



## South Staffordshire Local Plan Examination Matters, Issues and Questions Identified by the Inspectors

### **Matter 1 – Procedural and Legal Requirements**

(When responding to the questions please qualify your answers).

#### **Issue 1:**

**Whether the Council has complied with the relevant procedural and legal requirements.**

#### **Questions:**

##### Relevant Policy context

1. What is the relevant version of the National Planning Policy Framework for this examination and why?

##### Plan Preparation and Scope

2. Has the Plan been prepared in accordance with the latest adopted Local Development Scheme?
3. Have the relevant notification, consultation, publication and submission requirements been met in line with the Regulations and Statement of Community Involvement?
4. What measures were taken to engage with the occupants of properties within proximity to proposed allocations?
5. What plans will be retained and what plans will be superseded following adoption of the submitted Plan?
6. Does the Plan clearly distinguish between strategic and non-strategic policies? Are strategic policies limited to those necessary to address the strategic priorities of the area and any relevant cross-boundary issues?
7. Is the scope of the Plan primarily focused on supporting planning activities, rather than matters that are beyond the control of the planning system?
8. In terms of existing and proposed Supplementary Planning Documents (SPD):
  - a. Please provide their title, scope and timescales for adoption?

- b. What is the intended relationship of each of the SPDs with specific policies in the Plan?
- c. Is this relationship clear and appropriate?
- d. Are there any elements of the SPDs that should be contained within policy?

### Sustainability Appraisal

(Please focus on the legal compliance of the Sustainability Appraisal. Any implications of the Sustainability Appraisal on the soundness of individual policies should be addressed elsewhere).

- 9. In terms of the Sustainability Appraisal:
  - a. Is the methodology applied robust?
  - b. Is the baseline information upon which the Sustainability Appraisal is based up to date and relevant in terms of its scope?
  - c. How were the appraisal framework objectives of the Sustainability Appraisal derived and how do they link to the individual policies in the Plan?
  - d. How were the options considered through the Sustainability Appraisal for the following:
    - i. The overall scale of housing and other growth
    - ii. The broad distribution of development across the District
    - iii. Potential allocation sites
    - iv. Individual policy approaches
  - e. Is the assessment of the likely effects of the Plan's strategy, policies and allocations adequate? Is the scoring against the Framework objectives reasonable?
  - f. Is consideration of reasonable alternatives and reasoning for rejecting alternatives clearly justified?
  - g. How have the conclusions of the Sustainability Appraisal been reflected in the Plan?
- 10. Have any concerns been raised about the undertaking and/ or outcomes of the Sustainability Appraisal and what is the Council's response to these?
- 11. Have the legal requirements for Sustainability Appraisal / Strategic Environmental Assessment been met as part of the plan preparation process?

### Habitats Regulations Assessment (HRA)

- 12. How was the HRA carried out and is the methodology appropriate?
- 13. Does the HRA identify all the relevant sites?
- 14. What potential impacts of the Plan, including in combination effects, were identified through the HRA and how have these been considered and addressed?
- 15. How have the conclusions of the HRA informed the preparation of the Plan? Are the screening findings in the HRA justified and has a precautionary approach been taken?

16. How has Natural England been involved in HRA matters and how have any concerns raised been responded to?
17. Overall, how does the HRA meet the Conservation of Habitats and Species Regulations 2017 as amended?

Other Legal and Procedural Matters

18. How does the Plan ensure the mitigation of and adaption to climate change, paying regard to the duty in S19(1A) of the Planning and Compulsory Purchase Act 2004?
19. How has the Council had regard to all other relevant matters set out in section 19 of the Planning and Compulsory Purchase Act 2004 and Regulation 10 of the Town and Country Planning (Local Planning) Regulations 2012?
20. In relation to those who have a relevant protected characteristic, how does the Plan seek to ensure that due regard is had to the 3 aims expressed in section 149 of the Equality Act 2010?

## **Matter 2: Duty to Co-operate**

(Please Note: The duty to co-operate relates to the preparation of the Local Plan as far as it relates to strategic matters, as defined in S33A (4) of the Planning and Compulsory Purchase Act 2004. It covers the time up to, but not after the submission of the Local Plan for examination. Issues of soundness will be dealt with under other matters).

(When responding to the questions please qualify your answers).

### **Issue 1:**

#### **Whether the Council has complied with the Duty to Cooperate in the preparation of the Plan.**

#### **Questions:**

1. Have all the genuinely strategic matters requiring cross boundary co-operation been identified?
2. Have the neighbouring authorities and prescribed bodies the Council is under a legal duty to co-operate with been correctly identified?
3. Has any neighbouring authority or prescribed body indicated that the duty to co-operate has not been complied with in relation to any strategic matter? If so, what was the Council's response?
4. Who has the Council engaged with in terms of overall housing provision and what form has this taken?
5. In terms of migration, commuting, travel to work and housing markets:
  - a. What are the inter-relationships with neighbouring authority areas?
  - b. How have these been taken into account in preparing the Local Plan?
6. Who has the Council engaged with in terms of overall employment land provision and what form has this taken?
7. In terms of migration, commuting and travel to work areas:
  - a. What are the inter-relationships with neighbouring authority areas?
  - b. How have these been taken into account in preparing the Local Plan?
8. Are the co-operation activities and outcomes sufficiently evidenced? Have all relevant signed and dated Statements of Common Ground been provided, consistent with the requirements of the National Planning Policy Framework and the associated Planning Practice Guidance? If not, why?

### **Matter 3: Vision and Strategic Objectives**

(When responding to the questions please qualify your answers).

