only because the Black Country housing requirement is calculated as a whole that a short-fall is created across the four boroughs rather than individually, even on the current calculation.

It should also be noted that Lower Penn is itself designated a Tier 5 Village. In other words, it is assumed not to have the facilities to support housing development. In as much as site 582 is being promoted it cannot be assumed to be for the benefit of South Staffordshire need, or be assumed to be supported by services in Lower Penn, but is being entirely promoted as a site serving the Black Country need.

In terms of the sites remaining on the edge of the conurbation, the contribution South Staffordshire might have made to the Seven Cornfields site has been removed, as has the Black Country element of that site. There are two other major sites, one just north of

the M54 at Coven and one at Wednesbury on Linthouse Lane, which is adjacent to another proposed site on farmland in Wolverhampton District. Both are significantly larger than the Lower Penn site (1200 homes at Coven, 1976 at Linthouse Lane including 1200 during the Plan Period).

All three sites play a similar role to sites within the Black Country boundary and I do not consider that any additional sites should be found in the Green Belt in the Black Country to replace them. Anyway, my evidence suggests this is not needed. The Boundary is, itself, tightly bounded to the conurbation, except in Walsall where considerable and controversial sites are also being considered.

I have not undertaken a comparative assessment of all the allocated (or rejected) sites in the SHELAA. However, I note that the Lower Penn site is the most modest of the urban extension sites and, therefore, makes the least contribution. Given that removing it would leave South Staffordshire with a healthy oversupply of 763 homes (9%) or 1,913 (22% with a higher windfall allowance), even on the supposition that it should take 4,000 homes from the Black Country and with no other consideration, I think there is an obvious case that its removal from the Green Belt should be considered unjustified, and that 'exceptional circumstances' do not exist, even before considering any site-specific issues.

## 6. Lower Penn Site Issues

### *Site Assessment: (Site 582)*

I have based my site assessment on my observations during the site visit of 3 November 2021. It is not a technical assessment but I do suggest areas where further work may be of assistance. Richborough Estates have previously produced an indicative site map which I also considered. However, there is no guarantee that this layout will be the one adopted.

The number of houses proposed on the site is given as 390. That would tally with the default assumptions in the SHELAA of 60% development at 35 dwellings per hectare for sites adjacent to the Urban Area. (18.52 hectares, 11.11 hectares developable, 389 homes).

There are a number of alternative sites which were considered in and around Lower Penn. It has been suggested that residents need to choose between those sites. My analysis of housing numbers does not support that. Removal of this site does not require an alternative site. Furthermore, I do not believe any of the other sites in Lower Penn are better, although equally, as considered later, I am not convinced that the promoted benefits of this site (mainly educational) are as clear cut as is suggested.

#### *a. Green Belt*

The first and most important question is whether exceptional circumstances exist to remove that site from Green Belt.

In terms of its role in the Green Belt, the underlying assessment by LUCS (Appendix 3) identifies it as having a strong rating in regards to Purpose 1: preventing urban sprawl and Purpose 3: encroachment into the countryside, as well as Purpose 5: the impact on urban regeneration (the last is not tested for individual sites but generally assumed in the assessment criteria). It is not unusual for a site to fit these purposes and not the Purpose 2: Merging of Neighbouring Town and Purpose 4: Setting of Historic Towns for obvious reasons.

It is scored as Medium-High overall, while the area surrounding it is scored as having a High Impact.

The reason for this site being given a lower rating appears to be that existing housing backs onto the site. However, it is also the case that the site does not contain any clear boundary between it and the surrounding Green Belt. Even the tree cover which extends to the electrical sub-station is not the boundary of the site. It is, therefore, unclear to me why its harm is not considered holistically as part of that wider parcel rather than separately.

I would be concerned about the impact of the release of this site from Green Belt and without a clear boundary the further risk of development extending further into the countryside.

#### *b. Sustainability Appraisal*

Further justification for the release of this site is the conclusions of the Sustainability Assessment (which relies most widely on the Council's Green Belt and Landscape Assessments as well as the views of the Highway Authority.)

The site is one of ten sites included in and around Penn and Lower Penn and they are compared in Appendix B of the Sustainability Appraisal. The choice of site 582 as opposed to other sites is justified largely on the positive score attributed to Education Provision.

I would certainly agree that all of the proposed sites around Lower Penn appears to be undesirable in terms of sustainability criteria. However, as set out above I do not consider the exceptional circumstances for Green Belt release are proven in terms of housing need, so there is, in my view, no need to choose between sites.

I therefore, considered specifically issues related to this site, based on the appraisal and my own observations.

Flooding and Water Issues: The site slopes down towards the North. At that point there are what appear to be pools of surface water. I am told that this water is actually rising from below and forming on the surface. The Assessment refers to fluvial and pluvial flooding risk. It is also in a Groundwater Source Protection Zone. While the area of the pooling is identified in the Masterplan as open space, an extension to the school is considered onto the land immediately above it and housing on the land to the West. I have been provided with photographic evidence from residents which suggests flooding can be more extensive on the site.

It seems to me that while evidence provided by residents (including photographic details) suggests there may be substantial issues with flooding in parts of the site further detailed assessment by a hydrologist may be helpful in determining the extent of the issues relating to flooding and water issues.

Landscape: The site would be largely shielded from view from Lower Penn and the surrounding countryside by the ridge of land and the tree cover which stretches between Langley Road and the South Staffordshire Railway Footpath. However, the furthest west field would be visible, although this is identified as open space in the Richborough Masterplan. The removal of vegetation at the gun emplacement site might compromise this.

The site would be highly visible from the surrounding properties on Langley Road, Bhylls Road and surrounding streets, it would be on a prominent slope. While it would not be visible from the South Staffordshire Railway Footpath there are informal paths along the top of the railway cutting which follow the boundary of the site from which it would be highly visible.

It seems to me that further detailed assessment by a landscape specialist may be helpful in determining the extent of the issues relating to landscape impacts.

Ecology: When I visited the site I observed pheasants, and also evidence of a badger sett. There are a number of areas with extensive tree cover and I notice that the Ecological Survey for the battery application suggests there may be bats in the area along the South Staffordshire Railway Footpath. As well as the standing water there are

also areas of shrubland which could provide habitat for wildlife and would be cleared by the proposals.

The Lower Penn Green Belt Action Group have undertaken an ecological study of the area which I have seen and which identifies a number of protected species, but it seems to me that further detailed assessment by an ecological specialist may be helpful in determining the extent of the issues relating to biodiversity impacts.

Furthermore, the role of the site as part of a natural corridor along the railway line, including the Smestow Nature Reserve, should be explored so it is not considered in isolation.

Transport: The Highways Officers do not raise any issues in relation to Highways Access. The Masterplan suggests this would be from Langley Road. However, they also designate two Emergency Access points from Bellencroft Gardens. If this access was open to general use it might lead to rat-running on unsuitable roads, but it is not clear how this would work in practice. The battery proposal construction phase previously relied on access from the Castlecroft Road although I understand this may have been amended. I would not consider Castlecroft Road a suitable for access to the housing site.

I would be concerned that although the site is adjacent to the Urban Area it is unclear whether there will be pedestrian and cycle access. It is also unclear if there would be links to the South Staffordshire Railway Footpath which would require step-down access from the site.

Assuming pedestrian access only onto Langley Road it appears that there would be a significant deterrence to walking and cycling. The site would also not be well connected to Public Transport. The nearest bus stop would be 850 metres from the entrance to the site at Fiveways (Bus Number 15 Wolverhampton - Merry Hill). Although it would have a reasonable service. There is no nearby metro or rail station.

If there was access to Castlecroft Road it would link to the Bus Route 3 (Fordhouses to Castlecroft), although this might require use of an unlit footpath.

Services GPs/Shops/Leisure Facilities: The nearest convenience shop would be the Co-Operative Store at the same location at the Number 15 Bus stop. The nearest GPs Surgery would be the Castlecroft Medical Centre, which would be a lengthy walk from the site and I do not know whether they are currently oversubscribed. New Cross Hospital is a significant 7.4 km away and the nearest leisure centre is in Wombourne, 4km away.

Education: This is given as principal reason for the site being adopted in the Site Appraisal Document with says: *The site also raises a major positive effect against the Education criteria in the Sustainability Appraisal (SA), reflecting its close proximity to facilities in the Black Country urban area. (Para 5.25.6).*

The site is next to the Bhylls Acre Primary School. However, it would potentially dramatically increase the intake to that school. The Richborough Masterplan identifies an area for extension of that school. It should be noted that this is on the slope down to the standing pools beyond the school's playing grounds and its suitability for development might need to be established.

And other issues would need to be fully considered if the school were increased, in particular whether there would be adequate parking for staff and visitors and whether increased parking issues would arise during pick up and drop off.

The nearest secondary school would be the Smestow Academy which is potentially within walking distance if there is pedestrian access onto Castlecroft Road. However, it seems to me more likely that the majority of children would access it by car. I understand it is suggested that pupils might be bused to Wombourne High School, a significant distance away, which does not seem to be an option which would justify a high sustainability score for education.

Overall, I think it has to be accepted that the immediate location of the Primary School, is a positive aspect of the site, however, it is unclear from the Plan, which does not, at this stage, include specific policy details of how the major sites will be developed, whether an extension to the school could be funded or is practical. The statement in the plan for Site 582 that education along with other provision will be: *'delivered in line with the relevant development plan policy standards' seems to me inadequate at this stage to ensure the sites inclusion.'*

In other words, the weight given to the educational benefits is in my view currently overstated and should be further tested if it is relied on (as it heavily is) by South Staffordshire to justify the use of this site.

Heritage: The Sustainability Appraisal identifies the site as being adjacent to the Wolverhampton and Kingswinford Railway, which is now the railway path. It does not refer to the presence of a World War II Gun Battery (presumably to defend Wolverhampton) adjacent to the current access road to the electrical sub-station. This is clearly evidenced by a pillbox and lighting structures.

However, much of the site is covered in shrubland. It is included in the Staffordshire County Council HER Monuments Full Report of 08.09.2020. It currently is not listed but Historic England have said they would reappraise this if it came under threat, i.e., if the land were cleared as proposed in this development. This is an omission which raises the potential impact on heritage of the site.

AQMA: The Sustainability Appraisal notes the proximity to the AQMA for Wolverhampton, which follows the Borough Boundary. It can, therefore, be assumed that the air quality issues would not be significantly different on site.

Employment: According to the Sustainability Appraisal all the sites in this cluster are located in or adjacent to areas with 'unreasonable' sustainable access to employment opportunities. This suggests residents would need to travel further to access work than other sites.

### *c. Overall Comments on Site 582*

As set out in the sections on housing numbers I do not consider there is a need to allocate this site to meet either South Staffordshire's need or need emerging in the Black Country.

The site is considered in the site assessment to be the best site to develop in the Lower Penn area. This is chiefly based on the educational score. I have concerns that this claim

is overstated as set out above. In particular, I understand there are limited spaces available and I have concerns about the practicality of providing additional educational facilities to support the site. I am also concerned about the omission of information related to heritage assets on the site. Further investigation seems to me needed to address potential issues relating to landscape, biodiversity and the water issues on site.

Although the site is next to the Urban Area, I am concerned that in practice it will be very car dependent with a lack of some local facilities.

I am also concerned that there are several areas where, on the face of it, there appear to be issues with the site which might need further investigation, notably ecology, flooding and heritage.

Lastly, I note its designation as 'Medium-High' in terms of Green Belt designation. However, I cannot see a clearly defined boundary with the Green Belt beyond the site, which is designated as 'High' and if it were included in that package rather than being only considered on its own, I feel the designation might be reviewed.

As stated above I am not of the view that an alternative site in the Lower Penn area would be preferable, nor that an alternative site need be provided. However, I do consider the advantages of this site appear overstated.



## 7. Policy Answers

Based on my assessment I was asked to suggest answers to the Policy Questions in the South Staffordshire Plan. The following is not considered comprehensive but may assist in responding to the plan.

### *Chapter 2*

*Do you have any comments on the content or use of the evidence base set out in Appendix A?*

*Please reference document you are referring to and justify your response*

The evidence base is in some cases outdated, especially in the light of trends accelerated by COVID. This is likely to have significant impacts, for example, on the EDNA. The SHMA suggests the current policy approach would encourage significant, and potentially unsustainable, out-migration from the Black Country undermining Climate Change goals as set out above. The current policy of encouraging out-migration into South Staffordshire is not supported.

In terms of Site 582, as set out above, there are a number of concerns with the Sustainability Appraisal, both the limitations of the evidence about flooding, ecology and heritage but also the potential over-statement of the case in relation to education.

Appendix A is also limited in the documents it includes. There are serious concerns about the weight being placed on housing numbers, both in terms of Supply and Need. As set out above, there are concerns that the over-spill from the Black Country is over-stated in the Joint Statement of 2020, and the need for South Staffordshire to accommodate it. Equally there are concerns about the level of supply in South Staffordshire, in particular, the overly conservative windfall assumptions, which would suggest South Staffordshire can provide 850 homes for the Black Country without any new allocations.

*(a) Has the correct infrastructure to be delivered alongside proposed site allocations been identified in the IDP?*

There are a number of potential infrastructure issues associated with Site 582 which are implicit in our concerns, particularly about flooding and educational provision, as well as access to public transport. It is also noticeable that some of those needs would require infrastructure provision within Wolverhampton. Without further work on those site issues, it is hard to comment in detail.

*(b) Is there any other infrastructure not covered in this consultation document or the IDP that the Local Plan should seek to deliver?*

See answer to (a)

*Have the correct vision and strategic objectives been identified? Do you agree that the draft policies (Chapters 4 and 5) and the policy directions (Chapter 6) will deliver these objectives?*

Strategic Objective 1 is supported. However, compensatory Green Belt provision is not something that fully ameliorates loss of Green Belt. Our evidence suggests that 'exceptional circumstances' do not exist for removal of many new housing sites from the Green Belt.

Strategic Objective 2 is not supported. The additional 4,000 houses for the Black Country should be removed, and, if needed, a policy to review that position subsequent to the adoption of the Black Country Plan based on up-dated evidence should be included if that is deemed to be necessary. The use of Urban Extensions should be reviewed as it is largely justified because of the acceptance of over-spill from the conurbation.

Strategic Objectives 3-5 on housing can be supported but they should relate to needs arising in South Staffordshire. The evidence that significant housing needs to be included from the Black Country is not supported.

Strategic Objective 12 is wholly inadequate. The Objective should be much higher up in the Plan. The Plan should also aim to support a reduction in Climate Change emissions not only through mitigation at development sites in the overall approach to development location. Accepting significant amounts of housing from the Black Country undermines that goal.

