

31<sup>st</sup> May 2024

South Staffordshire Council  
Community Hub  
Wolverhampton Road  
Codsall  
South Staffordshire  
WV8 1PX

Sent via email only: localplans@sstaffs.gov.uk

Dear Sir/Madam,

## **REPRESENTATIONS TO SOUTH STAFFORDSHIRE LOCAL PLAN REVIEW – PUBLICATION PLAN CONSULTATION**

CarneySweeney has been instructed by Peveril Securities Limited, hereafter referred to as 'our client', to submit representations to the current Regulation 19 Consultation on the South Staffordshire Local Plan Review Publication Plan.

As you will be aware from previous representations, our client controls three sites broadly lying north and south of the M54 corridor between junctions 1 and 2 and has comments in relation to the following matters:

1. Development strategy in relation to housing.
2. Development strategy related to scale, provision and quality of employment allocations.
3. Proposals to allocate an extension to the established strategic employment site at Hilton Cross.
4. The allocation of a Biological Alert Site on part of the land within our client's control.

Enclosed with these representations are three plans showing the sites our client is making specific comments on.

### **1. Development Strategy Relating to Housing**

In the previous South Staffordshire Local Plan (SSLP) Review Regulation 19 consultation in 2022, the housing land requirements for the period 2018 to 2038 were based on a combination of the requirements generated from Objectively Assessed Need (OAN) within the South Staffordshire local authority area and part of the unmet needs of the wider Greater Birmingham and Black Country Housing Market Area (GBBCHMA) that would be provided within South Staffordshire during the Local Plan Review period. Policy DS4 of the SSLP (2022) sought to deliver 9,089 homes over the period 2018-2039 to meet the district's housing target. This included the district's own housing requirement of 5,089 homes and a further 4,000-home contribution towards unmet housing needs of the GBBCHMA.

In the 'Report of the Lead Planning Manager' to a Special Council Meeting held on 2<sup>nd</sup> April 2024, the authority (at para. 3.5) refers to a change in the National Planning Policy Framework (NPPF) at Paragraph 145 in December 2023 (after the SSLP (2022) consultation), which removes the requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated:

*"Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries*



*where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the planmaking process.”*

As a result, the new SSLP (2024) is now a “constraints-led” strategy, which is significantly different to the previous SSLP (2022) where a number of Green Belt sites were proposed to be released to meet the district’s housing needs and a proportion of unmet housing needs in the GBBCHMA.

The housing target in the SSLP (2024) is now derived through the determination of the most sustainable housing sites through the authority’s Housing Site Assessment Topic Paper 2024. SSLP (2024) Policy DS4 seeks to deliver 4,726 homes over the period 2023-2041 to meet the district’s housing target. This includes the district’s own housing requirement of 4,086 homes and a further 640-home contribution towards unmet housing needs of the GBBCHMA. Even accounting for a reduction in the plan period (from 18 years down to 15 years), this is still a significant fall in the authority’s housing target. The fall is principally due to the reduction in the authority’s contribution towards the unmet housing needs of the GBBCHMA (from 4,000 homes to 640 homes).

The SSLP (2024) relies on the aforementioned revision to paragraph 145 of the NPPF that was made in December 2023 removing the requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. However, the key tests of ‘soundness’ in Paragraph 35 for preparing plans still apply. NPPF Paragraph 35 states plans are sound if they are:

*“a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs<sup>19</sup>; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;”*

*c) **Effective** – deliverable over the plan period, and 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; and*

*d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”*

The SSLP (2024) - in particular Policy DS4 - does not meet these ‘tests’. The SSLP (2024) has not been positively prepared as the housing delivery target in Policy DS4 is not informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so. There is also no evidence to demonstrate that the SSLP (2024) is based on effective joint working on cross boundary strategic housing matters.