#### **Issue 1:**

**Whether the Vision and Strategic Objectives for South Staffordshire are justified, effective, consistent with national policy and positively prepared.**

#### **Questions:**

1. Is the Vision of the Plan for South Staffordshire ambitious, and yet realistic in terms of its scope and deliverability?
2. Is the plan period justified?
3. Are the scope and thrust of the Strategic Objectives of the Plan sufficiently reflected in the proposed policies and site allocations so that the Vision may be realised through their implementation?
4. Are the objectives of the Plan clearly set out and are these measurable?

## **Matter 4: Development Needs and Requirement**

(When responding to the questions please qualify your answers).

### **Issue 1:**

**Whether the identified future housing development need and requirement set out in the Plan are justified, effective and consistent with national policy.**

[Focus: Policy DS4]

#### **Questions:**

1. What is the minimum number of new homes needed over the plan period calculated using the standard method? Has the calculation of Local Housing Need been undertaken appropriately using the standard method and correct inputs reflecting the methodology and advice in the PPG?
2. Are there any circumstances where it is justified to set a housing figure that is higher than the standard method indicates?
3. In Policy DS4 the Local Plan identifies a minimum housing requirement of 4,726 homes over the period 2023-2041. Is this justified? If not, what should the housing requirement be?
4. The housing requirement figure includes an approximate 10% additional number of homes to ensure plan flexibility. Is this figure justified?
5. The housing requirement includes an additional 640 dwellings to contribute towards the unmet needs of the Greater Birmingham and Black Country Housing Market Area. Is this justified? If not, what should the figure be and why?
6. In terms of the capacity of housing site allocations is the approach to calculating the minimum capacity for each housing allocation sound?

### **Issue 2:**

**Whether the identified employment development need and requirement set out in the Plan is justified, effective and consistent with national policy.**

#### **Questions:**

1. In terms of overall employment development need and requirement:
  - a. How has the overall level of need from within the district and the unmet needs beyond been calculated?
  - b. Does the Plan clearly set out a requirement for the internally derived need and does this seek to make provision to fully address that requirement?

- c. How has the proposed contribution to address unmet employment needs beyond the district been identified?
- d. How do the supply figures set out in part (b) of Policy DS4 relate to the figures stated in the preceding paragraph?
- e. Are the overall employment development needs and requirements clearly set out in the Plan and are they justified?

## **Matter 5: Spatial Strategy**

(When responding to the questions please qualify your answers).

### **Issue 1:**

**Whether there is a clear Spatial Strategy which is justified, effective and consistent with national policy.**

#### **Questions:**

1. How was the settlement hierarchy derived? When qualifying your answer, is the methodology used to determine the hierarchy appropriate and sufficiently robust?
2. How has the level of development anticipated in different settlement categories been derived? Does the settlement hierarchy appropriately reflect the role and function of these settlements?
3. In terms of the distribution of housing and employment development across the plan area:
  - a. Is it clear how and why the preferred Spatial Strategy has been selected?
  - b. What options have been considered for accommodating the identified development requirements in a sustainable manner? Have reasonable alternatives been considered?
  - c. Are the areas identified for new development the most appropriate locations? Is the rationale behind choices and reasoning for conclusions clear and justified by the evidence? How have the locational needs of different sectors been addressed.
  - d. What roles have the Sustainability Appraisal and Viability Study had in influencing the Spatial Strategy?
4. In terms of highways considerations:
  - a. How have the traffic impacts of the Plan on both the local and wider highway network been assessed?
  - b. How have the traffic assessment findings shaped the plan proposals for the scale and distribution of development within the plan period?
  - c. How have the cumulative highway effects of the Plan on neighbouring authorities, including Wolverhampton been considered and addressed?
  - d. Are there any outstanding concerns from National Highways or Local Highway Authorities? If so, what are they and should they be addressed prior to adoption of the Plan?
5. Have the social, economic and environmental impacts of the Spatial Strategy on neighbouring areas been identified and addressed?



## **Issue 2:**

### **Whether the Plan's approach to infrastructure planning is justified, effective and consistent with national policy.**

1. Is the approach taken in the Plan sound, and:
  - a. Taken as a whole and in view of gaps in the Infrastructure Delivery Plan about project costings and timescales, what evidence supports a conclusion that the growth proposed by the Plan is deliverable when anticipated in terms of infrastructure capacity?
  - b. How has the availability of key public services influenced the selection of the preferred Spatial Strategy been considered?

## **Issue 3:**

### **Whether the Plan's approach to flood risk is justified, effective and consistent with national policy.**

1. Is the approach to assessing the nature, extent and level of flood risk robust for housing and employment site allocations justified through evidence and consistent with national policy?
2. How has flood risk influenced the selection of the preferred Spatial Strategy?
3. In terms of Policy NB7:
  - a. What is the basis of this policy approach?
  - b. Is it justified and consistent with national policy?
  - c. Should the policy set out the Drainage Hierarchy?
  - d. Are the thresholds for SuDS clear and justified?
  - e. Is the language of the policy, such as 'wherever possible'; 'likely to be successful'; 'should'; 'should wherever possible'; and 'should not', effective?
  - f. Are any modifications needed to Policy NB7 for soundness?

## **Matter 6: Green Belt**

(When responding to the questions please qualify your answers).

[Focus: Policies DS1, DS2]

Please Note: This issue concerns the principle and overall approach to the Green Belt. Detailed matters relating to individual site allocations and the specific implications for the Green Belt are dealt with in Matter 7.

**Issue: Whether the Plan's approach to Green Belt is positively prepared, justified, effective and consistent with national policy.**

### **Questions:**

1. What proportion of the District is currently designated as Green Belt? How would this change as a result of the proposals in the Local Plan? What proportion of new housing and employment proposed in the Plan would be on land currently designated as Green Belt?
2. The National Planning Policy Framework identifies that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries a strategic policy making authority should be able to demonstrate that it has fully examined all other reasonable options for meeting its identified need for housing. Have all opportunities to maximise the capacity on non-Green Belt land been taken? As such:
  - a. How has the Council sought to make as much use as possible of suitable brownfield sites and underutilised land?
  - b. Has the potential for development in the urban area, the use of previously developed land and increased densities been optimised including locations well served by public transport?
  - c. Has the Council assessed whether there is any realistic potential to accommodate some of the development needs of the district in other authority areas, reducing the need to alter the Green Belt? How has this been assessed/ investigated?
  - d. The need to promote sustainable patterns of development.