#### **Chapter 4**

*Do you support the policy approach in Policy DS1 - Green Belt and Policy DS2 - Open Countryside? If not, how should these policies be amended?*

The general approach of Policy DS1 is supported. However, the removal of sites from the Green Belt in line with SA1-SA7 is not supported. As stated above we do not consider 'exceptional circumstances' have been proven for these sites, based on clear evidence, not just numerical assumptions of Black Country over-spill. The sites (and, in particular, Site 582) should remain in the Green Belt.

[I have not considered the sites in Policy DS2 so do not comment either way. I note that the highest level of protection i.e., 'exceptional circumstances' would not apply outside the Green Belt]

*Do you support the policy approach in Policy DS3 - The Spatial Strategy to 2038? If not, how should this policy be amended?*

The addition of 4,000 homes to meet the needs of the Black Country is not supported because the evidence is not clear and the Black Country Plan is still in development. This would result in the removal of the named sites adjacent to the Urban Area, and in particular, Site 582. A review of whether any of the needs of the Black Country should be accommodated in South Staffordshire might be considered in a review of the plan.

The approach to the various Tiers is supported, including specifically in relation to Tier 5 and Lower Penn. This would suggest excluding all sites currently being promoted within the Parish Boundary including Site 582.

*Do you support the policy approach in Policy DS4 - Longer Term Growth Aspirations for a New Settlement? If not, how should this policy be amended?*

The need for a new settlement is far from proven and given that we do not consider the current inclusion of 4,000 homes for the Black Country is justified it is hard to conclude that an additional settlement is likely to be required or would be consistent with long term Climate Change goals.

## **Chapter 5**

*Do you agree that given the scale of the 4 sites detailed in policies SA1-SA4, these warrant their own policy to set the vision for the site, alongside a requirement for a detailed masterplan and design code?*

No specific comment on these site specifics.

*Do you have any comments on these proposals?*

See answer above.

*Do you have any comments on the proposed housing allocations in Policy SA5? Please reference the site reference number (e.g., site 582) for the site you are commenting on in your response?*

As set out above we do not believe Site 582 should be released. This is because:

### Housing Numbers

1. The justification for the housing numbers proposed in South Staffordshire relies on 4,000 from overspill from the Black Country that is untested. Without them no new allocations are needed.
2. The Government's arbitrary 35% uplift of housing in Wolverhampton is being added to general housing need when it should be targeted at brownfield regeneration.
3. The level of housing supply both in the Black Country (and wider conurbation) and in South Staffordshire is being under-estimated. In the case of the Black Country this could amount to over 5,000 homes and in South Staffordshire another 1,000 homes from windfall sites.
4. Accelerated changes to retail and office provision, particularly in centres following COVID may increase housing land available in the Black Country.
5. Even if the level of housing is required from the Black Country South Staffordshire is overproviding by 1153 homes, so does not need this housing allocation.

### Sustainability

6. The location of the site suggests it would, along with other allocations in South Staffordshire, encourage people to move out of the Black Country and then commute back in.
7. The site is located in the Green Belt without a clear boundary beyond it. The impact could be significant on the purposes of the Green Belt, in particular encroachment into the countryside, urban sprawl and impact on regeneration.
8. The site is poorly located for public transport access and is likely to be heavily car-dependent, increasing climate change emissions.

9. The site would impact on the landscape and amenity of people round the site.
10. There are potential flooding and water issues that need further investigation.
11. The site is used by a variety of wildlife and includes important habitats which link into a wildlife corridor along the South Staffordshire Railway Trail and the Smestow Nature Reserve.
12. It is not clear that the site is adequately served by local services, and although there is a nearby Primary School, it is unclear how educational services would be improved to cater for the site.
13. There are heritage assets in terms of a World War II battery which have yet to be properly examined.

## Chapter 6

*Do you agree with the proposed policy approaches set out in Chapter 6?*

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

I have not considered in detail the HC Policies which determine how development is considered. Lower Penn Green Belt Action Group and Lower Penn Parish Council may have views on these policies and should consider them in detail.

I notice HC14 and HC15 specifically consider the impact on health and education. HC15 refers to the Staffordshire Education Infrastructure Contributions Policy<sup>10</sup> and this may be a specific document the groups need to examine, given the issues I have raised about the adequacy of school provision.

I have not considered in detail the EC Policies which address community services, facilities and infrastructure. Again, Lower Penn Green Belt Action Group and Lower Penn Parish Council may have views on these policies and should consider them in detail. I do have concerns about the extent to which some of these policies rely on encouragement rather than instruction.

EC11 in particular seeks to: *'Ensure development is designed to promote high quality walking and cycling, both within sites and to links to nearby services and facilities'* without any clear guidance as to how this will happen.

I have also not considered in detail the NB Policies which address protecting and enhancing the natural environment. Again, Lower Penn Green Belt Action Group and Lower Penn Parish Council may have views on these policies and should consider them in detail. I note, however, that this intention to protect and enhance the environment could be compromised if this site is developed and that many of the issues identified by Local Residents need further exploration.

There is reference to the Cannock Chase SAC and the specific legislation in relation to that. It would be prudent to check if this has any implications for this site given its

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<sup>10</sup> <https://www.staffordshire.gov.uk/Education/Schoolsandcolleges/PlanningSchoolPlaces/Information-for-developers/Planning-policy.aspx>

distance from the SAC designation. NB4 refers to landscape protection and this may be a particular area of concern for the groups.

The NB policies which deal with climate change should be linked to policies on the location of development. As stated earlier the approach to climate change is considered too weak when accounting for the long-term impacts on climate change of such unsustainable development patterns.

Lower Penn Green Belt Action Group and Lower Penn Parish Council should also take a view on whether the policies to protect the Historic Environment would adequately address their concerns about heritage on Site 582, and in particular the World War II Gun Site.

*It is proposed that the fully drafted policies in this document (Policies DS1-DS4 and SA1-SA7) are all strategic policies required by paragraph 21 of the NPPF.*

*Do you agree these are strategic policies?*

Yes, but the obvious omission is a strategic policy to limit the impact of development on Climate Change, including its location and its impact on development in more sustainable locations.

*Are there any other proposed policies in Chapter 6 that you consider be identified as strategic policies?*

See comment above about Climate Change.

## **APPENDIX B**

### ECOLOGICAL REPORT SITE 582

#### **Ecological report on proposed Langley Road development site October 2021**

Kate Tobin, Ian Trueman and Lynn Besenyei

#### **Summary**

Landscape connectivity and protected bird and bat species

The South Staffordshire Railway Walk Local Nature Reserve provides a critical pathway for wildlife in and out of the urban area. There is a high diversity of bird and bat species in the immediate area of the Langley Road site. Many of these species are of UK level importance to conservation and are protected under the Wildlife and Countryside Act 1981. Some of these recorded species are currently suffering a sharp decline in numbers. The proposed site is playing an important role in supporting this species diversity at the point where the railway walk meets the open countryside.

The field ponds are supporting a range of species, including nationally important bats such as the lesser horseshoe bat. The habitats used by these bats will require protection from disturbance and light pollution. The fields on the site are also providing valuable foraging and potential nesting habitat for lapwing, which is a UK red list species.

Species diverse hedgerows and mature oak trees

As reflected in the Staffordshire Biodiversity Plan, species diverse hedgerows are of considerable conservation importance and therefore should be protected from damage or removal. At this site they are providing linear linkages between the railway walk and the wider countryside. There is a good collection of mature oak trees. Many of the oak trees are over 100 years old and some are over 200 years old.

Gun Battery habitat

The extensive natural regeneration of vegetation over seven decades at the gun battery is providing shelter and habitat for multiple species and requires further study.

Landscape Sensitivity

The Landscape Sensitivity Assessment (2019) assesses the sensitivity of the wider landscape parcel SL28 as Moderate. It is notable that the sensitive features referred to in that report – ‘intact hedgerows and hedgerow trees’, ‘little change in field pattern since the late 19th century’, ‘priority habitat deciduous woodland along the disused railway line...local nature reserve’ and ‘local heritage features’ are all present at the proposed site.

Conclusion

The importance of the Green Belt at this location needs to be considered on a landscape scale. The potential impact on a significant wildlife corridor within the regional landscape needs to be examined, particularly due to its position at the boundary between two authorities. The site is known to be well used by a number of rare species which are protected at national level. In conclusion we do not support development of this site due to the sensitivities discussed in this report.

## 1. Geographical landscape context

The landscape scale connections between areas for wildlife have been increasingly recognised as important for the conservation of biodiversity.

A network of three major green and blue corridors, formed by Smestow Valley Local Nature Reserve (LNR), the Staffordshire and Worcestershire Canal and the South Staffordshire Railway Walk, runs south from urban Wolverhampton towards Wombourne, where it connects with the Wom Brook Walk Local Nature Reserve.

The Langley Road site is closely linked to this important ecological network as the line of the South Staffordshire Railway Walk forms the north-western boundary of the site.

The site holds a strategic position in the landscape with its close proximity to the edge of the Wolverhampton conurbation to the north-east, so the site forms a green wedge, linking the urban area to the wider area of the South Staffordshire countryside to the south and west. The new development would inhibit connectivity at the pinch-point on the northern point of this wedge at Bhylls Lane/Castlecroft road (Appendix 1). This green wedge plays an important role in the ecological networks at landscape level and plays a significant role as a corridor for biodiversity between Smestow Valley LNR and the wider countryside of the Lower Penn area.

The importance of this area for transboundary connectivity is recognised in the recent Black Country Plan 2021, which highlighted the National Habitat Network Connection in this area between the two authorities in their Local Nature Recovery Opportunity map.

## 2. Green Belt context

The South Staffordshire Green Belt Study 2019 lists the five purposes of green belt land. The parcel of land at the Langley Road site, S59, is rated as 'strong' in its role for both purpose 1 and purpose 3 – to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. Therefore, the Green Belt here is performing well for these two key purposes.

The adjoining South Staffordshire Railway Walk is a Local Nature Reserve and as such is an 'absolute environmental constraint' for development (Green Belt Study 2019). The impact of a proposed new development directly adjoining approximately 360m of this feature must be considered.

The Green Belt Study further notes that 'the expansion of Wolverhampton into this sub-parcel (S59b) would increase the urban influence upon surrounding Green Belt land and *would not create a stronger Green Belt boundary than the existing boundary of the inset area*'. We agree with this statement as the proposed new boundary to the south-west is currently largely open, with scattered trees. This would not form a strong defensible boundary against further development creep towards the wider countryside beyond, and towards the Lower Penn Conservation Area.

The Green Belt study assigns harm ratings to the site should the land be developed. These are considered to be 'high harm' for the western half of the proposed site and 'moderate to high harm' for the eastern half of the site.

Development at this site would have significant impact on the visual dimension of openness which the Green Belt presents at this point to residents in the adjoining conurbation.

## 3. Historical context

Historical records from the 1887 Ordnance Survey map indicate that the field boundary pattern has remained almost unchanged since this time. The 1887 1:2,500 scale map shows the location of multiple trees along the field boundaries.

The Great Western Railway Company built the Wombourne Branch Railway after World War 1. This runs across the north-west edge of the proposed site. The line closed in 1965, becoming a Local Nature Reserve in 1992.

The 1887 map records an 'old marl pit' on the site. This is also the location where a gun battery was stationed in 1939 during the Second World War to defend Wolverhampton. The gun battery is recorded at [www.heritagegateway.org.uk/Gateway/Results\\_Single.aspx?uid=MST23544&resourceID=1010](http://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MST23544&resourceID=1010).

#### 4. Ecological importance

The site is a mixture of pasture and arable fields separated by hedgerows.

##### 4.1 Hedgerows

Hedgerows along the field boundaries identified on the 1887 Ordnance survey map have been surveyed. Three were found to be woody species diverse and therefore likely to be old and of nature conservation value (the Hedgerows Regulations 1997).

The nine hedgerow woody species recorded were:

Oak *Quercus robur*

Hawthorn *Crataegus monogyna*

Holly *Ilex aquifolium*

Elder *Sambucus nigra*

Blackthorn *Prunus spinosa*

Field maple *Acer campestre*

Hazel *Corylus avellana*

Ash *Fraxinus excelsior*

Dog rose *Rosa canina*

In addition, there were several significant hedgerow trees – mostly oaks of varying ages including specimens between 200 to 300 years old, which are detailed on the 1887 map.

Greater Stitchwort *Stellaria holostea* was recorded in one of the hedgerows. This is a species remnant of a woodland field layer and further evidence of the great age of the hedges.

The Staffordshire Biodiversity Action Plan defines this part of Staffordshire as the Southern Parklands. The plan sets an objective to maintain and restore the extent of hedgerows, including individual, isolated hedgerow trees and isolated veteran trees by 2026. Ancient and diverse hedgerows have a specific habitat action plan and are also a UK BAP priority habitat.

There is a large badger sett associated with the hedgerow network. This is an old well-established sett. A subsidiary badger sett has also been identified in fields to the west of the site. Badgers have protection under The Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981.



## 4.2 Field ponds

The north of the site slopes down to two shallow field ponds. These appear from satellite images to have been ephemeral in the past, but have increased in size and may have become permanent in recent years. It has been reported by local residents that there was a drain allowing water to discharge from this point into the Railway Walk LNR, but this has been blocked in recent years. This may account for the recent increase in size and permanence of these ponds. The hydrology and ecological value of these field ponds need further investigation.

## 4.3 World War 2 Gun Battery Area to south of site

The gun battery area appears to have been left undisturbed since the end of World War 2, allowing substantial natural regeneration to occur. This type of habitat is unusual and has the potential for significant nature conservation value. The cover provided by the vegetation will provide valuable habitat for a diversity of birds, mammals and invertebrates. It is advisable that the site is surveyed.

A rare plant, *Calamagrostis epigejos* (Wood small-reed) has been found on the site. It is close to the edge of its range in the West Midlands and becomes very scarce further north and west.

## 4.4 Birds

Lapwing have been recorded in 2020 and 2021 on the site (Staffordshire Ecological Record) (Figure 1). Lapwing *Vanellus vanellus* is listed as Near Threatened on the IUCN Red List of birds and is decreasing at a moderately rapid rate. It is on the UK bird red list and is protected under the Wildlife and Countryside Act 1981.



Figure 1. Lapwing on the site (O'Hara 2021)

A search was undertaken of the National Biodiversity Network (NBN) atlas for bird species records in a 0.5 km radius of the centre of the proposed site. The 27 bird species that have been recorded are shown in

Appendix 2. Most of the bird records were from the railway walk at the north-western boundary of the site. Three species are UK BAP species:

Reed bunting *Emberiza schoeniclus* on the UK Bird Amber List

Herring gull *Larus argentatus* on the UK Bird Red List.

House sparrow *Passer domesticus* on the UK Bird Red list.

All three are protected by the Wildlife and Countryside Act 1981

Natural England describes the railway walk as having 'a substantial resident bird population...which is largely characteristic of woodland or open farmland'. <https://designatedsites.naturalengland.org.uk>

Within 0.5 km west of the site there are records of the following additional UK BAP species:

Yellowhammer *Emberiza citrinella*, on the UK Bird Red List

Bullfinch *Pyrrhula pyrrhula*, on the UK Bird Amber List.