The SSLP (2024) at para. 5.12 states that the 2018 HMA Strategic Growth Study on which the 4,000 home contribution to the HMA in the SSLP (2022) was based is now out-of-date, and that the authority is committed to participating in updating this evidence and considering its findings through future plan-making. The status of the 2018 HMA Growth Study is also the premise on which the decision to prepare the SSLP (2024), and therefore take advantage of the changes to NPPF Paragraph 145, is based:

*“Ultimately it would be unlawful to take forward the previous Publication Plan [the SSLP (2022)] to submission as we no longer consider it to be a sound plan. This is because the evidence that the previous contribution to HMA shortfalls was based upon is now out date...”* (Report of the Lead Planning Manager, dated 2<sup>nd</sup> April 2024, para. 3.9)

In the absence of an up-to-date evidence base to identify the HMA shortfalls and ensure that these are appropriately apportioned to the district under the Duty to Cooperate, the SSLP (2024) fails to meet the tests soundness in NPPF Paragraph 35 as it is not based on “proportionate evidence”.



The implications of the failure to comply with the Duty to Cooperate are apparent when reviewing the relationship between the SSLP (2024) and the emerging Wolverhampton Local Plan. The new SSLP focuses growth on sustainable non-Green Belt sites and limited Green Belt sites on the edge of Tier 1 settlements well served by public transport i.e. Penkridge, Codsall/Bilbrook and Cheslyn Hay/Great Wyrley. It is noted that the SSLP no longer includes extensions to the Wolverhampton urban area on Green Belt land at Linthouse Lane, Langley Road and Cross Green.

An extension to the north of Penkridge on non-Green Belt land has been brought forward, delivering a minimum of 1,029 homes within the Plan period. This is in place of aspirations set out in the SSLP (2022) for a new settlement at Penkridge, which could have made a larger contribution towards the HMA housing shortfall in the longer term (including the Wolverhampton shortfall), given the transport links between Penkridge and Wolverhampton.

The Wolverhampton Local Plan Issues and Preferred Options (WLPIPO), which was the subject of a public consultation between February and April 2024, explains that the Local Plan is likely to generate shortfalls of around 11,413 homes. The Wolverhampton Local Plan Duty to Cooperate Paper anticipated that the largest single contributor from emerging neighbouring Local Plans to Wolverhampton's housing shortfall would be the SSLP (2022).

The WLPIPO proposes that contributions to the HMA shortfall should be divided up between HMA authorities based on the strength of long term household flows with the donor authority, evidenced by historic net migration flows. Based on this approach, the SSLP (2024) has the potential to contribute 464 homes towards the Wolverhampton housing shortfall - significantly less than the 2,900 home contribution anticipated from the SSLP (2022). This diminishes the ability for Wolverhampton to address its overall housing shortfall.

It follows that the authority has not met the Duty to Cooperate and that the current proposed overall provision of housing in the SSLP (2024) would not support the Government's objective of significantly boosting the supply of homes as required under NPPF Paragraph 60. Additional land should be allocated through the Local Plan Review to ensure the minimum housing requirements in the HMA can be met. The SSLP (2024) in its current form is therefore unsound.

Our client notes that the SSLP (2024) retains several strategically significant employment sites located within the M54 corridor, including the South Staffordshire Core Strategy strategic sites at Royal Ordnance Factory; i54; Hilton Cross etc. which are proposed to be added to by the West Midlands Interchange (WMI) allocation. The resulting concentration of such a large number of new jobs within the M54 corridor should be matched by the scale and provision of housing in the locality to promote sustainable development, i.e. housing should be available near where people would wish to work.

In the light of these factors relating to housing need in terms of quantum and location, our client remains of the view that the Local Plan Review should safeguard land to provide for more housing convenient to the M54 corridor in the southern part of the borough close to the strategic employment sites. This could potentially be via a targeted review of certain Green Belt boundaries on the condition that any safeguarded land identified would not be required to be developed unless a need for more housing can be demonstrated. This could include land on the edge of Featherstone where our client's site is located (see enclosed drawing ref. TTE 00 XX DR UD 11 Rev A – Land west and south of Featherstone, Staffordshire M54 Corridor (North of Wolverhampton)).

## **2. Development Strategy Relating to Employment Allocations**

Our client continues to support the strategy for employment in the SSLP (2024) which places an emphasis on delivering strategic employment sites given their ability to provide quality employment land due to their location and transport linkages.