Where is this evidenced?

3. How has the assessment of Green Belt land informed the Local Plan and specifically proposals to alter the Green Belt to accommodate development needs?
4. How has the Council assessed the suitability of land parcels and their contribution towards the purposes of including land in the Green Belt?

5. Are there exceptional circumstances to alter the Green Belt in the district in principle? If so, what are they? If not, how could housing and employment requirements be met in other ways?
6. Are there exceptional circumstances to justify the release of Green Belt land for development in Tier 2, 3 or 4 settlements?
7. Do the Plan's strategic policies set out the scale and need for the release of land from the Green Belt as required in the National Planning Policy Framework?
8. Are all detailed amendments to boundaries to the Green Belt clear and addressed in the evidence?
9. Is the Council's approach of retaining Gypsy, Traveller and Travelling Showpeople sites within the Green Belt sound?
10. Should the Local Plan identify safeguarded land?
11. Are any amendments required to the wording of Policy DS1 for soundness?
12. Are the provisions of Policy DS2 on Green Belt Compensatory Improvements clear, justified and consistent with national policy and will it be effective?

## **Matter 7: Site Allocations**

(When responding to the questions please qualify your answers).

### **Issue 1: Site Allocations**

**Whether the preferred site allocations are positively prepared, justified, effective and consistent with national policy.**

[Focus: Policies MA1, SA1, SA2, SA3, SA4, SA5]

#### **Questions:**

1. In terms of the proposed planned housing and employment developments:
  - a. Is the spatial distribution of the allocations across the South Staffordshire area justified and is it consistent with the Spatial Strategy?
  - b. Has the identification and selection of the proposed site allocations been robustly evidenced and subject to robust, consistent and transparent methodologies, including in relation to the approach to existing committed sites?
  - c. Is the methodology for assessing the heritage impacts of site allocations robust and are the site-specific requirements for each site allocation consistent with it?
  - d. What evidence is there that education provision can be secured in a sustainable manner to support each of the housing allocations?
  - e. Is the approach of the Plan to air quality matters relating to planned growth sound?
  - f. For any site allocations with a known flood risk, how has that been considered, both in terms of assessing the capacity of the site and any measures necessary to manage the issue? Will the measures be effective and are they consistently applied across the relevant proposed allocations in the Plan?
  - g. The Council has set the requirements for each site allocation within appendix B. Is that approach effective? Are the key requirements for each site allocation justified and sufficiently clear?
  - h. Do the proposed allocations have a reasonable prospect of meeting the other relevant policies of the development plan? What evidence of this exists?
  
2. In terms of Policy MA1:
  - a. Is it clear what is meant by 'large scale' or 'complex applications'?
  - b. Is it clear how a Strategic Master Plan produced by an applicant will be agreed by the Council?
  - c. Are the requirements of the policy contained in clauses a-j clear and justified?
  - d. Are any amendments required to the Policy wording for soundness?

## Issue 2:

### Whether the preferred housing sites are justified, effective and consistent with national policy.

[Focus: Policy SA1, SA2, SA3, SA4]

Please note: In responding to the questions below the Council should identify and address specific key concerns raised in representations.

#### Questions:

1. For all preferred housing allocations please set out:
  - a. The background to the site allocation and how it was identified;
  - b. How the site contributes to delivering the spatial strategy;
  - c. Are the boundaries and extent of the site correctly identified;
  - d. The uses to be permitted;
  - e. The anticipated housing capacity of the site, how this was determined and is it justified;
  - f. For any mixed-use proposals within it, the estimated floorspace of non-residential uses;
  - g. How any relevant technical constraints have been assessed and whether any necessary effective mitigation is necessary;
  - h. Whether site specific requirements are necessary and whether they are proportionate, justified and appropriately address any technical constraints or requirements of other policies in the Plan;
  - i. Where applicable, evidence of whether the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the national policy approach to heritage will be met;
  - j. Evidence of the expected timescale and rate of development, and whether they are realistic;
  - k. The highways implications of the site, including accesses and the effect on the highway network;
  - l. The known necessary infrastructure dependencies and whether the assumptions relating to them and their delivery are reasonable and consistent with the delivery assumptions contained in the submitted housing trajectory.
  - m. How the necessary infrastructure requirements will be funded and delivered in line with anticipated delivery timeframes.
  - n. Clear evidence of whether the site is viable and developable at the scale of development expected within the plan period.
  - o. What is the situation with regards land ownership, land assembly and developer interest; and
  - p. Any modifications that are necessary for reasons of soundness.

In addition, for sites located in the Green Belt:

- q. What are the conclusions of the Green Belt Study in relation to the contribution of the site to the purposes of the Green Belt and the potential to alter the Green Belt in this location?

- r. How would the proposed release of land maintain the openness and permanence of the Green Belt?
- s. What would be the effect of developing the site on the purposes of the Green Belt?
- t. Are there exceptional circumstances to alter the Green Belt in this particular case? If so, what are they?
- u. What is the basis for the proposed Green Belt enhancements? Are they justified and appropriate and how will they be delivered?