Both these species are also protected by the Wildlife and Countryside Act 1981.

#### 4.4.1 Use of the ponds by birds:

Lapwing have been photographed at the more southerly of the two ponds (Figure 2). Shallow field ponds are important habitats for breeding lapwing. Moorhen have nested on these ponds (Figure 3).

A local resident confirmed that 'it's a real wildlife haven particularly around May - lots of swallows darting over it' (O'Hara 2021 pers.comm.)



Figure 2. Lapwing at the more southerly of the two ponds on the site (O'Hara, 2020)

Figure 3. Moorhen chicks on a nest on the more northerly pond (O'Hara 2021)



#### 4.5 Bats

Eight bat species have been recorded by Ecorecord utilising the Smestow valley LNR/Railway walk corridor within the Wolverhampton conurbation.

<i>Myotis daubentonii</i>	Daubenton's bat	
<i>Myotis nattereri</i>	Natterer's bat	
<i>Myotis mystacinus</i>	Whiskered bat	
<i>Nyctalus noctula</i>	Noctule bat	UK BAP species
<i>Pipistrellus pipistrellus</i>	Pipistrelle bat	
<i>Pipistrellus pygmaeus</i>	Soprano Pipistrelle	UK BAP species
<i>Plecotus auritus</i>	Brown Long-eared bat	UK BAP species
<i>Rhinolophus hipposideros</i>	Lesser Horseshoe bat	UK BAP species.

Three of these UK BAP species were recorded along the railway walk adjacent to the northern boundary to the site.

The Lesser Horseshoe bat is of regional and national conservation importance, being at the Eastern edge of its restricted UK range here. It is on the IUCN Red List as Near Threatened at European Level, with the population trend decreasing.

All bats are protected under the Wildlife and Countryside Act 1981 – thus it is an offence to injure, disturb or kill them, or destroy or alter their habitat. All European bat species are protected under the EU Habitats Directive.

Bats require areas to forage for insects and to drink water. The hedgerows on the site provide linear habitat for these bats as they are known to use these features to fly along, to navigate by and to traverse the countryside. The ponds to the north of the site are important sources of water. The mature trees provide roosting sites. The copse of trees to the south of the site is being used by bats for roosts.

Species such as the lesser horseshoe bat are photophobic species and show pronounced reactions to artificial illumination at night. Thus, housing development with street lighting and household lights will pose a significant threat.

#### **4.6 Close to the site**

The rare *Orchis mascula* (early purple orchid) has been recorded previously on the South Staffordshire railway walk. It would be threatened by a housing estate close by.



Appendix 1. The wildlife corridor along Local Nature Reserves from urban Wolverhampton towards Wombourne (<https://magic.defra.gov.uk>). Arrow indicates position of site



Appendix 2  
- NBN Atlas  
bird

records within 0.5km of the centre of the proposed site

(Mostly British Trust for Ornithology records)

Sparrowhawk *Accipiter nisus*

Long-tailed tit *Aegithalos caudatus*

Swift *Apus apus*

Grey heron *Ardea cinerea*

Buzzard *Buteo buteo*

Black-headed gull *Chroicocephalus ridibundus*

Rock dove *Columba livia*

Woodpigeon *Columba palumbus*

Carrion crow *Corvus corone*

Blue tit *Cyanistes caeruleus*

House martin *Delichon urbicum*

Reed bunting *Emberiza schoeniclus* – UK BAP sp.

Robin *Erithacus rubecula*

Brambling *Fringilla montifringilla*

Swallow *Hirundo rustica*

Herring gull *Larus argentatus* – UK BAP sp.

Great tit *Parus major*

House sparrow *Passer domesticus* – UK BAP sp.

Coal tit *Periparus ater*

Chiffchaff *Phylloscopus collybita*

Magpie *Pica pica*

Dunnock *Prunella modularis*

Tawny owl *Strix aluco*



## **APPENDIX C**

### Wolverhampton City Council Preferred Options Response 2021

**Sensitivity: PROTECT**



13 December 2021

Strategic Planning Team  
South Staffordshire Council  
Council Offices  
Wolverhampton Road  
Codsall  
South Staffordshire  
WV8 1PX

Dear Planning Team,

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

Thank you for the opportunity to comment on the South Staffordshire Local Plan (SSLP) Review Spatial Preferred Options Consultation. Please accept this letter as the final response of the City of Wolverhampton Council (CWC), following approval by Cabinet on 8 December 2021.

The following principles underpin our response, with more detailed comments provided in italics:

#### **Duty to Cooperate and Statements of Common Ground**

- a) Acknowledgment that the Black Country authorities (BCA) and South Staffordshire District Council (SSDC) have been working together constructively on planning issues of mutual interest and that this is expected to continue with a focus on the phasing of new development and to ensure that the infrastructure required to address the impacts of development proposals is provided for;
- b) Expectation that, as the Black Country Plan (BCP) and SSLP both move towards Publication in summer 2022, the BCA and SSDC will aim to reach agreement on all relevant cross-boundary issues and reflect this agreement in draft Statements of Common Ground (SoCG) to support each Plan;
- c) Support for the preferred housing growth option of local housing need plus 4,000 homes to meet Greater Birmingham and Black Country Housing Market Area (HMA) need up to 2038;
- d) Given detailed evidence provided by the Draft BCP that the Black Country has a very significant housing shortfall up to 2039, and the close geographical, migration and commuting links between the Black Country and South Staffordshire, request that the full 4,000 homes should be specifically allocated to meet Black Country housing needs;

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*It is welcome that SSDC continue to be committed to offering 4,000 homes to meet the shortfall in the wider HMA. Given the proximity of the Black Country to South Staffordshire, strong migration and commuting links, the location of a number of proposed growth sites close to the urban edge of the Black Country, and the fact that a large part of the HMA unmet need arises in the Black Country it is reasonable to claim all of the 4,000 homes being offered by SSDC towards meeting Black Country housing needs. The Preferred Options proposes some significant allocations near the edge of Wolverhampton, totalling 3,566 homes. Policy DS3 states that these should be considered extensions to the Black Country to assist in meeting HMA needs – strengthening the case that these homes will meet Black Country needs rather than Birmingham needs. This would represent a crucial contribution towards the estimated Black Country shortfall of 28,239 homes up to 2039, which is now clearly demonstrated through the Draft BCP and supporting evidence. We request that this allocation is clearly referenced in the Publication Plan.*

e) Support the longer term growth aspirations for a new settlement with strong sustainable transport links to the Black Country, which could help meet longer term Black Country housing shortfalls;

f) Request that the South Staffordshire Housing and Employment Development Needs Assessment (HEDNA) is completed as soon as possible, with due regard to the Black Country EDNA (2021), the West Midlands Interchange Apportionment Study and West Midlands Strategic Employment Sites Study (WMSESS), and shared with the BCA as soon as possible to determine how far the SSLP will be able to contribute towards significant unmet employment land needs in the Black Country.

*The SSLP has the potential to make a significant contribution towards addressing the large shortfall of 210 ha employment land evidenced by the Draft BCP and supporting 2021 EDNA. Therefore, it is of concern that no specific contribution can be offered because the employment land needs of South Staffordshire have not yet been established through the updated EDNA. This crucial piece of evidence must be completed as soon as possible, so that the figures generated can be used to inform the Publication BCP, SSLP and supporting Statements of Common Ground between the Black Country Authorities and SSDC.*

*We welcome the reference in para 4.58 of the Plan to the need to update the 2018 EDNA in the light of Brexit and Covid-19. This will provide a more up to date position on the extent of the scale of the anticipated surplus of existing committed / allocated employment land against local needs, and what proportion of this may be available to meet wider needs including the Black Country. We request that this work is progressed as quickly as possible and welcome any opportunity to engage in this work through the Duty to Cooperate.*

*In terms of other evidence, we request that the EDNA update has regard to the West Midlands Interchange Apportionment Study and West Midlands Strategic Employment Sites Study, both published in 2021 and discussed in more detail below.*

### **Site allocations and cross-boundary infrastructure**

g) Noting the scale and location of the proposed extensions to the Wolverhampton urban area and to commit to require further work on infrastructure requirements and assurances that close joint working on all relevant planning issues will continue throughout the Plan preparation process, SPD preparation, pre-application and planning application processes;

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*The proposed allocations adjoining Wolverhampton raise cross-boundary infrastructure issues, particularly given the location of Draft BCP housing allocation in the north east of the City which will also impact on local infrastructure. If infrastructure impacts are not fully assessed and mitigated through the contributions of developers and infrastructure providers these developments could have negative impacts on Wolverhampton infrastructure, including transport, public open space, education and health services. The developments could also have negative impacts on the environmental quality and amenity of immediately adjoining residential areas if not properly planned. Therefore, each development, including Langley Road, needs to be carefully masterplanned, based on sufficient detailed evidence, and it is vital that close joint working between SSDC and CWC continues on all relevant issues throughout the Plan preparation, SPD preparation and planning application processes.*

h) Request that a SPD and Infrastructure Delivery Strategy is also prepared for the Langley Road site;

*The proposed SPDs and Infrastructure Delivery Strategies for the Linthouse Lane and Cross Green sites are supported, however it is crucial that key planning issues for the Langley Road site are subject to the same level of discussion and agreement with CWC through preparation of an SPD and Infrastructure Delivery Strategy, to ensure that the design and infrastructure requirements for this significant development on the edge of the Wolverhampton area are fully explored and formally established before submission of a planning application.*

i) Request that the affordable housing secured on sites proposed in the Plan within the Wolverhampton locality are allocated through nomination rights for Wolverhampton residents, and that this requirement is set out in the Publication Plan;

*The Preferred Options proposes some significant allocations near the edge of Wolverhampton, totalling 3,566 homes. Policy DS3 states that these should be considered extensions to the Black Country to assist in meeting HMA needs – strengthening the case that these homes will meet Black Country needs rather than Birmingham needs. There is therefore a strong case for Wolverhampton residents to secure nomination rights for the 30% affordable housing proposed on these sites.*

j) Request that the combined impact of SSLP and BCP developments on the wider transport network is assessed, that development links effectively to the strategic transport network and avoids excessive pressure on sensitive transport links, that effective sustainable transport solutions are provided to connect essential trips to the local network, and that developments seek to minimise trip generation through all available mechanisms;

*In terms of transport infrastructure implications, close engagement will need to continue with Staffordshire County Council. As a gateway to the West Midlands, it is critical that the impact on the transport network of trip generation is assessed not just in the immediate vicinity of development but also in the corridors giving access into the urban area. Developments should minimise trip generation, through local provision of services, high-quality multi-modal connectivity and maximising opportunities arising from future transport developments e.g. growth in electric vehicle usage. Good access to the rail network and provision of supporting infrastructure such as sufficient park and ride capacity are essential. Any impact of the*

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*implementation of HS2 should be taken into account and high quality pedestrian and cycling infrastructure should be incorporated for local journeys and first / last mile links.*

*Development should link effectively to the strategic transport network, in particular high-capacity corridors such as the A449 and the proposed M6 link road, avoiding excessive pressure on sensitive transport links such as the A454, the urban A460 and non-strategic routes. Where transport link improvements are required to mitigate trip generation impacts, appropriate funding mechanisms should be secured. Co-ordinated transport modelling exercises are currently underway for the SSLP and BCP. Initial indications are that potential impacts on the Wolverhampton highways network can be mitigated through a viable and deliverable package of developer funded improvements.*

k) Support for the continued promotion of the existing Brinsford Strategic Park and Ride site allocation in the Preferred Options and request that this project and other supporting infrastructure which increases access to the rail network should be fully promoted in the SSLP;

*The Cross Green mixed use development will help meet the employment land needs of the Black Country in a location close to significant employment opportunities at the i54 and ROF Featherstone strategic employment sites. The development will help deliver the ROF Featherstone strategic employment site and Brinsford Strategic Park and Ride site which will increase access to the rail network, and also addresses the HMA Strategic Growth Study recommendation for a strategic housing site in this locality.*

l) Support for developing a Statement of Common Ground establishing the principle of self-containment regarding primary and secondary school places for both the SSLP and the BCP, however request further detail on how secondary school places arising from Linthouse Lane and Cross Green would be accommodated;

*The Draft BCP identifies where, taking into account any planned provision, it is likely that a new school will need to be provided to meet local needs, and therefore land should be set aside to accommodate this. In Wolverhampton, land in Council ownership has been set aside for a two form entry primary school in the Bushbury area to meet the potential needs arising from housing developments in the north east of the City. Wolverhampton Local Education Authority (LEA) has advised that other primary and secondary school place needs arising from the Draft BCP can be accommodated within existing school capacity or extensions to existing schools, which will be funded by developer contributions, where this is financially viable.*

*SSDC currently operate a developer contribution system for school places needs arising from development. The Preferred Options document and IDP set out the expectation that there will not be a reliance on Wolverhampton schools to accommodate South Staffordshire pupils arising from new development, and vice versa, and that this will be set out in a Statement of Common Ground. Although sites are proposed for new primary schools at Linthouse Lane and Cross Green, there are no specific proposals to address secondary school place needs arising from these developments. The IDP states that developments of 5000 homes may generate the need for a new secondary school.*

*Bhylls Acre Primary is located in Wolverhampton, adjoining the Langley Road site. Although the school is under the jurisdiction of SSDC most pupils are Wolverhampton residents.*

*Langley Road would also be in the catchment area for South Staffordshire secondary*  
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*schools. The Langley Road development would impact on the South Staffordshire area initially due to pupil demographics and South Staffordshire operating catchment areas. If the Published Admission Number at Bhylls Acre remained at 30 per year group, the delivery and phasing of the development would likely mean that new SSDC resident pupils could displace Wolverhampton resident pupils over time. However, the Wolverhampton Wards that are closest to the border show that cohorts entering reception up to academic year 2024-25 are anticipated to decrease based on birth rates. Therefore, any push back over time from the Langley Road development, for both primary and secondary phases, is expected to be capable of being catered for in existing provision within Wolverhampton, without the need for new schools or school extensions.*

*In conclusion, although it is welcome that SSDC are committed to meeting primary and secondary school place needs arising from Preferred Options development within South Staffordshire, and to establishing agreement on this with CWC through a SoCG, further details are required on how the secondary school places arising from Linthouse Lane and Cross Green would be accommodated. These details should be set out in the IDP and established, as far as possible, in the SoCG.*

m) Request that land is set aside at Linthouse Lane and/or Cross Green sufficient to accommodate GP consulting rooms to serve all residents, in line with the principle of self-containment for urban extensions;

n) Request that SSDC develop a developer contribution system which will secure sufficient funds from major housing development to deliver GP consulting rooms in a timely manner, so that there are no negative impacts on Wolverhampton GP service provision;

o) Request that the SSLP makes clear that the Langley Road development will be required to make sufficient contributions to deliver an extra GP consulting room in south west Wolverhampton.