Whilst our client also welcomes the allocation of the WMI site, it is noted at Table 9 of the Local Plan Review that the Council's intention is to deliver 328 hectares of employment land in the period 2023 to



2041, of which 74% of that provision (297 hectares) is intended to come forward on a single site – the WMI site. Should there be issues regarding the delivery of this site, this could significantly impact on the supply of employment land over the plan period.

### 3. Proposed Hilton Cross Extension Site Allocation

It is noted that paragraph 6.47 of the SSLP (2024) states the allocation of the WMI site will be *"balanced by smaller scale employment opportunities"*. The Hilton Cross site has historically been identified as an important strategic employment site both in the adopted Core Strategy and the Site Allocations Document – mainly for B1 uses (now Class E(g)) – and continues to be identified as a strategic employment site in the SSLP (2024). Only a relatively small portion of the Hilton Cross site – some 5 hectares – is now available to be taken up. Therefore, our client remains of the view that in order to recognise the benefits that the Hilton Cross site has to complement WMI, the Hilton Cross allocation should be extended to provide more land for well-located small scale employment opportunities close to the M54.

Our client respectfully asks that the Council considers allocating an extension to the Hilton Cross site and is proposing that land to the south of Hilton Cross should be specifically allocated for employment purposes (see enclosed drawing ref. TTE 00 XX DR UD 12 Rev A – Land South of Hilton Cross Strategic Employment Site). The proposed extension to Hilton Cross would be served by a new access from the A460 and its release would result in defensible boundaries to the Green Belt being established in the form of existing roads/tracks and tree belts. This allocation should be for Class E(i), (ii) and (iii) and can be made through a change to Table 9 with an appropriate reference to the extension to the Hilton Cross site being made within the paragraph headed *"The district's freestanding strategic employment sites"* in 'Policy DS5 – The Spatial Strategy to 2041'.

### 4. Biological Alert Site

It is noted that a portion of our client's proposed extension to the Hilton Cross site is allocated on the Policies Map for the Local Plan Review as a 'Biological Alert Site'. However, there is no specific reference to Biological Alert Sites in the SSLP (2024), nor are there any specific references to Biological Alert Sites in the evidence base available on the Council's website, aside from an appraisal of Friars Gorse/Mount Pleasant Covert, Lawnswood on pages 11-13 of the Local Green Space Methodology & Assessment Topic Paper April 2024.

It is understood the allocation of Biological Alert Sites has been carried forward from the adopted South Staffordshire Core Strategy, however there is no evidence to demonstrate that the continuing allocation of these sites is based on up-to-date evidence. We therefore ask that the Council present the appropriate evidence base to justify the allocation of this Biological Alert site.

We trust that these representations will be taken into account as part of the ongoing preparation of the emerging Local Plan. Our client would be willing to discuss all matters raised by these representations with the Council.