### **Issue 3:**

#### **Whether the preferred employment sites are justified, effective and consistent with national policy.**

[Focus: Policy SA5]

#### **Questions:**

1. Are the allocations for employment development underpinned by a robust evidence base that reflects existing business needs?
2. How were different sites considered for inclusion as employment allocations?
  - a. What process did the Council follow in deciding which sites to allocate?
  - b. How did the Council consider the viability and deliverability of sites in deciding where to allocate development?
3. Are the employment site allocations identified as gross or net hectares?
4. Have site specific key requirements for each employment allocation been considered and identified within the Plan?
5. Are any modifications necessary for reasons of soundness?

## **Matter 8: Delivering the Right Homes**

(When responding to the questions please qualify your answers).

### **Issue 1:**

**Whether the Plan has been positively prepared and whether it is justified, based on up-to-date and reliable evidence, effective, consistent with national policy in relation to local housing needs.**

[Focus: Policies HC1, HC2, HC3, HC4, HC5, HC6, HC7, HC8, HC9]

### **Questions:**

1. Is the size, type and tenure of housing needed for different groups in the community assessed and reflected in the Plan, including the groups of society set out in the Framework?
2. In terms of Policy HC1:
  - a. What is the basis of this policy approach?
  - b. Is it justified and consistent with national policy?
  - c. What evidence is there to support the policy requirement that on major housing development sites the market housing must include a minimum of 70% of properties with 3 bedrooms or less?
  - d. Is the policy effective in explaining the circumstances that will lead to the refusal of planning permission?
  - e. Is the policy sufficiently flexible?
  - f. Is the policy effective in terms of the treatment of sites of less than 10 dwellings?
  - g. Are any modifications necessary in the interests of soundness?
3. In terms of Policy HC2:
  - a. What is the basis of this policy approach?
  - b. Is it justified and consistent with national policy?
  - c. Is the wording of the Policy effective in explaining what will be expected in different locations?
  - d. Are the density requirements justified? Are they evidenced based?
  - e. Is the policy sufficiently flexible?
  - f. Are any modifications necessary in the interests of soundness?
4. In terms of Policy HC3:
  - a. Is the policy justified and consistent with national policy?
  - b. Are the identified affordability needs in South Staffordshire clear?
  - c. What is the background to the policy and the evidence justifying it, including specific detailed thresholds?

- d. What are the past trends in affordable housing delivery in terms of completions and housing types? How is this likely to change in the future as a result of the policy?
- e. In the interests of effectiveness, is the development threshold to trigger the affordable housing requirement clearly set out in the policy?
- f. Are the expectations in terms of mix and tenure clearly set out in the policy?
- g. Are the terms of the local eligibility criteria and Vacant Building Credit which may be applied to schemes sufficiently clear and are they justified and effective?
- h. What evidence is there regarding the viability of delivering the policy requirements as part of market housing schemes. What does it show, and does it include an assessment in the context of other planning obligations and differing market conditions? Are the policy requirements justified in this context?
- i. How does the evidence demonstrate that the 30% requirement will be effective in maximising affordable housing provision in South Staffordshire?
- j. Given the stipulation that affordable provision should be made on site, is the plan sufficiently clear on what would happen if a case was made for off-site provision?
- k. Are any modifications needed to Policy HC3 for soundness?

5. In terms of Policy HC4:

- a. What is the basis of this policy approach?
- b. What evidence is there to justify the policy requiring homes for older people and others with special housing requirements?
- c. What evidence is there to justify the requirement that 100% of market and affordable housing must meet the higher access standards Part M4(2) Category 2: Accessible and adaptable dwellings of Building Regulations.
- d. What does the viability assessment of Policy HC4 say and is it robust?
- e. Is the policy sufficiently clear on whether, or not, all 4 types of housing to meet the needs of older and disabled people are required on major housing development sites?
- f. Is the policy sufficiently flexible to deal with circumstances where the range of general and specialist housing options required may not be appropriate for specific site-based reasons?
- g. Are any modifications necessary in the interests of soundness?

6. In terms of Policy HC5:

- a. What is the basis of this policy approach?
- b. Is it justified and consistent with national policy?
- c. Are the circumstances in which the policy would be applied sufficiently clear?
- d. Will the policy be effective in delivering specialist housing?
- e. Are any modifications necessary in the interests of soundness?



7. In terms of Policy HC6:
  - a. What is the basis of this policy approach?
  - b. Are the policy requirements justified, effective and consistent with national policy?
  - c. What evidence is there on the viability of rural exception sites for housing?
  - d. Is the permitted maximum 10% market housing justified to enable the delivery of rural exception housing?
  - e. Are any modifications necessary in the interests of policy soundness?
  
8. In terms of Policy HC7:
  - a. What is the basis of this policy approach?
  - b. Is Policy HC7 consistent with national policy?
  - c. Are the policy requirements justified and effective?
  - d. What evidence is there on the viability of First Homes exception sites? Is the permitted maximum 10% market housing justified to enable the delivery of First Homes Exception Sites?
  - e. Are any modifications necessary in the interests of soundness?
  
9. In terms of Policy HC8:
  - a. What is the basis of this policy approach?
  - b. Is the policy consistent with national policy?
  - c. What is the current level of need for self-build and custom housebuilding in the district?
  - d. How many self-build and custom house build units is the policy expected to deliver?
  - e. Are the requirements of the policy sufficiently clear?
  - f. Is the requirement to agree a design code justified?
  - g. What is the evidence on the viability of Policy HC8? What does it say and is it robust?
  - h. Is 12 months an appropriate revision time if plots are unsold? What evidence is there to support this?
  - i. Will the policy negatively impact the delivery of major housing sites?
  - j. Does the policy apply allocated housing sites and if so what evidence is there to support the delivery of this approach?
  - k. Is the policy sufficiently flexible?
  - l. Should the Council identify specific sites for self-build and custom housebuilding?
  - m. Are any modifications necessary in the interests of soundness?
  