*The Preferred Options document states that ensuring sufficient access to GP / health centres to accommodate residents from new developments will be a key challenge. The IDP states that access to GP provision has been identified as a local infrastructure concern. SSLP is considering requiring developer contributions towards health infrastructure such as GP / health centres, in a similar manner to the Draft BCP, and the NHS Estates team is due to provide estimates of site specific requirements and costs by the end of 2021. However, both the Linthouse Lane and Cross Green developments would generate a large number of additional patients and it is understood that there is no potential to extend local surgeries to accommodate this increase.*

*The part of South Staffordshire adjoining Wolverhampton is served by the South Staffordshire Clinical Commissioning Groups (CCGs) and Wolverhampton is served by the Black Country and West Birmingham (BCWB) CCG. Therefore, any cross-boundary solutions would require coordination of service improvements between adjoining CCGs. The BCWB CCG have advised CWC that the potential impact of Draft BCP housing sites on GP provision, which are concentrated in the north east of the City, can be mitigated through planned and potential service improvements which would be part-funded through developer contributions. However, it is not certain that these improvements could also absorb additional demand arising from Linthouse Lane and Cross Green. This is particularly a concern given the lack of available sites and expansion land for surgeries in the constrained urban area of Wolverhampton. BCWB CCG currently consider that the number of new patients generated*

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*by the smaller Langley Road development could be accommodated through the addition of an extra consulting room at an existing local surgery in south west Wolverhampton.*

*Therefore, to avoid the potential for negative impacts on GP service provision in Wolverhampton, and in line with the principle of "self-containment" for urban extensions, it is crucial that land is set aside at the Linthouse Lane site and/or the Cross Green site sufficient to accommodate consulting rooms to serve all residents (including homes estimated for delivery post-2038). If this land is ultimately not required, due to service changes or availability of other sites for GP provision, it could be released for other uses. However, it is important that these developments are designed so that they are capable of delivering GP provision on site, if this is the only solution available at the time a planning application is submitted.*

*It is also essential that SSDC develop a developer contribution system which will secure sufficient funds from major housing developments to deliver consulting rooms in a timely manner which avoids impacts on Wolverhampton GP service provision. Finally, the SSLP needs to make clear that the Langley Road development will be required to make sufficient contributions to deliver an extra consulting room in south west Wolverhampton, through close consultation with BCWB CCG.*

p) Request that green infrastructure proposals for developments on the edge of Wolverhampton are integrated with existing and potential networks in Wolverhampton.

As a supplement to the response provided above, detailed responses to specific consultation questions are attached as an appendix to this letter.

We look forward to working closely with South Staffordshire Council throughout the Local Plan Review process, through progressing joint evidence and the parallel review of the Black Country Plan.

Yours sincerely



**Michele Ross**  
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**City of Wolverhampton Council  
Response to South Staffordshire Local Plan Review  
Preferred Options Consultation Questions**

**Chapter 3**

**Question 1: Do you agree that the evidence base set out in Appendix A is appropriate to inform the new Local Plan?**

No

We welcome the reference in para 4.58 of the Plan to the need to update the 2018 EDNA in the light of Brexit and Covid-19. This will provide a more up to date position on the extent of the scale of the anticipated surplus of existing committed / allocated employment land against local needs, and what proportion of this may be available to meet wider needs, including those arising in the Black Country. **We request that this work is progressed as quickly as possible** and welcome any opportunity to engage in this work through the Duty to Cooperate.

In terms of other evidence, we request that the EDNA update has regard to the West Midlands Interchange Apportionment Study and West Midlands Strategic Employment Sites Study, both published in 2021 and discussed in more detail below (under Question 3).

**Question 2: (a) Do you agree that the correct infrastructure to be delivered alongside proposed site allocations been identified in the IDP?**

No

See answer provided to (b) below.

However, we support the continued promotion of the existing Brinsford Strategic Park and Ride site allocation in the Preferred Options and request that this project and other supporting infrastructure which increases access to the rail network should be fully promoted in the SSLP

**(b) Is there any other infrastructure not covered in this consultation document or the IDP that the Local Plan should seek to deliver?**

Yes

**Transport Infrastructure**

In terms of transport infrastructure implications, close engagement will need to continue with Staffordshire County Council. As a gateway to the West Midlands, it is critical that the impact on the transport network of trip generation is assessed not just in the immediate vicinity of development but also in the corridors giving access into the urban area. Developments should minimise trip generation, through local provision of services, high-quality multi-modal connectivity and maximising opportunities arising from future transport developments e.g.

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growth in electric vehicle usage. Good access to the rail network and provision of supporting infrastructure such as sufficient park and ride capacity are essential. Any impact of the implementation of HS2 should be taken into account and high quality pedestrian and cycling infrastructure should be incorporated for local journeys and first / last mile links.

Development should link effectively to the strategic transport network, in particular high-capacity corridors such as the A449 and the proposed M6 link road, avoiding excessive pressure on sensitive transport links such as the A454, the urban A460 and non-strategic routes. Where transport link improvements are required to mitigate trip generation impacts, appropriate funding mechanisms should be secured. Co-ordinated transport modelling exercises are currently underway for the SSLP and BCP. Initial indications are that potential impacts on the Wolverhampton highways network can be mitigated through a viable and deliverable package of developer funded improvements.

### Education Infrastructure

The Draft BCP identifies where, taking into account any planned provision, it is likely that a new school will need to be provided to meet local needs, and therefore land should be set aside to accommodate this. In Wolverhampton, land in Council ownership has been set aside for a two form entry primary school in the Bushbury area to meet the potential needs arising from housing developments in the north east of the City. Wolverhampton Local Education Authority (LEA) has advised that other primary and secondary school place needs arising from the Draft BCP can be accommodated within existing school capacity or extensions to existing schools, which will be funded by developer contributions, where this is financially viable.

SSDC currently operate a developer contribution system for school places needs arising from development. The Preferred Options document and IDP set out the expectation that there will not be a reliance on Wolverhampton schools to accommodate South Staffordshire pupils arising from new development, and vice versa, and that this will be set out in a Statement of Common Ground. Although sites are proposed for new primary schools at Linthouse Lane and Cross Green, there are no specific proposals to address secondary school place needs arising from these developments. The IDP states that developments of 5000 homes may generate the need for a new secondary school.

Bhylls Acre Primary is located in Wolverhampton, adjoining the Langley Road site. Although the school is under the jurisdiction of SSDC most pupils are Wolverhampton residents. Langley Road would also be in the catchment area for South Staffordshire secondary schools. The Langley Road development would impact on the South Staffordshire area initially due to pupil demographics and South Staffordshire operating catchment areas. If the Published Admission Number at Bhylls Acre remained at 30 per year group, the delivery and phasing of the development would likely mean that new SSDC resident pupils could displace Wolverhampton resident pupils over time. However, the Wolverhampton Wards that are closest to the border show that cohorts entering reception up to academic year 2024-25 are anticipated to decrease based on birth rates. Therefore, any push back over time from the Langley Road development, for both primary and secondary phases, is expected to be capable of being catered for in existing provision within Wolverhampton, without the need for new schools or school extensions.

In conclusion, although it is welcome that SSDC are committed to meeting primary and secondary school place needs arising from Preferred Options development within South  
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Staffordshire, and to establishing agreement on this with CWC through a SoCG, further details are required on how the secondary school places arising from Linthouse Lane and Cross Green would be accommodated. These details should be set out in the IDP and established, as far as possible, in the SoCG.

### **Health Infrastructure**

The Preferred Options document states that ensuring sufficient access to GP / health centres to accommodate residents from new developments will be a key challenge. The IDP states that access to GP provision has been identified as a local infrastructure concern. SSLP is considering requiring developer contributions towards health infrastructure such as GP / health centres, in a similar manner to the Draft BCP, and the NHS Estates team is due to provide estimates of site specific requirements and costs by the end of 2021. However, both the Linthouse Lane and Cross Green developments would generate a large number of additional patients and it is understood that there is no potential to extend local surgeries to accommodate this increase.

The part of South Staffordshire adjoining Wolverhampton is served by the South Staffordshire Clinical Commissioning Groups (CCGs) and Wolverhampton is served by the Black Country and West Birmingham (BCWB) CCG. Therefore, any cross-boundary solutions would require coordination of service improvements between adjoining CCGs. The BCWB CCG have advised CWC that the potential impact of Draft BCP housing sites on GP provision, which are concentrated in the north east of the City, can be mitigated through planned and potential service improvements which would be part-funded through developer contributions. However, it is not certain that these improvements could also absorb additional demand arising from Linthouse Lane and Cross Green. This is particularly a concern given the lack of available sites and expansion land for surgeries in the constrained urban area of Wolverhampton. BCWB CCG currently consider that the number of new patients generated by the smaller Langley Road development could be accommodated through the addition of an extra consulting room at an existing local surgery in south west Wolverhampton.

Therefore, to avoid the potential for negative impacts on GP service provision in Wolverhampton, and in line with the principle of “self-containment” for urban extensions, it is crucial that land is set aside at the Linthouse Lane site and/or the Cross Green site sufficient to accommodate consulting rooms to serve all residents (including homes estimated for delivery post-2038). If this land is ultimately not required, due to service changes or availability of other sites for GP provision, it could be released for other uses. However, it is important that these developments are designed so that they are capable of delivering GP provision on site, if this is the only solution available at the time a planning application is submitted.

It is also essential that SSDC develop a developer contribution system which will secure sufficient funds from major housing developments to deliver consulting rooms in a timely manner which avoids impacts on Wolverhampton GP service provision. Finally, the SSLP needs to make clear that the Langley Road development will be required to make sufficient contributions to deliver an extra consulting room in south west Wolverhampton, through close consultation with BCWB CCG.

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**In conclusion:**

- Land should be set aside at Linthouse Lane and/or Cross Green sufficient to accommodate GP consulting rooms to serve all residents, in line with the principle of self-containment for urban extensions;
- SSDC should develop a developer contribution system which will secure sufficient funds from major housing development to deliver GP consulting rooms in a timely manner, so that there are no negative impacts on Wolverhampton GP service provision;
- The SSLP should make clear that the Langley Road development will be required to make sufficient contributions to deliver an extra GP consulting room in south west Wolverhampton.

**Green Infrastructure**

Green infrastructure proposals for developments on the edge of Wolverhampton should be integrated with existing and potential networks in Wolverhampton and reflect existing local open space deficiencies and improvement priorities in the relevant parts of Wolverhampton. This should be reflected in SPDs / Masterplans and Infrastructure Delivery Strategies.

**Question 3: a) Have the correct vision and strategic objectives been identified?**

No

We welcome the references in table 4 of the document to the need for the Plan to 'support the economies of adjoining areas and pressure to release land to meet a proportion of their unmet needs'. We also note the acknowledgement that the Black Country in particular has a significant unmet need for employment in the Local Plan period, and the need for the Plan to consider South Staffordshire's role in meeting any cross-boundary needs. This thinking is based on evidence in the form of the 2018 South Staffordshire EDNA and the 2017 Black Country EDNA, the latter subject to an update in 2021.

For consistency, **we request that the opportunity for the Plan to make a contribution towards wider unmet employment land needs is reflected in the Economic Vibrancy section of the Strategic Objectives of the Plan.** This would ensure consistency with the approach taken in Strategic Objective 2 which is related specifically to meeting unmet housing needs from the Greater Birmingham Housing Market Area.

**Addressing the Black Country Employment Land Shortfall**

Para 4.55 of the document confirms the Black Country Plan employment land shortfall of 210ha – the difference between the need of 565ha and an anticipated supply of 355ha. This is consistent with the employment land requirement set out in Policy EMP1 of the draft Black Country Plan and section 4 of the 2021 Black Country EDNA. Para 2.22 of the 2021 EDNA recommends that the Plan should seek to provide for around 30% of B8 activity and 70% E(g)(ii)(iii)/B2 use class. This means that the total B8 requirement is 170-176ha and for E(g)(ii)(iii)/B2 a requirement of 396-410ha. Applying this apportionment to the delivery of the

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employment land supply identified in the draft Black Country Plan would suggest B8 supply of some 106ha and E(g)(ii)(iii)/B2 supply of 247ha.

Using this approach, and before taking into account any potential contributions through the Duty to Cooperate the shortfall by use class is therefore some 64-70ha B8 and 149-163ha E(g)(ii)(iii)/B2.

In accommodating this shortfall, in the first instance we will look to those authorities within the areas of strong economic transactions with the Black Country (South Staffordshire and Birmingham) and areas of moderate economic transactions with the Black Country as identified in the 2017 EDNA (Cannock Chase, Lichfield, Tamworth, Solihull, Bromsgrove and Wyre Forest). In addition, the Shropshire Economic Development Needs Assessment (December 2020) highlights strong labour market linkages between Shropshire and the Black Country.

At this stage, we would not identify a specific functional geography for addressing the E(g)(ii)(iii)/B2 shortfall as distinct from the B8 element of the shortfall, but recognise the consented West Midlands Interchange site is reserved exclusively for B8 activity. With this in mind, we refer you to the West Midlands Interchange Apportionment Study produced by Stantec to support the Black Country Plan and published earlier this year (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/>). This suggests that a minimum of some 72ha of land at West Midlands Interchange could be apportioned to meet needs arising in the Black Country, with the potential for a larger contribution if other areas within the market area are able to meet their B8 needs in full. This would suggest that the quantitative B8 shortfall could be satisfied by this site should the South Staffordshire EDNA update confirm a surplus of employment land against local needs. We therefore request that this work is fully considered as part of the EDNA Update referred to above.

In terms of other potential contributions, the Shropshire Regulation 19 Local Plan is making a contribution of 30ha of employment land towards needs arising in the Black Country, and we are engaging with other emerging Local Plans through the Duty to Cooperate including Bromsgrove, Lichfield, Cannock, Telford & Wrekin, Solihull and Stafford.

We also draw your attention to the West Midlands Strategic Employment Sites Study (WMSESS) (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/>) published in 2021. The Report was produced by Avison Young and Arcadis consultants and commissioned by three of the West Midlands Local Enterprise Partnerships (the Black Country, Greater Birmingham and Solihull and Coventry Warwickshire) and Staffordshire County Council. The Study updates the 2015 West Midlands Strategic Employment Sites Study which identified a demand for strategic employment sites in the West Midlands, but a lack of suitable sites.

The Study advises that based on evidence of past trends in relation to take-up, and assuming that no additional strategic employment sites are brought forward to replace those that remain, the supply of allocated and committed employment land would appear to represent a maximum of 7.41 years supply. As it was in 2015, this represents a limited supply of available, allocated and/or committed sites across the Study Area that meet the definition of 'strategic employment sites', and there is an urgent market demand for additional sites to be brought forward to provide a deliverable pipeline, noting the very substantial lead-in times for promoting and bringing forward such sites. The Study identifies five areas where strategic employment sites should be identified and this includes the Black Country and southern Staffordshire.