Yours faithfully,



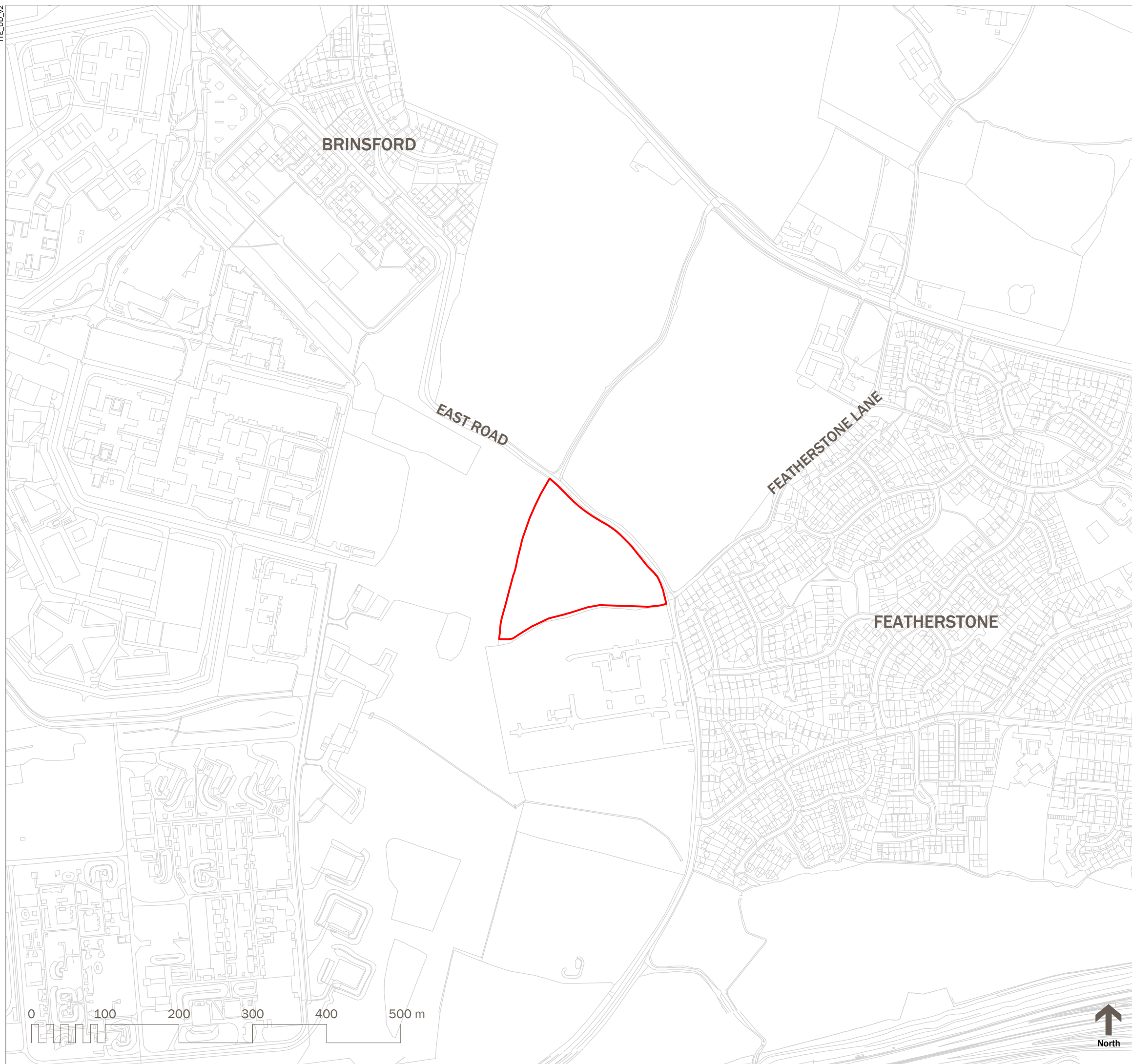
**Sophie Drury**  
Associate Director  
CarneySweeney

Enc.





Key

 Site boundary (2.5ha)


**South Staffordshire Local Plan  
Review Representations**

## Document control

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Rev	Description	Date	Dwn	Chk	App