10. In terms of addressing the needs of Gypsies, Travellers and Travelling Showpeople in Policy HC9:
  - a. Is the approach justified, consistent with national policy, positively prepared and effective?

- b. Have the accommodation needs of Gypsies, Travellers and Travelling Showpeople been robustly assessed?
  - c. In terms of planning to meet their future housing needs, are the findings of that primary research still valid for the plan period?
  - d. Does the Plan respond appropriately to the needs of Gypsies in view of the most recent judgement *Smith v Secretary of State* [2022] EWCA Civ 1391 dated 31 October 2022 regarding the interpretation of Planning Policy for Traveller Sites and the application of that policy to Gypsies and Travellers who have ceased to pursue a nomadic lifestyle? Is any modification required to reflect this and the requirements of the relevant Planning Policy for Traveller Sites?
  - e. Is the proposed approach to the provision of pitches and plots justified and effective and would it be deliverable?
  - f. Does the Plan respond to the needs of other members of the travelling community, including where relevant Travelling Show People and river dwellers?
  - g. What process and methodology did the Council use to identify and determine which sites to allocate? Is the approach sound?
  - h. Has the need for any transit sites within the District been considered and where appropriate addressed?
  - i. Are the policy requirements for windfall proposals justified and will it be effective in addressing the shortfall in future provision over the plan period?
  - j. Are any modifications necessary in the interests of soundness?
11. Taking each site in turn, are the proposed site allocations for Gypsies, Travellers and Travelling Showpeople justified? What evidence exists to demonstrate their deliverability?

## **Matter 9: Housing Land Supply**

(The Council has requested that their predicted 5-year deliverable housing land supply position on adoption is confirmed through the examination process).

(Following submission of the Plan for examination the Council has published evidence relating to the housing land supply, including their detailed housing trajectory. The documents are available to view in the examination library. Respondents should refer to these documents in answering the following questions).

(When responding to the questions please qualify your answers).

### **Issue 1:**

**On the premise that the housing requirement is sound, whether the Local Plan is justified, effective and consistent with national policy in relation to demonstrating the housing land supply position throughout the plan period.**

### **Questions:**

1. What is the relevant 5-year period on adoption and what is the 5-year housing land requirement?
2. Does the trajectory identify the components of housing land supply across the plan period with sufficient clarity? Is it based on up-to-date evidence?
3. For each of the following sources of housing land supply for the whole plan period in turn, what are the assumptions about the overall scale, lead in times, lapse rates, timing and annual rates of delivery? What is the basis for these assumptions, are they realistic and justified and supported by evidence:
  - a. Sites with planning permission and under construction;
  - b. Sites with planning permission and not started (split by outline and full permissions);
  - c. Sites identified in land availability assessments;
  - d. Sites identified in the brownfield register and with Permission in Principle;
  - e. Adopted development plan housing allocations without planning permission; and
  - f. Windfall sites.
4. Based on the housing trajectory, how many dwellings are expected to be delivered in the first 5 years following adoption of the Local Plan? How many dwellings would come from each source of supply?
5. Are the assumptions about deliverability realistic, including where there is a reliance on significant strategic infrastructure?
6. Does the evidence demonstrate that at least 10% of the housing requirement set out in the Plan would be delivered on smaller sites?

7. What assessment has been made of any potential impacts on delivery of small sites in South Staffordshire?
8. Where sites in the housing trajectory do not have planning permission is there clear evidence that housing completions will begin within 5 years?
9. What is the compelling evidence to show that windfall sites will provide a reliable source of supply as anticipated in the Plan?
10. Does the Plan provide appropriate contingency to ensure a sufficient pipeline supply of homes? What flexibility is there within the Local Plan should some of the housing allocations not come forward in line with the expected timescales?
11. Does the evidence demonstrate that the Plan, taken together with completions, commitments and allocations in the existing development plan for the area, and windfall allowance will provide:
  - a. A 5 year supply of deliverable housing land on adoption of the Local Plan?
  - b. A supply of specific, developable or broad locations for growth for years 6-10 and, wherever possible years 11-15 of the plan period?
12. Has a trajectory been produced to demonstrate a 5 year supply of Gypsy, Traveller and Travelling Showpeople been prepared?
13. What is the implication of the proposed shortfall in supply of site provision for Gypsy, Traveller and Travelling Showpeople and how can this be addressed?
14. Are any modifications required to either trajectory and, if so, would other modifications be necessary to the Plan?

## **Matter 10: Design and Space Standards**

(When responding to the questions please qualify your answers).

### **Issue 1:**

**Whether the approach of the Plan to design and space standards is justified, effective and consistent with national policy.**

[Focus: Policies HC10, HC11, HC12, HC13]

### **Questions:**

1. In terms of Policy HC10:

- a. What is the basis for the policy approach?
- b. Are the requirements of achieving high quality designed developments justified by appropriate evidence having regard to national guidance and local context?
- c. Is the policy sufficiently flexible?
- d. Are any modifications necessary in the interests of soundness?

2. In terms of Policy HC12:

- a. What is the basis for the policy approach?
- b. Is there justification for the use of the Nationally Described Space Standard in Policy HC12 in terms of evidence of need and viability?
- c. What is the basis for i. the external space requirements and ii. the distances between dwellings in Policy HC12 and are they justified?
- d. Is Policy HC12 sufficiently flexible with regards space standards and distances between dwellings?
- e. Overall, is Policy HC12 effective, justified and consistent with national policy?
- f. Are any modifications necessary in the interests of soundness?

3. In terms of Policy HC13:

- a. What is the basis of this policy approach?
- b. Is it justified and consistent with national policy?
- c. In terms of the policy requirements as they relate to electric vehicle charging facilities, do they simply repeat building regulations, and if so, is it necessary? If not, what does the policy add, over and above current Building Regulations?
- d. Are any modifications necessary in the interests of soundness?