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The Study makes a number of recommendations for further work. This is because the shortfall in the availability and future supply of strategic employment sites cannot be robustly quantified without an assessment of market dynamics and projected sector growth patterns through an econometric demand forecast, which would add materially to the findings of this Study and would inform the strategy for delivering a sufficient supply of strategic employment land. In spite of the recognition of the need for further work, the Study has already been given weight in the Local Plan process – most recently through the examination of the North Warwickshire Local Plan and the resulting Policy LP6 – Additional Employment Land.

There is clearly a potential relationship between the need to address the Black Country employment land shortfall and the need to bring forward additional strategic employment sites as set out in the WMSESS. We therefore **request that the Council engage with the Black Country and other relevant West Midlands local authorities in the follow-up work recommended in the WMSESS** and that this is reflected in the EDNA update.

In summary, we welcome the commitment in principle for the Local Plan to assist with meeting unmet employment land needs arising in the Black Country. The EDNA update will provide critical and timely evidence on the extent of any surplus from the existing supply, and whether additional opportunities would need to be considered both within the District and / or in adjacent areas having regard to the recommendations of the WMSESS.

**Question 6: Do you support the policy approach in and Policy DS4 – Longer Term Growth Aspirations for a New Settlement?**

Yes

We support the longer term growth aspirations for a new settlement with strong sustainable transport links to the Black Country, which could help meet longer term Black Country housing shortfalls;

**Chapter 5**

**Question 7:**

**b) Do you agree that given the scale of the 4 sites detailed in policies SA1-SA4, these warrant their own policy to set the vision for the site, alongside a requirement for a detailed masterplan and design code?**

Yes

However, the Langley Road site should also be subject to this approach, given the significant cross-boundary infrastructure and design implications of this development.

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## **APPENDIX D**

LPPC LPR REPOSE 2021



### **LOWER PENN PARISH COUNCIL RESPONSE TO THE LOCAL PLAN REVIEW**

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## **Introduction**

The aim of the South Staffordshire Local plan is to “protect and Enhance its distinctive rural character, communities and landscape”. Lower Penn is a distinctive rural village of character. In fact, the centre of the village is a conservation zone. Described in the Lower Penn Conservation Area Management Plan (2010) as:

A historic agricultural village on the edge of the West Midlands Conurbation focused around farmhouses, cottages and a small church along a long winding country lane. A rural setting characterised by hedge-lined lanes and large farmhouses set in large plots with farm buildings and cottages scattered around them.

The risks that were identified in the Lower Penn Conservation Area Management Plan were the maintenance of the rural character and the volume of traffic through parts of the Conservation Area. These risks, far from being addressed in the Local Plan Review, are significantly increased through the inclusion of site 582 Langley Road, as well as sites 416, 463 and 284 in Wombourne.

We are a strong village community with a thriving village hall, one local pub and a small church. There are just over 400 houses in the village and we are classed as a tier 5 settlement within the District Council’s own settlement hierarchy (Rural Services Audit 2021) which is a small village/hamlet. In the existing Local Plan 2012 the whole of our parish is classed as a tier 5 settlement however, under these plans only the centre of the village will be classed as tier 5 the rest of the Parish is now classed as “urban edge”. We have yet to see any documentation around when SSDC made this decision and why we were not consulted. The Parish has no public transport services and our roads are made up of mainly country lanes with no footpaths or street lighting. Over the past 10 years one new residential dwelling has been built in Lower Penn, another one is in the process of being built and there have been a few barn conversions. These developments could be seen to be in keeping with the character of a small village increasing by a small % with windfall type sites. A housing estate of a minimum of 390 houses within our village boundary and on green belt would change our character, community and landscape forever which totally goes against the ethos of this plan.

## **Greenbelt**

Nowhere in the preferred options is there any clear justification for greenbelt release other than for housing need. This is not classed as being an extra special circumstance for building on the green belt. Now SSDC have declared a climate emergency building houses on precious greenbelt makes even less sense. In the government statement of 16th December 2020 it points out that greenbelt release is generally in areas with less access to services and where there will be greater reliance on private transport. This increases the impact on congestion and climate change. SSDC appear to be saying one thing and doing another.

Lower Penn is situated in a special place. We are a rural village sitting to the south of the Wolverhampton City Boundary. Our village is the first large green space beyond the black country conurbation and provides a vital green lung to both South Staffs and Wolverhampton residents. Our amenity space is enjoyed by people coming to walk our rural lanes and the South Staffordshire railway walk and enjoy the green space, wildlife and habitat.

Lower Penn is in essence what the greenbelt was set up to do; to prevent urban sprawl and create a defensible boundary between counties.

Both NPPF and the LUCS report commissioned by SSDC state greenbelt;

1. Prevents urban sprawl
2. Stops encroachment into the countryside.

3. Prevent the coalescence of 2 areas (Merry hill, Wolverhampton and Lower Penn, South Staffs)

The Langley site is designated as medium-high harm to the greenbelt in the LUCS report however for the surrounding area the designation is high harm. As there is no clear boundary between the surrounding land and the site it is hard to see how the LUCS report can justify the site area to be lowered to a medium- high harm designation.

The boundary between Wolverhampton and South Staffs is clearly marked by the existing houses and is a defensible boundary. If the new site is built on there will be no clear defensible boundary and this will potentially lead to swallowing up more high harm greenbelt land until the development meets the old railway walk, a designated nature walk and/or the Langley Road.

C.1.1 The Sustainability Appraisal states: Policy DS1: Green Belt

Within the West Midlands Green Belt, as defined on the policies map, opportunities to enhance the beneficial use of the Green Belt will be supported. This may include opportunities to provide access, for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity, or to improve damaged and derelict land.

Development within the Green Belt must retain its character and openness. Inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and other harm, is clearly outweighed by other considerations.

The construction of new buildings within the Green Belt should be regarded as inappropriate, unless it is for one of the exceptions listed within the National Planning Policy Framework. These exceptions include limited infilling in villages, which will be defined as the filling of small gaps (1 or 2 buildings) within a built-up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within it.

Limited affordable housing for local community needs in the Green Belt will be supported on small rural exceptions sites where the development complies with Policy HC6.

As the whole of site 582 is to meet the unmet need of the Black Country not even the limited affordable housing will be for the community of Lower Penn.

**SSDC Evidence base Sustainability Appraisal**

The Lepus Consulting Sustainability Appraisal August 2021 has a number of key charts identifying key sites where development maybe more sustainable. These charts were for Climate change adaptation, biodiversity and geo diversity, Landscape and townscape, Pollution and waste, natural resources, Health and Wellbeing, Cultural Heritage, Transport and accessibility, Education and Economy and Employment. Site 582 only features in the Education table. It is not considered suitable in any other key area assessed in this document. We would contest that as the school has limited capacity to expand with flooding issues on site due to springs that site 582 would not be suitable in Education either. In fact none of the potential sites in Lower Penn are identified as suitable for development in the Lepus Appraisal.

“B.17.4.1 Green Belt Harm. Development of site 582 could cause high levels of harm to the purposes of the Green Belt.” Therefore development of these nine Lower Penn sites is assessed as having a potentially major negative impact.

## **Population Growth**

Whilst the projected population growth for South Staffordshire over the Local Plan period is generally in line with projected population growth for England as a whole over the plan period, adding the additional 4000 houses that have been put forward as a contribution to the GBHMA pushes the growth for South Staffordshire well over the national average. Population growth for England is projected at 5% between 2018 and 2028, and at 10.3% between 2018 and 2043.<sup>11</sup> Based on the average household size in South Staffordshire at 2018<sup>12</sup>, these housing numbers equate to an increase in population of 20,781 - an increase of 18.7%. We believe this level of population growth in South Staffordshire is unsustainable and the infrastructure to support that level of growth does not exist and, moreover, is not laid out in the Local Plan. How South Staffordshire can support and would attract a significantly higher rate of population growth than England as a whole is not acknowledged.

## **Duty to Cooperate**

There is no requirement in law to accept overspill from neighbouring authorities. This is especially the case if this will result in the loss of greenbelt land. The 4,000 housing uplift to meet Black Country need is not justified and this together with wider sustainability issues mean that the exceptional circumstances given to remove site 582 from the green belt do not exist.

The SSDC local plan is ahead of the Black Country Plan by at least a year and it is unclear at the moment what the housing shortfall will end up being. The figures used to shape the plan are outdated (see Lower Penn's Consultant report appendix A) and using more up to date figures will decrease the shortfall. If you look at the Black Country figures the majority of the housing shortfall is within the Borough of Sandwell. This local authority is not adjacent to South Staffordshire which is one of the criteria set out by South Staffordshire District Council (SSDC) to justify the duty to cooperate. Of the two adjacent authorities to Lower Penn, Dudley has stated it has sufficient numbers to service its own housing requirements and Wolverhampton has sites situated to the north of Wolverhampton where new employment sites have been identified. No consideration has been given to the many of millions of pounds Andy Street, the West Midlands mayor, has been given to regenerate brownfield sites within the West Midlands. A recent new housing development of over 5000 houses has been given the go ahead at the NEC on brownfield land. There is also a project in Bushbury, Wolverhampton for a new large housing development on an old school site. These types of housing development on brownfield sites always need to be used before looking to greenbelt land and the SSDC planning team should be engaging with their neighbouring authorities about the need to reduce duty to cooperate figures as these sites come on board. Our consultant in his report has shown that windfall sites have been vastly underestimated in the plan especially for the Birmingham and Black Country area. There has also been no consideration given to the over ten thousand of empty homes within the West Midlands area or the change in the way people use both town centres and office provision in the light of covid. All of these spaces could free up potential development space. It has also not been questioned by SSDC why the government uplift of 35% to the 20 largest cities in the UK have been merely added to the housing figure requirement for the Black Country when as specified in the December 2020 government report this uplift should be met within each city's boundaries and be on brownfield sites. On top of this SSDC have built in a 13% buffer to the figures increasing their housing need by another 1153 houses. That's a lot of greenbelt space that could be saved and services that don't need to be impacted on.

## **Road Network in Lower Penn**

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<sup>11</sup> ONS Statistical Bulletin; National population projections: 2018-based

<sup>12</sup> South Staffordshire Council Locality Profile 2018

Development site 582, min 390 houses, is proposed just off the Langley Road in Lower Penn. The Langley Road runs from Merry Hill, situated on the urban fringe of the City of Wolverhampton and the bottom of Market Lane in Lower Penn.

Given the lack of any dedicated traffic surveys by South Staffordshire District Council, it is impossible to justify any given proposed development site within the South Staffordshire boundary. Highways data should be recorded and obtained from both Wolverhampton and Staffordshire Highways in order to ascertain whether a rural, agricultural village like Lower Penn, could sustain the vast increase in traffic that is being proposed.

As with all the roads running through Lower Penn, the Langley Road is a rat run from Wolverhampton to South Staffordshire, and vice versa, allowing drivers to cut out the congestion on the A449 through Wolverhampton. This certified C road, has a 40mph speed limit and weight limit of 7.5 tonnes.

Thought must be given to the Conservation area, situated in the centre of Lower Penn. A significant increase in traffic has already been seen, noted and reported to the Council due to the development of the Sandhills Day Nursery, situated on Springhill Lane. South Staffordshire District Councils own policy regarding Conservation areas state that no development should take place that will increase the traffic through the dedicated area.

Following on from the Langley Road, is Market Lane which feeds directly into the Conservation Area of Lower Penn either onto Dene Road or Greyhound Lane, both single file roads, or Springhill Lane, single file and unmarked, until back into Wolverhampton, or Radford Lane, a cut through to the Castlecroft junction and then onto the heavily trafficked Wightwick Bridge and Mermaid junction in Wolverhampton.

Given the lack of any facilities within the hamlet of Lower Penn, no shops, no medical care, no secondary schools etc, traffic increase would not be limited to just 'peak' working hours and access to private transport would be essential.

#### South Staffordshire Local Plan Preferred Options 2021

This infrastructure led strategy reflects the Council's desire to see growth that does not put a strain on existing infrastructure, and where possible delivers new infrastructure benefits, whilst also reflecting national policy requirements by ensuring growth is situated in locations with good access to sustainable public transport, or where brownfield opportunities exist. In setting the apportionment of growth to different villages and broad locations regard has therefore been had to what infrastructure could be delivered. In many cases these reflect infrastructure opportunities and where known deficiencies exist where these have been confirmed by the infrastructure provider (e.g. need for a First School for Codsall/Bilbrook).

Contrary to this statement taken from the Local Preferred Option document, the site at Langley Road (582) will most certainly put tremendous strain on the limited independent facilities within Merry Hill, Wolverhampton, both in terms of parking and road network. There is limited to no parking at many of the local shops in this area. No public transport from the site to either this, or the wider commercial village of Wombourne or indeed into Wolverhampton City.

Given the congestion already seen on the Wolverhampton side of the Langley Road, it is inevitable, should the development of site 582 go ahead, that a vast increase of road users will again try to avoid congested areas in adjoining settlements and instead add to the congestion on Market Lane, Dene Road, Springhill Lane and Radford Lane. All of which are country lanes that struggle with the volume of traffic already cutting through Lower Penn. All the lanes in Lower Penn are classified 'C' roads, with few road markings, limited footpaths and little street lighting.

#### South Staffordshire Local Plan Preferred Options 2021

The level of growth identified for specific locations is proportionate to the type of infrastructure that can be provided: i.e larger allocations can facilitate more significant new infrastructure provision e.g. a school or improvements to sports and leisure facilities; whereas smaller allocations are directed towards the smaller villages with less existing infrastructure and where no opportunities for specific new infrastructure have so far been identified. Regard has also been had to the relative level of existing services and facilities in villages - informed by the Rural Services and Facilities Audit 2021 - and opportunities for development to make the most of existing infrastructure provision when setting levels of housing growth.

As a tier 5 village, Lower Penn boasts a local pub, village hall and small church. There are no other facilities available to residents. Local facilities, supermarkets, leisure centres etc, are only accessible via private transport. From the allocated site 582, private transport would be needed to access the limited facilities available within the Parish.

Contrary to the Local Plan Preferred Option 2021 document, Lower Penn does not have any allotments, Boundary Way is on the Warstones Road in Wolverhampton and would require private transport to access such facilities.

Lower Penn is a rural hamlet housing several access points to the Staffordshire railway walk and the Staffordshire and Worcester Canal. Cyclists, walkers and horse riders from all surrounding areas, are a constant sight on the country lanes. Limited footpaths create a steady stream of footfall on the tarmac, mostly single file traffic areas. Any increase in traffic through the hamlet, puts these people in increased danger.