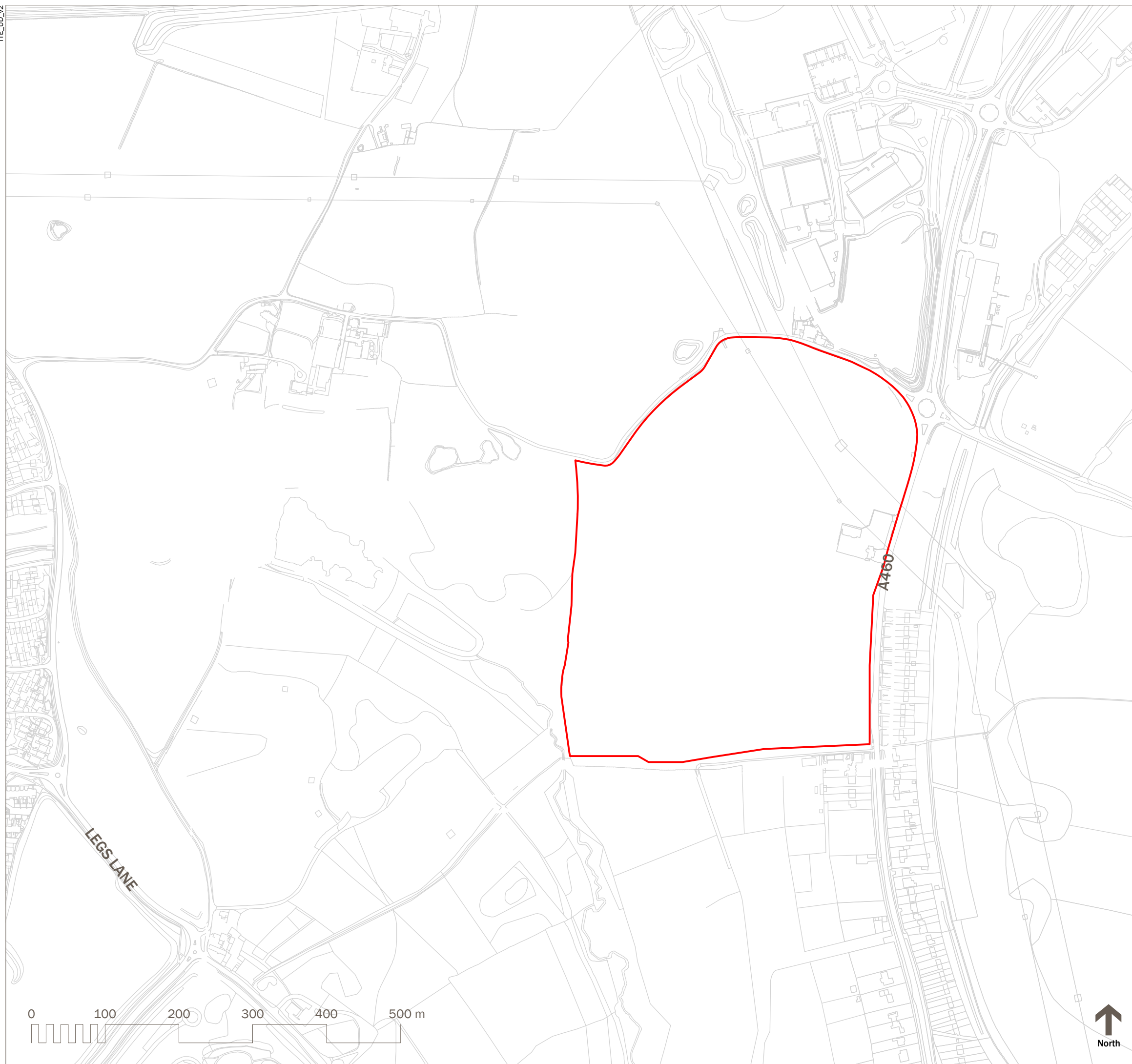
**Peveril Homes**  
Land west and south of Featherstone, Staffordshire  
M54 Corridor (North of Wolverhampton)

**LAND NORTH WEST OF FEATHERSTONE**

TTE Proj No	Drwn / date	Ch'ked / date	Appr'd / date	Scale @ A3	Suitability		
A099286	BR / DEC '21	BR / DEC '21	AC / DEC '21	1:5,000	-		
Client Proj No	Origin	Vol/System	Level/Loc	Type/Code	Role	Drwg no	Revision
-	TTE	00	XX	DR	UD	11	A

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Key  
 Site boundary (21.6ha)



**South Staffordshire Local Plan  
 Review Representations**

Document control

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Rev	Description	Date	Dwn	Chk	App

**Peveril Homes**  
 Land west and south of Featherstone, Staffordshire  
 M54 Corridor (North of Wolverhampton)

**LAND SOUTH OF HILTON CROSS STRATEGIC  
 EMPLOYMENT SITE**

TTE Proj No	Drwn / date	Ch'ked / date	Appr'd / date	Scale @ A3	Suitability		
A099286	LA / DEC '21	BR / DEC '21	AC / DEC '21	1:5,000	-		
Client Proj No	Origin	Vol/System	Level/Loc	Type/Code	Role	Drwg no	Revision
-	TTE	00	XX	DR	UD	12	A

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