## **Matter 11: Promoting Successful and Sustainable Communities**

(When responding to the questions please qualify your answers).

### **Issue 1:**

**Whether the approach of the Plan to promoting successful and sustainable communities is justified, effective and consistent with national policy.**

[Focus: Policies HC14, HC15, HC16, HC17, HC18, HC19]

### **Questions:**

1. In terms of Policy HC14:

- a. What is the basis for the policy approach?
- b. How have the health impacts of the Plan been assessed and dealt with?
- c. Is the policy justified, effective and consistent with national policy?
- d. Are any modifications necessary in the interests of soundness?

(Please note: Education contributions towards individual site allocations will be considered in Matter 7).

2. In terms of Policy HC15:

- a. What is the basis for the policy approach?
- b. Does the policy make it sufficiently clear to developers what are the expected education provision requirements?
- c. Are there any thresholds that should be applied to the policy?
- d. What types of development should be subject to the policy requirements?
- e. Is the policy justified, effective and consistent with national policy?
- f. Are any modifications necessary in the interests of soundness?

3. In terms of Policy HC16:

- a. What is the basis of this policy approach?
- b. Is it justified and consistent with national policy?
- c. Should the policy enable demolition of existing buildings where they are surplus to requirements?
- d. Are any modifications necessary in the interests of soundness?

4. In terms of Policy HC17:

- a. What is the basis of this policy approach?
- b. Is it justified and consistent with national policy?

- c. What evidence is there to support the policy requirement to provide 0.006 hectares of multi-functional publicly accessible open space per dwelling?
- d. What evidence is there to support the requirement that development generating a need for i. 0.2ha of open space or more should provide the open space on site and ii. that sites of between 10 and 32 dwellings are required to provide an offsite financial contribution equivalent to the amount of open space that would otherwise be required on-site?
- e. Is the reference to smaller areas of incidental green infrastructure not forming part of the on-site open space standard justified?
- f. Should new developments catering for older people be excluded from the requirements of the policy?
- g. How effective is the policy and on what basis is this view taken?
- h. Are any modifications necessary in the interests of soundness?

5. In terms of Policy HC18:

- a. What is the basis of this policy approach?
- b. How has the available evidence informed the policy requirements? Is the evidence comprehensive?
- c. The policy supports the development or improvement of new playing fields and sports facilities where it accords with the latest Sport Facilities and Playing Pitch Strategies. Is this justified and effective?
- d. The policy says that the Council will prepare an Open Space, Sport and Recreation Supplementary Planning Document (SPD). Is the policy effective in the absence of that document? Should the policy provide more detail on the scope and remit of the Open Space, Sport and Recreation SPD?
- e. Is reference to the preparation of an SPD a policy requirement or a statement that should be included in the supporting text?
- f. Are any modifications necessary in the interests of soundness?

## **Matter 12: Building a Strong Local Economy**

(When responding to the questions please qualify your answers).

[Focus: Policies EC1, EC2, EC3, EC4, EC5, EC6, EC7]

### **Issue 1:**

**Whether the approach of Policy EC1 to sustainable employment growth is justified, effective and consistent with national policy.**

#### **Questions:**

1. In terms of being justified and consistent with national policy:
  - a. What is the basis for this policy approach?
  - b. Is the proposed employment land strategy justified through robust evidence and is it consistent with the Spatial Strategy and the National Planning Policy Framework?
  
2. In terms of being effective:
  - a. How does the employment land strategy adequately recognise the economic impacts of housing delivery?
  - b. How will the preferred employment land strategy be effective in meeting the range of identified quantitative and qualitative employment needs of the district for the plan period in a sustainable way?
  - c. How will the preferred employment land strategy promote sustainable travel patterns, including from planned housing growth within the plan period and commuting patterns with neighbouring areas?
  - d. Should Policy EC1 provide clear criteria to determine the acceptability of specific proposals on employment land within the district?
  - e. How does the Plan address employment development on unallocated sites?
  
3. Are any modifications necessary in the interests of soundness of the Plan?

### **Issue 2:**

**Whether the approach of Policy EC2 to the retention of employment sites is justified, effective and consistent with national policy.**

#### **Questions:**

1. In terms of being justified and consistent with national policy, what is the basis for this policy approach?



2. In terms of being effective:
  - a. Does the title adequately reflect the scope of Policy EC2 in so far as it extends to individual premises beyond employment allocations?
  - b. Does Policy EC2 clearly set out the circumstances where alternative uses on existing unallocated employment sites and employment allocations will be permitted?
  - c. Are the marketing requirements to justify the loss of existing employment sites and premises to other uses clear? Should they be proportionate to the importance of the site to the local economy and if so, how will that importance be consistently determined?
3. Are any modifications necessary in the interests of soundness?

### **Issue 3:**

#### **Whether the approach of Policy EC3 to employment and skills is justified, effective and consistent with national policy?**

#### **Questions:**

1. In terms of being justified and consistent with national policy:
  - a. What is the basis for this policy approach?
  - b. What engagement has been undertaken with the development industry to understand their business models relative to the policy requirements?
  - c. How are the thresholds set out in Policy EC3 justified; has their effect on the viability of a scheme and its delivery been tested?
  - d. How does Policy EC3 perform against the provisions of the Equality Act (2010?)
2. In terms of being effective:
  - a. Are the circumstances for when Policy EC3 will be triggered clear? Do these extend to changes of use and additional floorspace in addition to new provision? Are the exemptions referred to in paragraph 10.9 of the supporting text sufficiently clear?
  - b. What is the status of the county-based Employment Skills Framework? In the absence of reference being made to it or any other guidance, are the requirements of Policy EC3 sufficiently clear for both employment and housing development so that they may be applied consistently?
3. Are any modifications necessary in the interests of soundness?