Lower Penn has an established and long time running Community Speed Watch Team, working in conjunction with Staffordshire Police. The Langley Road is just one of the roads in the hamlet that is regularly monitored. Both level of traffic and increased speeding are of great concern to both the Parish Council and local residents. Traffic calming measures (gateway features) have been looked into previously, however, it was noted that this would hinder the movement of agricultural vehicles servicing the land within the Parish.

The Langley Road is prone to flooding throughout the year, as is Market Lane, Radford Lane and Greyhound Lane. The desecration of valuable Green Belt land will only lead to the increase in surface water issues. All of our local lanes, once flooded, become single file traffic areas, if dual traffic areas are viable.

The viability of this site seems to largely depend on 'ifs' and no thought has been given to the everyday lives of those residents living in the local area, or, to those residents who would potentially be living in this proposed development. To expect the vast majority to not rely on private transport to access schools, supermarkets, train stations, work etc is not tenable and the Parish Council requests that serious thought is given to the lack of infrastructure and public transport, inadequate road network, flooding and volume of traffic already causing concern on the lanes in Lower Penn.

**Please refer to Appendices D, E and F for photographs of the road network, Community Speed Watch Data and Road Traffic Accidents.**

### **Flooding**

In the Sustainability appraisal by Lepus Consulting on flood risk, section 'B.17.22 Surface Water Flooding' states: "The proposed development at Site 582 would be expected to have a major negative impact on pluvial flood risk, as development could potentially locate some site end users in areas at high risk of surface water flooding as well as exacerbate pluvial flood risk in surrounding areas".

The whole area is in a Groundwater Source Protection Zone. The proposed extension to the school is considered to be directly above this zone and is therefore unsuitable for extension.



There are field ponds within Site 582 and the immediate area is known for flooding. We believe the water table is high in this area. Surface water runoff into Railway Walk affects the leisure/ commuting use of the path. Also there are unstable railway embankments at this point. The tarmacing and building over this land with houses will leave rainwater with nowhere to soak away, resulting in an even greater flood risk to houses on Langley Road from impermeable surfaces. **(See Appendix C).**

Many neighbours of the site have experienced significant flooding in their gardens, one resident claiming that 15 properties on this side of Langley Road were eventually affected three or four days after heavy rain, by water flowing from the development site. There are indications that aquifers are present, meriting further, urgent investigation. Residents have said that water sometimes appears to bubble up 'seemingly from nowhere' and that it sits for a long time, even in summer after several dry days. Geological experts understand that the area underfoot locally is a mixture of sandstone and clay; disturbance of this mixture through building work risks doing further harm in terms of flooding and in terms of potential damage to trees.

The site has been given a red rating for sewerage capacity by Severn Trent Water, indicating that the site is currently unsuitable for further housing development. The water company has also said that connection into existing surface water and combined sewer networks should be 'discouraged' and connections to the foul network 'prevented'.

## **Climate Change**

Though the climate change impacts of the development set out in the Local Plan Review are numerous, there are two major factors that emerge relating to Climate Change. Firstly - emissions generated by the new developments themselves both during construction and over the lifecycle of the buildings. Secondly - the significant increase in vehicular traffic, and associated emissions the addition of 8,881 new homes in the district as a whole, and 390 in Lower Penn Parish, will contribute to the already overburdened road network. These serious issues are exacerbated by the loss of greenbelt land and the inevitable destruction of trees, hedgerows and wildlife habitats that will occur in order to facilitate new development.

The fact is, the energy involved in building and then operating every new UK home **adds** to the UK's overall CO2 emissions at a time when there is an **urgent need to reduce** them."<sup>13</sup>

From the Staffordshire Baseline Report:

Without a combination of grid decarbonisation and widespread switching to ULEVs (and the displacement of traditionally-fuelled vehicles) the district has no hope of reducing emissions. In fact the level of new development could result in up to a 7% increase in emissions.<sup>14</sup>

Based on this, South Staffordshire, having declared a Climate Emergency and committed in their Climate Change Strategy to "ensuring that the district fully contributes to local efforts to reduce the impacts of climate change" the new Local Plan should address these three issues when setting out the planning framework for all new development in South Staffordshire. Regrettably, it does not.

## **New buildings**

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<sup>13</sup> Energy Saving Trust: Zero Carbon New Build – nine principles to underpin building standards

<sup>14</sup> Baseline Report Climate Change Adaptation & Mitigation Staffordshire County Council October 2020

Sizeable carbon emissions arising from the built environment are attributable not only to the use of built assets (operational emissions) but also to their construction (embodied emissions). Operational emissions result from energy consumption in the day-to-day running of a property, while embodied emissions arise from producing, procuring and installing the materials and components that make up a structure. These also include the lifetime emissions from maintenance, repair, replacement and ultimately demolition and disposal.<sup>15</sup>

If the carbon inputs of all aspects of constructing, maintaining, operating, retrofitting, and demolishing buildings are not measured and not included in emission calculations, there is a significant danger that although targets may be met, carbon emissions are not in fact reduced and the risk of catastrophic climate change increases exponentially.<sup>16</sup>

Whilst Section 6 of the Local Plan Review Preferred Options document commits to achieve a 31% carbon reduction, in line with the government's interim uplift in standards, effective from June 2022, it does not make clear whether it will commit to a reduction in both operational and embodied emissions. As described above, addressing only operational emissions (which is implied from the discussions around energy generation) potentially ignores 50% of the life cycle emissions of residential buildings.<sup>17</sup> Even with a 31% reduction in emissions the housing numbers proposed in the new Local Plan will generate in the region of half a million tonnes of CO<sub>2</sub>e in the construction phase alone.<sup>18</sup>

Relying on National Planning Regulations to dictate standards is insufficient. The 2018 Hackitt Review of Building Regulations and Fire Safety identified worrying deficiencies in the current system of Building Regulations. Compliance is weak, and there is indifference around build quality and confusion over roles and responsibilities.<sup>19</sup> The exploitation of loopholes means new homes are still being built which do not meet even the current minimum standards: Just 1% of new homes in 2018 were Energy Performance Certificate band A.<sup>20</sup>

The new Local Plan must embed significantly higher standards for new-build homes to ensure that all new homes in South Staffordshire are ready for net zero by having a high standard of energy efficiency and low carbon heating installed as standard to be ready to comply with 2025 the Future Homes Standard. There is consensus that By 2025 at the latest, no new homes should connect to the gas grid. Instead they should have low-carbon heating systems such as heat pumps and low-carbon heat networks. These obligations should be built into the Local Plan. In the South Staffordshire Council Climate Change Strategy, the council cites the preparation of the Local Plan as an opportunity to minimise the climate impact of growth. The strategic planning responsibilities referred to in the document include; promoting sustainable design in buildings and wider developments, promoting climate resilient buildings and using planning mechanisms and obligations to contribute to climate actions. The new Local Plan does not address these strategic responsibilities.<sup>21</sup> The Preferred Options document states:

It is critical that the new Local Plan provides greater ambition and measures for mitigating and adapting to climate change than previous Local Plans.

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<sup>15</sup> RICS professional standards and guidance, UK Whole life carbon assessment for the built environment 1st edition, November, 2017

<sup>16</sup> There's No Place Like Old Homes: Re-use and Recycle to Reduce Carbon. Heritage Counts 2019

<sup>17</sup> RICS professional standards and guidance, UK Whole life carbon assessment for the built environment 1st edition, November, 2017

<sup>18</sup> Based on construction emissions of 80tonnes CO<sub>2</sub>e per two bed cottage.

<sup>19</sup> MHCLG (2018) Independent Review of Building Regulations and Fire Safety: final report.

<sup>20</sup> Data to the end of September 2018 for England and Wales. MHCLG (2018) Live tables on Energy Performance of Buildings Certificates

<sup>21</sup> South Staffordshire Council: Climate Change Strategy 2020

There is however, no analysis of the climate change impact of the plan, let alone a strategy for how to mitigate those impacts.

The impact of removing land from Greenbelt for development goes further than the five purposes set out in the NPPF - it turns land that acts as a carbon sink into a carbon source. It is vital therefore from a climate change perspective to keep the release of Greenbelt land to an absolute minimum.

In Lower Penn, site 582 Langley Road has been taken forward as a preferred option, intended as an extension of the Black Country urban area,<sup>22</sup> to contribute towards to unmet needs of the GBHMA. This is a Greenbelt site, with an overall high/moderate-high harm rating in the Greenbelt Study.<sup>23</sup>

Altogether, more than 1000 new houses are planned for Locality 5 in the Preferred Options document. This is more than double the housing need figure in the 2018 Locality Profile.<sup>24</sup> Current housing need figures for GBHMA should be more comprehensively assessed, and vacant dwellings and vacant social housing (which in 2018 in the West Midlands number 28,293 and 1,714 respectively<sup>25</sup>) included in the assessment to provide a more thorough picture of the real housing need in the GBHMA. In order to minimise the climate change impact of new developments, release of greenbelt for urban fringe sites should be under moratorium until all sites in the GBHMA have been exhausted, not only through the planning process, but to delivery. The Sustainability Appraisal<sup>26</sup>

There must be a comprehensive assessment of vacant dwellings in South Staffordshire that could be brought forward for refurbishment. In 2018 there were 1,079 vacant dwellings in South Staffordshire.<sup>27</sup> As former president of the American Institute of Architects, Carl Elefante, consistently points out: "The greenest building is the one that is already built". Refurbishing and retrofitting existing buildings can not only reduce the need to sacrifice greenbelt land in South Staffordshire for new buildings; Heritage Counts research shows that when a typical historic building is responsibly refurbished and retrofitted, when the whole life of the building is considered, it will emit less carbon by 2050 than a new building.<sup>28</sup>

Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO<sub>2</sub>) and other greenhouse gas emissions occur in the coming decades.<sup>29</sup>

It is clearer than ever following the most recent IPCC report,<sup>30</sup> every opportunity to save on CO<sub>2</sub>e must be taken.

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<sup>22</sup> Local Plan Review – Preferred Options Housing growth in Locality 5; 4.44

<sup>23</sup> South Staffordshire Green Belt Study Stage 1 and 2 Report Prepared by LUC July 20

<sup>24</sup> SHMA, LTBHM Results, HDH Planning and Development LTD, 2017

<sup>25</sup> Vacant dwellings by local authority district: England. Source: council tax base (CTB) - statistical release: <https://www.gov.uk/government/collections/council-taxbase-statistics>

<sup>26</sup> SA of SSDC Preferred Option Plan – Appendix B

<sup>27</sup> Vacant Dwellings by Local Authority. England. Source: council tax base (CTB) - statistical release: <https://www.gov.uk/government/collections/council-taxbase-statistics>

<sup>28</sup> There's No Place Like Old Homes: Re-use and Recycle to Reduce Carbon. Heritage Counts 2019

<sup>29</sup> IPCC Sixth Assessment Report. Headline Statements from the Summary for Policymakers 9 August 2021

<sup>30</sup> IPCC AR6 Climate Change 2021: The Physical Science Basis Pub. August 2021

There are several serious omissions in the Local Plan relating to Strategic Objective 12:

Ensure that our communities are resilient and adaptable to the effects of climate change. Deliver appropriate climate change mitigation through renewable energy generation and ensuring that developments are designed and located in a way that delivers greater energy conservation and reduces carbon emissions.

The detail provided on the design and location of developments is insufficient and does not suggest this objective has been approached with any gravity. There is no mention of sites allocated for the renewable energy generation on which the objective seems to rely completely for mitigation.

Planning applications for Battery Storage Sites have been received in Lower Penn which require the release of Greenbelt land. Since decarbonisation of the grid is an essential part of climate change mitigation, Strategic Objective 12 should mean that BSSs and other renewable energy generation sites that are needed to facilitate the decarbonisation of the electricity grid must be integrated into the Local Plan.

### Transport

In 6.15 and 6.23 the document refers to transport as being 'a significant source of the District's carbon emissions' it is unclear whether it is referring to the emissions of the council's own estate and operations, or emissions in South Staffordshire as a whole. The only mitigation that seems to be presented in the Local Plan Review in relation to emissions from transport is to install single EV charging points at all new build homes, and for only 20% of parking spaces at residential flats, institutional accommodation and commercial developments.<sup>31</sup> Given that car ownership in South Staffordshire is 1.47 cars per household and that 3.7% of households own more than 4 cars or vans, installing only one EV charging point is insufficient.<sup>32</sup> Whilst some prediction could be made that car ownership will fall, the public transport, cycling and walking infrastructure in South Staffordshire is currently far too weak to support alternative transport types.

Site 582 Langleigh Road, as discussed elsewhere in this response, is served by limited public transport. Given that Site 582 Langleigh Road is within Lower Penn Parish, residents should at least be able to access Parish Meetings by public transport. They cannot. Walking or cycling relies on sparsely illuminated roads, without cycle lanes. The list of destinations that are accessible both within reasonable time and financial constraints are few. Should residents of the proposed development at site 582 wish to get to the District Council Offices in Codsall, the journey would take them between around 1 hour 20 minutes and cost £2.40 (one way) by bus. The same journey by car would take about 20 minutes. To access the nearest hospital, the journey would be between 45 minutes and an hour by bus, including at least a 15 - 20 minute walk, and would cost £2.40 (one way). The same journey by car would take about 20 minutes. Walking to either of these locations would be impractical as they are both more than 5 miles. Cycling to either of these two locations would be suitable only for a person with a reasonably high level of physical fitness. This location, like most within South Staffordshire, relies on car use.

The new Local Plan hopes that the transition to ULEVs will mitigate the huge impact on emissions of tens of thousands of new car journeys. However, ownership of ultra-low emission vehicles (ULEV) currently in Staffordshire varies between Local Authorities, although in all cases, ownership levels are under 1% of all licensed vehicles. In order to meet Net Zero transport emissions by 2050, the uptake of ULEVs will need to significantly increase (to c.45,000 vehicles across Staffordshire by 2025) beyond its current rate of adoption (which anticipates less than 5,000

<sup>31</sup> HC12 - Parking Standards South Staffordshire Council Local Plan Review – Preferred Options

<sup>32</sup> RAC Foundation Car ownership rates per local authority in England and Wales Source: 2001 Census and 2011 Census Date: December 2012

vehicles by 2025).<sup>33</sup> In South Staffordshire as of 2019 only 0.32% of total registered vehicles are classed as ULEVs.

In addition, a large-scale shift to the use of electric vehicles must also be accompanied by a significant modal shift towards walking, cycling, ride sharing, and an increase in the use of public transport.

The Staffordshire Local Cycling and Walking Infrastructure Plan unfortunately focuses on the networks in and immediately around the main towns in Staffordshire: Burton upon Trent, Cannock, Lichfield, Newcastle-under-Lyme, Stafford and Tamworth. There is nothing in the plan to deliver any cycling or walking infrastructure in South Staffordshire. Data in the LCWIP shows that South Staffordshire has the lowest level of walking and cycling for travel to work in the county.<sup>34</sup> This strongly suggests that at present, these transport options are simply not feasible for residents. Development in the district therefore locks in car use for what could over the period of the plan amount to more than 18,000 new residents, including at least 850 in Lower Penn.

As site 582 Langley Road is proposed as an urban extension to provide for the housing needs of the GBHMA, it is highly likely that the future residents will be moving from areas served by better public transport and with better cycling and walking opportunities to this site, where car use is the only viable transport option for most journeys. A strategy that causes people to have to travel less sustainably cannot be the best one.

From DFT Gear Change: A bold vision for cycling and walking:

The purpose of the planning system is to contribute to the achievement of sustainable development. We expect sustainable transport issues to be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote cycling and walking are pursued. Planning policies should already provide for high quality cycling and walking networks, green spaces and green routes, and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans).

Moreover:

Increasing cycling and walking can help tackle some of the most challenging issues we face as a society – improving air quality, combatting climate change, improving health and wellbeing, addressing inequalities and tackling congestion on our roads.

### Air Quality

It is widely recognised that the effects of air pollution are cumulative and compounding. Exposure to air pollution can irreversibly worsen physical condition and health, which in turn makes people more vulnerable to further exposure. Almost 1 in 20 deaths in South Staffordshire are attributable to PM<sub>2.5</sub>.<sup>35</sup> Whilst South Staffordshire Council produce an annual Air Quality Status Report, Air Quality is not monitored in diverse locations across the district. The AQMA and all of the monitoring sites in South Staffordshire are located in Locality 1, near the border with Cannock. However, the Sustainability Appraisal clearly states that:

<sup>33</sup> Baseline Report Climate Change Adaptation & Mitigation Staffordshire County Council 16 October 2020

<sup>34</sup> Table 3.1: DC7701EW1a - Method of travel to work by distance travelled ONS Crown Copyright Reserved

<sup>35</sup> South Staffordshire LAQM Annual Status Report 2019

Sites located close to the district boundaries of Wolverhampton, Walsall and Dudley would be likely to result in adverse impacts on health in terms of poor air quality.<sup>36</sup>

It would be in line with this Sustainability Appraisal therefore to conduct air quality monitoring at all sites in these locations, including site 582. New development will inevitably have a negative impact on air quality. Data should be collected as soon as possible so that the effect of increased traffic can be measured.

Of the nine “Measure Classifications” rated as having a high effect on reducing NO<sub>x</sub> and PM<sub>10</sub> emissions, South Staffordshire logs action against only one, and that action is severely limited in its scope, being ‘upgrades to bus stops in Wombourne’<sup>37</sup>.

As of the 2019 report, South Staffordshire were not monitoring PM<sub>2.5</sub>, despite acknowledging clear evidence that PM<sub>2.5</sub> has a significant impact on human health, including premature mortality, allergic reactions, and cardiovascular diseases.<sup>38</sup>

### Climate Risks

Of the 20 risks deemed to be of “High’ relevance to key development areas in Staffordshire, 5 of the risks are associated with a primary hazard of either River Flooding or Surface Water Flooding.

Overall a total of **33** climate-related events were recorded across Staffordshire between 2010 and 2020. Of these, surface water or river-related flood events recorded the highest number of events at **16**, with the second most prevalent hazard being heatwaves with **8** events, and the third being severe storms & gales with **5**.<sup>39</sup>

Flooding can have a significant impact on mental health. One study found that one fifth of people who have experienced a flood were suffering from depression one year after the flood, over a quarter from anxiety and over a third were affected by post-traumatic stress disorder (PTSD).<sup>40</sup>

Given that site 582 Langley Road is in an area susceptible to surface water flooding (see photographs in **Appendix C**) to release this greenbelt site for development, when climate change impacts are going to increase, is irresponsible and has the potential to cause serious issues in the local area, both for residents and wildlife.

### Ecological survey

Site 582 effectively forms an extension of a network of three major wildlife corridors, formed by Smestow Valley Local Nature Reserve, the Staffordshire & Worcestershire Canal and the South Staffordshire Railway, and represents a green wedge for those currently living next to it, allowing a corridor for biodiversity to expand into the wider countryside of Lower Penn. Its importance in terms of trans-boundary connectivity was recognised in the Black Country Plan 2021.

The South Staffordshire Green Belt Study 2019 ranked the site as ‘strong’ in achieving the purpose of safeguarding the countryside from encroachment. Development of the site would create a weak and indefensible boundary against further housing projects, marked as it is only by scattered trees.

<sup>36</sup> SA of SSDC Preferred Option Plan – Main Report August 2021 SA Objective 8 – Health and Wellbeing 4.11.2

<sup>37</sup> South Staffordshire LAQM Table 2.4 Actions being taken within Staffordshire to reduce PM<sub>2.5</sub>

<sup>38</sup> LAQM Annual Status Report 2019

<sup>39</sup> Baseline Report Climate Change Adaptation & Mitigation Staffordshire County Council 16 October 2020

<sup>40</sup> The psychological impact of exposure to floods. Victoria Mason , Holly Andrews & Dominic Upton Pub 25 Jan 20210

The Green Belt Study assigned the western half of the site a 'high harm' rating should it be developed.

Oak, Hawthorn, Holly, Elder, Blackthorn, Field Maple, Hazel, Ash and Dog Rose have been identified in mature hedgerows around the site and are deemed to be of nature conservation value, plus a number of significant hedgerow trees, including oaks aged between 200 and 300 years.

The hedgerow network also includes an old, well-established badger sett, which must be carefully conserved as per The Protection Of Badgers Act 1992.

The World War 2 Gun Battery Area at the south of the site has been left to re-wild significantly since the end of the war and should remain untouched as its dense vegetation is likely now to provide valuable habitat for many birds, mammals and invertebrates. A rare plant, Wood small-reed (*Calamagrostis Epigejos*) has been found on this part of the site.

Lapwings have been recorded in 2021 on Site 582; they are on the UK bird red list and are protected under the Wildlife & Countryside Act 1981. Also seen within close range of the site are red list species Herring Gull, House Sparrow and Yellowhammer, plus Reed Bunting and Bullfinch, which are on the amber list.

Three UK Biodiversity Action Plan bat species (therefore of significant conservation importance) have been recorded along the railway walk next to the northern site boundary. One, the Lesser Horseshoe, is of national conservation importance and is listed as Near Threatened at European level. It is an offence to destroy or alter the habitat of any bat; they are known to use the hedgerows of Site 582 for navigation purposes. The ponds to the north of the site provide important sources of water, while the mature trees on the site are used as roosts. The Lesser Horseshoe is photophobic and would be significantly threatened by artificial light from housing.

Surveying the site has been constrained by land ownership issues, but it is the parish's contention that it of great value to wildlife and is significantly biodiverse. Neighbours have reported sightings of unusual species such as polecats; these discoveries have been added to the Staffordshire Ecological Record.

**Please see Appendix B for the Ecological Report.**

### **Affordability**

The strategic Housing Market Assessment (SHMA) 2020 gives a detailed breakdown of characteristics within the borough. Table 1.4 compares average house prices and shows that The average in South Staffs in 2019 was £257,051 compared to £167,010 in Wolverhampton. Figure 3.1 considers houses prices across South Staffs. The area round Lower Penn has an average price of £250,001-£300,000.

Lower Penn tends to attract affluent families who can afford these more expensive homes. It is hard to see in this current climate that building new housing provision will bring down house prices. The housing at site 582 will not address the local affordability issues in the area but will increase socially and environmentally unsustainable out-migration into South Staffs from the Black Country.

### **Schools and doctors**

- The nearest South Staffs secondary school is over 6 miles away and currently has 164 spaces. With proposed Wombourne housing increasing by 514 homes (in addition to the current developments) there will not be spaces available for children.
- The nearest Wolverhampton secondary School, Highfields is oversubscribed already by 12 places.
- The catchment primary school for the Langley site would be Bhylls Acre. There are currently 6 places available at the school so no capacity for a whole new estate. An extension to the school

is proposed. However the area where the extension would be built is prone to flooding due to the existence of underground springs which would be hard to mitigate.

- Other nearby primary schools like St Michael's Catholic Primary near Merry Hill has 11 spaces and Warstones Primary has 4 spaces.
- The other nearest South Staffs Primaries are in Wombourne with a collated number of places standing at 87. However these places will be taken up by the proposed 514 new houses to be built in Wombourne from this plan together with the three new housing estates currently being built from the existing local plan with over 120 houses.
- No doctors' surgeries are within walking distance and the nearest ones are all over subscribed.
- No assessment seems to have been made on where Langley Road residents access their facilities. Is it in Wolverhampton or in other South Staffs villages?
- There appears to be no consultation with Wolverhampton council, the local LEA Or Wolverhampton CCG about how extra facilities for schools and doctors will be resourced or funded or with the local practices themselves.

### **Employment Opportunities.**

The Langley Road site is not near any major employers or any new incentives for new business set ups. All new business enterprises are to be located to the north of the District. A housing development here will necessitate the use of a car to get to work something that the District Council should be actively discouraging in new and emerging local plans.

### **Planning Guidelines and pending planning application**

Development of site 582 goes against The Government's own good planning practice guidelines because development should not be built away from services, should not create profound structural change and development should be put in locations that fully underpin climate change objectives. Taking down ancient hedgerows, many different tree species and destroying the habitat of wildlife in the area and encouraging a car led development undermines this whole government strategy.

The Parish Council would like to also mention the active planning application [21/00440/FUL](#), Batter Storage Facility South Staffordshire Railway Walk, which is pending decision from the District Council.

The application site sits on the periphery of development site 582, with its access from the Langley Road, proposes the construction and management of a battery storage facility, associated infrastructure, internal access tracks, vehicular parking and associated works. The further potential loss of valuable and protected Greenbelt within the Lower Penn boundary will only exacerbate the documented flooding issues already seen on the site. Will increase traffic on an already congested and inadequate road network within the local area and contribute to the displacement of local wildlife, some of which are protected species.

The Parish Council are extremely concerned with the seemingly constant demand to develop this land on the Langley Road, largely based on convenience as apposed to necessity. Neither this planning application, or the proposed development site 582, will enhance the local area. Neither will provide any benefit to the Parish, the local community, or the wider District of South Staffordshire. Very Special Circumstances needed to reclassify this Green belt land for development, are non existent. The need for commercial gain seeming to out weigh the need to protect the valuable green belt land that national policy GB1 has been implemented to conserve.

### **Summary**

The preferred option, site 582 Langley Road, is entirely being promoted as a site for the Black Country shortfall as these houses cannot be supported by services in existence in Lower Penn. An



extension of this size would make Lower Penn unsustainable as a village. Site 582 is unsustainable in itself as it will encourage people to move out of the Black Country and commute back in and the site is poorly located for public transport and would be heavily car- dependent increasing climate change emissions. There are potential flooding issues and the site would impact on the landscape and amenity of people living close to the site. The site is used by a variety of wildlife and includes important habitats which link to a wildlife corridor along the the South Staffordshire Railway Walk and the Smestow Valley Nature Reserve. There are heritage assets within the site that have not been assessed and may need to be listed. Local services do not seem to have been examined as this would have thrown up that local GP surgeries have no space and the local primary school which seems to be primarily why this site was chosen is at capacity. Furthermore an extension of this school would be problematic with the springs that emanate from the the school grounds. Finally and most importantly this site is located within the greenbelt without a clear boundary beyond it. Building on it would go against NPPF guidelines particularly urban sprawl, encroachment into the countryside and impact on regeneration.

Further to this LPPC would conclude that the Duty to Cooperate figure should be removed from the plan and an early review clause be added to readdress the housing shortfall of other authorities when they have progressed further with their own plans or the duty to cooperate figure should be reduced significantly and site 582 should be withdrawn. We also conclude that in line with the Sustainability appraisal 2021 no other site in Lower Penn is acceptable as an alternative to site 582 due to the sustainability issues with each site.

**Please see Appendix A for the full commissioned report undertaken for Lower Penn Parish Council.**

### **Comment on the Local Plan Review.**

Lower Penn Parish Council would like to make a comment that we feel that the public consultation has not been inclusive to all residents of Lower Penn or indeed the whole of South Staffordshire. Any resident that is not computer literate has been excluded from being involved in this process. A copy of the quarterly review which should be delivered to every address in the District was mentioned as a publicity tool but with only two weeks until the end of the consultation no resident in this area has received one. At their one virtual meeting for our whole locality the Local Plan Team mentioned their successful roll out of their one to one meetings with residents and the successful virtual presentation to their Parish Councils. How was this success measured? No one asked Lower Penn PC whether we thought this virtual meeting was a success and our answer would be that it was not. We were allowed to ask a question which was answered but any follow up question could not be asked as there were another ten or so questions lined up by other attendees. If a physical meeting had been held then this would not have happened. COVID is not a good enough excuse to justify a lack of meetings which result in an unfair process. Similarly residents attending one to one sessions on the whole felt the planning team were condescending and dismissive and a public meeting would have been more helpful to them to understand the process as other points of view could have been put forward. As a parish council we produced a leaflet for our whole parish to inform them of the Local Plan. This should have been a District initiative. Unfortunately not all Parish Councils did this so a large percentage of the population have been marginalised.

We feel that South Staffs District Council have not followed their own policies as set down in the South Staffordshire District Council Statement of Community Engagement 2019, specifically point 2.1:

At the heart of the planning system is the requirement to involve local communities and stakeholders in the process of Local Plan preparation at the earliest opportunity. The Government therefore requires the planning system to be:

- transparent and open;

- one that will be easily understood and accessible to all, including traditionally hard-to-reach groups, and also;
- has the support of the community and stakeholders with opportunities for participation clearly identified.

The preferred options document is far too full of technical terminology and references to other documents (which are not included) to make it 'easily understood'. Many residents informed us how the documents themselves were onerous and difficult to understand. Residents also told us they found that responding on the portal was not an easy process with log ins and passwords required, complex questions to answer and being logged out during the process.

### **Answering of specific Consultation Questions**

#### **Chapter 3**

##### **Question 1.**

Do you agree that the evidence base set out in Agenda A is appropriate to inform the new local plan. (Reference document and justify response) **No**

#### **Sustainability Appraisal**

There are concerns over the lack of evidence about flooding, ecology and heritage and the potential over-statement of the case in relation to education.