#### **Issue 4:**

**Whether the approach of Policy EC4 to the rural economy is justified, effective and consistent with national policy?**

#### **Questions:**

1. In terms of being justified:
  - a. What is the basis for this policy approach?
  - b. How will the acceptability of the proposal relative to the tier and scale of the settlement be consistently determined, and is that approach clear and justified?
  
2. In terms of being effective:
  - a. How does the policy address rural windfall developments beyond defined settlement boundaries relating to both new and existing businesses?
  - b. Are the policy criteria consistent with one another?
  - c. Is the inclusion of criteria on the conversion and re-use of rural agricultural buildings consistent with Policies EC5 and EC6?
  
3. In terms of being consistent with national policy:
  - a. Is the policy approach consistent with the National Planning Policy Framework?
  - b. Is the policy criteria consistent with the heritage approach of the National Planning Policy Framework?
  - c. Are any modifications necessary in the interests of soundness?

#### **Issue 5:**

**Whether the approach of Policy EC5 to tourism accommodation proposals is justified, effective and consistent with national policy.**

#### **Questions:**

1. In terms of being justified:
  - a. What is the basis for this policy approach?
  - b. The policy criteria read as an inclusive list; how will criterion (h) regarding landscaping be relevant in all instances?
  - c. Is the trigger for the business plan requirement sufficiently clear and is this relevant for all forms of tourism accommodation proposals?
  - d. Is the policy requirement concerning change of use to residential consistent with the Spatial Strategy where the proposal relates to an existing building located within a defined settlement?

2. In terms of effectiveness:
  - a. Should there be a clearer distinction between the approach to conversions of existing buildings and additional new units of accommodation, and how is the approach consistent with Policy EC4?
  - b. Where are the thresholds for small and large-scale proposals defined?
  - c. How will the acceptability of the proposal relative to the size of the settlement be determined? In view of criteria (b) and (c) is that policy requirement necessary?
  
3. In terms of consistency with national policy:
  - a. How are the requirements of criteria (c) and (d) consistent with Policy NB8 and the national policy on heritage?
  - b. How is criterion (f) consistent with the national policy approach to best and most versatile land?
  
4. Are any modifications necessary in the interests of soundness?

#### **Issue 6:**

#### **Whether the approach of Policy EC6 to rural workers dwelling proposals is justified, effective and consistent with national policy.**

#### **Questions:**

1. In terms of being justified and consistent with national policy what is the basis of this policy approach?
  
2. In terms of being effective:
  - a. Does the requirement that the dwelling 'should' be of a temporary nature for the first 3 years imply that there may be exceptions to this?
  - b. Is it sufficiently clear as to whether the policy criteria in part 1 are triggered for the consideration of a proposed temporary dwelling in the first instance?
  - c. How is provision made in the policy for assessing a proposal for further rural worker accommodation where such provision already exists?
  - d. Is it clear what evidence will be required to demonstrate need and viability for the purposes of Part 1 of the policy? Should both requirements be verified by an independent party?
  - e. Is criterion 1(e) sufficiently specific?
  - f. Is the scope of what constitutes a "rural worker" clear in the policy?
  - g. Should the scope of Part 2 of the policy be broadened to cover "other rural industries"?

- h. Should the functional, financial and marketing assessments of evidence supporting applications being considered under Part 2 be subject to independent verification?
  - i. Is the “reasonable period” requirement in Part 2 (c) clearly defined?
3. Are any modifications necessary in the interests of soundness?

**Issue 7:**

**Whether the approach of Policy EC7 to equine related development proposals is justified, effective and consistent with national policy.**

**Questions:**

1. In terms of being justified and consistent with national policy what is the basis of this policy approach?
2. In terms of being effective:
  - a. How does the policy respond to changes of use of land?
  - b. Should the scope of the policy extend to equine development that is not within open countryside?
  - c. Should the scope of criterion (a) extend to proposals other than buildings? If so, is criterion (e) superfluous?
  - d. How will the proportionality requirement set out in criterion (c) be measured?
  - e. Should criterion (d) set out the specific types of designations referred to and if so, what are they?
  - f. How is the scope of what constitutes “larger scale equine enterprises” clear?
  - g. Do the policy criteria cover all relevant considerations? Should it extend to requiring lighting effects, security and animal welfare measures to be evidenced?
  - h. Is the term “located close to the bridleway network” required by criterion (f) clear for the purposes of assessing proposals against this policy?
  - i. Do the final 2 sentences of the policy provide unnecessary repetition?
3. Are any modifications necessary in the interests of soundness?

## **Matter 13: Community Services, Facilities and Infrastructure**

(When responding to the questions please qualify your answers).

[Focus: Policies EC8, EC9, EC10, EC11, EC12 and EC13]

### **Issue 1:**

**Whether the approach of Policy EC8 to retail development proposals is justified, effective and consistent with national policy.**

#### **Questions:**

1. In terms of being positively prepared, justified and consistent with national policy what is the basis of this policy approach?
  - a. Is the methodology and recommendations of the Retail Centres Study 2021 robust?
  - b. Are the boundaries of all town centres justified and clearly defined, including any proposed alterations?
  - c. How has appropriate provision been made to meet the requirements for both comparison and convenience shopping needs arising during the plan period given the existing 68% leakage in convenience spending to outside of the district?
  - d. How have the net floor space thresholds for convenience and comparison goods proposals been derived; and are they robust?
  - e. How is the case-by-case approach to defining catchment areas for a sequential test and impact assessment justified?
  - f. Is it clear whether the net floorspace requirements for the provision of impact assessments will apply to Strategic Development Locations? How have the potential effects of the retail proposals for sites allocated by Policies SA1 and SA2 on nearby local centres been assessed in the absence of any specific floor space requirements?
  