#### **Rural Services and Facilities Audit**

Lower Penn had been left out of the Tier 5 settlement hierarchy Rural Audit in 2018 and 2019 and therefore we have concerns its facilities and infrastructure have not been assessed properly and in line with other villages. This has now been addressed by the District Council as an oversight and Lower Penn has now been added to tier 5 status settlement hierarchy for the 2021 Audit. However, the 2021 Audit has split off two of Lower Penn's roads, Langley Road and Radford Lane and classed them as settlement in their own right when they have always previously been classed as part of Lower Penn Parish as the existing local plan 2012 clearly shows. The District Council has explained that the way the actual village centre and the outlying areas of the parish will be assessed is different. The village centre will remain a tier 5 village status but the outlying areas will not be classed as Lower Penn and instead as their own areas subject to their own assessment because they lie on the outlying boundaries of the village and border the West Midlands Conurbation. We have asked for documentation of when this decision was made and why Lower Penn residents were not consulted but none has been forthcoming. In the Rural Audit it states: 4.3 In some cases, a small settlement contained by an existing development boundary may directly adjoin the urban area of a larger town or city outside of the district (such as the Cannock and Black Country urban areas). These small residential areas have not been assessed through this work, as such areas effectively function as small extensions to these larger urban towns and cities, relying on the services and facilities in these adjacent areas.

We are concerned that no assessment has taken place to enable a correct understanding of where Lower Penn residents go to use facilities, how can they be certain where 390 new houses and their occupants will go and if the infrastructure is in place to accommodate them either in South Staffs or Wolverhampton.

If Lower Penn parish as a whole entity was classed as a tier 5 village, then The Spatial Housing Strategy and Infrastructure Delivery 2019 would apply and would be more in keeping with our village.

This clearly states small villages will get a maximum of 10% of homes on small sites. In Lower Penn 10% equates to approximately 40 houses. If Lower Penn is to be treated differently to other tier 5 villages in regard to housing allocations where is the evidence, documents and the decision-making process set out in appendix A that covers this. In the Current Local Plan 2012 the whole of Lower Penn Parish was classed as a tier 5 village and no roads were mentioned separately within the documents.

## **Infrastructure Delivery Plan**

### **Question 2.**

A) Do you agree that the correct infrastructure to be delivered alongside proposed site allocations been identified in the IDP. **NO**

What evidence has been obtained from Wolverhampton Council or residents that shows that these houses can be accommodated within existing infrastructure. No assessment appears to have been carried out or documents included in the plan.

It has been assumed that because Lower Penn sits upon the Western Fringe of Wolverhampton that Infrastructure will be delivered via Wolverhampton Council. No assessment has been made on whether this is a viable option. Indeed, from information gathered, primary schools in this area of Wolverhampton have very limited places and the nearest secondary school in Wolverhampton is also oversubscribed. The same can be said for GP surgeries. There is no bus service that runs on the Langley Road and a limited service that goes from Merry hill. There are a few local shops within walking distance but no supermarket.

If South Staffordshire schools are used then the catchment school is Wombourne High school. There are about 50 places at this school but these will be taken up under the proposed Wombourne housing expansion of over 500 houses. The school is also 6 miles away adding to car traffic on the road as the distance is too long to walk. This could also be through a conservation village (where no increased traffic should be allowed) and many single-track roads with no pavements. Primary schools have limited spaces in all the local South Staffs schools and the nearby Wolverhampton schools.

The road structure in Lower Penn is in the most part country roads and will not withstand extra traffic flow especially at the Market Lane Crossroads and the Castlecroft/ Wightwick junction.

In light of the climate emergency, local plans should not be car led or lead to increasing traffic on the roads and should be encouraging and developing different means of transport.

B) Is there any other infrastructure not covered in this consultation document or the IDP that the local plan should seek to deliver? **YES**

The report itself on page 47 indicates that no cross-boundary infrastructure surveys have been undertaken or plans drawn up. Why not? This should be completed before sites are chosen.

### **Question 3.**

A. Have the correct vision and strategic objectives been identified? **NO**

Strategic Objective 1 is supported. However, compensatory Green Belt provision is not something that fully ameliorates loss of Green Belt. Our evidence suggests that 'exceptional circumstances' do not exist for removal of many new housing sites from the Green Belt.

Strategic Objective 2 is not supported. The additional 4,000 houses for the Black Country should be removed, and, if needed, a policy to review that position subsequent to the adoption of the Black Country Plan based on up-dated evidence should be included if that is deemed to be necessary. The use of Urban Extensions should be reviewed as it is largely justified because of the acceptance of over-spill from the conurbation.

Strategic Objectives 3-5 on housing can be supported but they should relate to needs arising in South Staffordshire. The evidence that significant housing needs to be included from the Black Country is not supported.

Strategic Objective 12 is wholly inadequate. The Objective should be much higher up in the Plan. The Plan should also aim to support a reduction in Climate Change emissions not only through mitigation at development sites in the overall approach to development location. Accepting significant amounts of housing from the Black Country undermines that goal.

## **Chapter 4**

### **Question 4.**

Do you support the policy approach in DS1 green belt and policy DS2 open countryside? If not, how should the policies be amended?

The general approach of Policy DS1 is supported. However, the removal of sites from the Green Belt in line with SA1-SA7 is not supported. As stated above we do not consider 'exceptional circumstances' have been proven for these sites, based on clear evidence, not just numerical assumptions of Black Country over-spill. The sites (and, in particular, Site 582) should remain in the Green Belt.

[I have not considered the sites in Policy DS2 so do not comment either way. I note that the highest level of protection i.e., 'exceptional circumstances' would not apply outside the Green Belt]

Do you support the policy approach in Policy DS3 – The Spatial Strategy to 2038? If not, how should this policy be amended?

The addition of 4,000 homes to meet the needs of the Black Country is not supported because the evidence is not clear and the Black Country Plan is still in development. This would result in the removal of the named sites adjacent to the Urban Area, and in particular, Site 582. A review of whether any of the needs of the Black Country should be accommodated in South Staffordshire might be considered in a review of the plan.

The approach to the various Tiers is supported, including specifically in relation to Tier 5 and Lower Penn. This would suggest excluding all sites currently being promoted within the Parish Boundary including Site 582.

### **Question 6.**

Do you support the policy approach in policy DS4- long term growth aspirations for a new settlement? If not, how should this policy be amended?

The need for a new settlement is far from proven and given that we do not consider the current inclusion of 4,000 homes for the Black Country is justified it is hard to conclude that an additional settlement is likely to be required or would be consistent with long term Climate Change goals.

## **Chapter 5**

### **Question 7.**

B) Do you agree that given the scale of the 4 sites detailed in policies SA1-SA4, these warrant their own policy to set the vision for the site, alongside a requirement for a detailed masterplan and design code? **YES**

### **Question 8.**

Do you support the proposed housing allocations in Policy SA5? **NO**

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

your response?

As set out above we do not believe Site 582 should be released. This is because: Housing Numbers

1. The justification for the housing numbers proposed in South Staffordshire relies on 4,000 from overspill from the Black Country that is untested. Without them no new allocations are needed.
2. The Government's arbitrary 35% uplift of housing in Wolverhampton is being added to general housing need when it should be targeted at brown- field regeneration.
3. The level of housing supply both in the Black Country (and wider conurbation ) and in South Staffordshire is being under-estimated. In the case of the Black Country this could amount to over 5,000 homes and in South Staffordshire another 1,000 homes from windfall sites.
4. Accelerated changes to retail and office provision, particularly in centres following COVID may increase housing land available in the Black Country.
5. Even if the level of housing is required from the Black Country South Staffordshire is over providing by 1153 homes, so does not need this housing allocation.

Sustainability

6. The location of the site suggests it would, along with other allocations in South Staffordshire, encourage people to move out of the Black Country and then commute back in.
7. The site is located in the Green Belt without a clear boundary beyond it. The impact could be significant on the purposes of the Green Belt, in particular encroachment into the countryside, urban sprawl and impact on regeneration.
8. The site is poorly located for public transport access and is likely to be heavily car-dependent, increasing climate change emissions.
9. The site would impact on the landscape and amenity of people round the site.
10. There are potential flooding and water issues that need further investigation.
11. The site is used by a variety of wildlife and includes important habitats which link into a wildlife corridor along the South Staffordshire Railway Trail and the Smestow Nature Reserve.
12. It is not clear that the site is adequately served by local services, and although there is a nearby Primary School, it is unclear how educational services would be improved to cater for the site.
13. There are heritage assets in terms of a World War II battery which have yet to be properly examined.

## Chapter 6

### Question 11

Do you agree with the proposed policy approaches set out in Chapter 6? **NO**.

If no, then please provide details setting out what changes are needed, referencing the

Policy Reference number (e.g., HC1 - Housing Mix).

EQ1 Protecting, enhancing and expanding natural assets. Taking away greenbelt land would be classed as being non-compliant.

EQ3 Conservation, Preservation and protection of Heritage Assets. Site 582 has Buildings of special local interest on it and undesignated heritage assets so non-compliant with this policy

EC11 sustainable travel – a good policy but not one that appears to be followed by SSDC. The proposed developments in locality 5 of the district will be reliant on car travel as this area is not supported by good road or bus networks.

HC14 Health Infrastructure- How has it been demonstrated that healthcare in the area can be supported. What assurances have been given by the Clinical CCG that existing practices can absorb these new dwellings. Is there funding to expand existing practices or build new ones. This does not appear to have been looked at in any depth.

HC1 Housing Mix- 75% of properties to have 3 bedrooms or less. This is not acceptable. We have an affordability crisis not a housing crisis. The vast majority of homes should be starter / retirement homes. This figure should be 95%.

HC3 Affordable Homes- Within the above mix affordable housing should be increased to 40%. This policy should not be about lining developer's pockets but about what is right for the need of the area.

HC4 Homes for Older People- in South Staffs there is an increasing need for this type of housing. All developments should include a % of this type of home. 30% min.

### **Question 12.**

It is proposed that the fully drafted policies in this document (Policies DS1-DS4 and SA1-SA7) are all strategic policies required by paragraph 21 of the NPPF.

Do you agree these are strategic policies ?**YES**

but the obvious omission is a strategic policy to limit the impact of development on Climate Change, including its location and its impact on development in more sustainable locations.

Are there any other proposed policies in Chapter 6 that you consider be identified as strategic policies?

See comment above about Climate Change.

## **APPENDIX E**

### Open Letter From LPPC to SSDC October 2022

To whom it may concern,

In light of the recent decision by Dudley MBC to pull out of the Black Country Plan, Lower Penn Parish Council are once again urging South Staffordshire District Councillors and the South Staffordshire Local Plan Team to review the inclusion of the already controversial 'duty to cooperate' figures in the Local Plan. Including these additional 4000 new homes will force the destruction of valuable and protected Green Belt land in South Staffordshire.

South Staffordshire District Council have committed to additional housing to support the Black County Plan. Given that Dudley have now removed themselves from the Black Country consortium and there is uncertainty over the next steps for the Black Country Plan, it would be unjustified for South Staffordshire District Council to continue planning for housing figures that are now uncertain. To continue on this route without recalculation, would be to unnecessarily destroy the Green Belt in the County when there is no need.

In the Lower Penn Parish Council response to the South Staffordshire Local Plan consultation our council raised the tenuous nature of the duty to cooperate figures in some detail. The report our council commissioned also states:

'Given the two much more significant sites immediately North of Wolverhampton (2,400 homes), and given that there are no other urban extension sites further South in South Staffordshire, it seems rational to consider the justification for the site at Langley Road is principally to support housing needs in Dudley.'

However, Dudley Council leader Patrick Harley believes that Dudley is able to meet its own housing need.

Notably, Dudley Council leader Patrick Harley stated the public consultation over the plans would be "absolutely meaningless" if he refused to act on what people wanted. There were thousands of responses to the consultation. The scale of public opinion is overwhelmingly against the development of green field sites.

Ten months on from the end of the last consultation, South Staffordshire District Council has still not made public responses from local residents. It is widely expected that the common response will be in line with that of the Black Country's. Residents can see no justification for the destruction of the green belt when there are brown field sites available, and large amounts of funding is being provided by government to regenerate further brownfield sites in the region.

South Staffordshire District Councillors must start listening to the people they are elected to represent.

Whilst South Staffordshire District Council have conducted three public consultations throughout this current Local Plan process, evidence that residents' wishes are being taken into account has yet to be seen, nor has any justification as to why amendments to the Local Plan have not been made accordingly.

Whilst the Black Country Authority re-assess their housing needs and brown field sites, we once again, ask South Staffordshire District Council to listen to the overwhelming feedback from their residents and pause, reduce or remove the duty to cooperate housing numbers.

## **APPENDIX F**

Open Letter from LPPC to SSDC December 2022

**December 2022**

**Open Letter from Lower Penn Parish Council to South Staffordshire District Council**

**Re: Strengthening of Levelling Up and Regeneration Bill and impact on Local Plans**

On the 6th December 2022, Michael Gove MP, gave a statement to the House of Commons detailing proposed changes to the planning system, Local Government Local Plan reviews, protective measures for the Green Belt, as well as amendments to the authority of the Planning Inspectorate to override planning decisions. To date, 23 District Councils around the country have paused their Local Plans, in order to await clarification on these reforms.

The Secretary of State made it clear that the government intends to remove mandatory housing targets and drop the requirement for a 20% buffer. The impact of these changes on the housing requirement for South Staffordshire, as well as Wolverhampton and the Black Country and the GBBCHMA is potentially huge.

The goal of these changes is to:

“to deliver enough of the right homes in the right places...that comes with the right infrastructure, that is done democratically with local communities rather than to them, that protects and improves our environment, and that leaves us with better neighbourhoods than before.”

Additionally the Secretary of State adds that:

“Where authorities are well-advanced in producing a new plan, but the constraints which I have outlined mean that the amount of land to be released needs to be reassessed, I will give those places a two year period to revise their plan against the changes we propose and to get it adopted. And while they are doing this, we will also make sure that these places are less at risk from speculative development, by reducing the amount of land which they need to show is available on a rolling basis—from the current five years to four.”

District Councillors have consistently stated that not having a plan in place puts the district at risk from speculative development, and presented this as the main reason to continue with an unpopular and arguably unsound plan. This statement from the Secretary of State allays those fears and gives the DC time to revise the housing requirement and duty to cooperate numbers down to a more reasonable level, meaning that unsuitable sites, such as those on greenbelt, can be removed from the plan.

As custodians of South Staffordshire Green Belt, District Councillors should be prioritising anything and everything to protect our beautiful County. Pausing the plan will give time for the existing proposed plan to be updated with current housing figures and to comply with any changes to planning legislation. Thus saving valuable Green Belt land from unnecessary development.

Taking advantage of these changes will allow the DC to revise the plan so that it delivers in line with government expectations:



“If we are to deliver the new homes this country needs, new development must have the support of local communities. That requires people to know it will be beautiful, accompanied by the right infrastructure, approved democratically, that it will enhance the environment and create proper neighbourhoods”

Currently, vast swathes of Green Belt land in the District are under threat from development. Development that is based on land-owners being willing to sell and build as opposed to out of necessity and overwhelming evidence of special circumstances.

Lower Penn Parish Council ask that SSDC follows the example set by the 23 District Councils nationally and delay submission to the Secretary of State and revise the Local Plan, specifically addressing total housing and duty to cooperate numbers based on these updates.