2. In terms of being effective:
  - a. In what ways does the policy maintain and enhance the vitality and viability of the network of centres across the district?
  - b. How and where will the public realm enhancements, parking provision, highways measures and transport infrastructure specified be delivered?
  - c. How will the requirements set out in the third paragraph be assessed?
  - d. Are the land and properties falling within the Designated Centres clearly defined on the Policies Map; and how are they justified?
  - e. Where are the terms “other Main Town Centre Uses” and “retail uses” defined and how do these relate to Class E uses?
  - f. Is the third paragraph of the Designated Centres section of the policy superfluous in view of the requirements of Policies SA1 and SA2?

- g. How will the concentration of “other non-E class uses”, including residential uses be consistently assessed when applying this policy?
  - h. Should the policy be clearer on the relevant aspects of amenity that will be assessed in respect to hot food takeaway proposal, and how will the effect on existing amenity levels and cumulative impacts be consistently assessed in the absence of specific, measurable criteria?
3. Are any modifications necessary in the interests of soundness?

**Issue 2:**

**Whether the approach of Policy EC9 to protecting community services and facilities is justified, effective and consistent with national policy.**

**Questions:**

1. In relation to Policy EC9:
  - a. What is the basis of this policy approach and is it justified and consistent with national policy?
  - b. Is the scope of uses falling within this policy justified and consistent with national policy?
  - c. Is the policy approach justified in respect to health care provision?
  - d. Are any modifications necessary in the interests of soundness?

**Issue 3:**

**Whether the approach of Policy EC10 to the Wolverhampton Halfpenny Green Airport is justified, effective and consistent with national policy.**

**Questions:**

1. In relation to Policy EC10:
  - a. What is the basis of this policy approach, and is it justified and consistent with national policy?
  - b. To what extent does the policy strike an appropriate balance between the national approach to Green Belt and the future needs of the aero industry in terms of the types and locations of development that will be supported?
  - c. What justification, if any, is there for the ‘existing developed area’ of the airport defined on Inset Plan 43?
  - d. What justification, if any, is there for a policy requirement for a comprehensive site-wide masterplan to be prepared to guide future development of the existing airport buildings and land?
  - e. Are any modifications necessary in the interests of soundness?

#### **Issue 4:**

**Whether the approach of Policy EC11 to infrastructure is justified, effective and consistent with national policy.**

#### **Questions:**

1. In terms of Policy EC11:
  - a. What is the basis of this policy approach, and is it justified and consistent with national policy?
  - b. Is the approach of Policy EC11 justified and is it consistent with the preferred infrastructure led strategy that focuses development towards larger and better-connected settlements? What evidence exists to demonstrate that the effects of the planned growth on local infrastructure capacity have been identified; fully considered; and can be adequately mitigated by the developer?
  - c. To what extent does Policy EC11 provide sufficient clarity on when each of the relevant infrastructure requirements are triggered; how these will be calculated; and how they will be secured, so that Policy EC11 can be satisfied?
  - d. In terms of effectiveness, is the penultimate sentence of the policy up to date?
  - e. How has the capacity of the National Grid to support the planned growth during the Plan period been assessed and how are any deficiencies addressed?
  - f. To what extent is Policy EC11 consistent with Policies EC9, EC12 and EC15?
  - g. Are any modifications necessary in the interests of soundness?

#### **Issue 5:**

**Whether the approach of Policy EC12 to sustainable transport provision is justified, effective and consistent with national policy.**

#### **Questions:**

1. In terms of Policy EC12:
  - a. What is the basis of this policy approach, and is it justified and consistent with national policy?
  - b. Is the approach to securing sustainable transport and any proposals to achieve this clearly set out in policy?
  - c. To what extent are the policy criteria aligned with planned housing and employment proposals to minimising future trip generation levels?
  - d. Is the policy consistent with the national approach in terms of the circumstances where mitigation and travel plans will be necessary? Is there sufficient flexibility in terms of its approach to differentials in accessibility between rural and urban areas?

- e. Is the policy requirement for all new developments to adhere to LTN 120 justified? How have the implications, if any, of this on the delivery of planned housing and employment growth been considered?
- f. Should the policy refer to the Local Transport Plan?
- g. How could criterion (e) be amended to ensure it is clear in its scope and intent?
- h. Are any modifications necessary in the interests of soundness?

**Issue 6:**

**Whether the approach of Policy EC13 to broadband proposals is justified, effective and consistent with national policy.**

**Questions:**

1. In terms of Policy EC13:
  - a. What is the basis of this policy approach, and is it justified and consistent with national policy?
  - b. Should Policy EC13 be clearer on the scope of uses that will trigger this policy?
  - c. Are any modifications necessary in the interests of soundness?



## **Matter 14: Protecting and Enhancing the Natural Environment**

(When responding to the questions please qualify your answers).

### **Issue 1:**

#### **Whether the approach of the Plan to the natural environment is justified, effective and consistent with national policy**

[Focus: Policies NB1, NB2, NB3 and NB4]

#### **Questions:**

1. In terms of Policy NB1:
  - a. What is the basis of this policy approach, and is it justified and consistent with national policy?
  - b. What is the difference between 'valued soils' and 'best and most versatile land' for the purpose of interpreting this policy? Is the policy approach to soils justified and consistent with national policy?
  - c. Is the policy consistent with national policy and the Habitat Regulations (2017) in relation to SSSIs and other nationally designated sites?
  - d. Is the precautionary approach to non-designated sites justified and consistent with national policy?
  - e. Is the policy requirement for the submission of details in instances where the protected species mitigation licencing regime is triggered justified? What effect, if any, would there be on the speed of decision taking?
  - f. What is the policy approach to local Biological Alert Sites and is this justified and consistent with national policy?
  - g. Are any modifications necessary in the interests of soundness?
  
2. In terms of Policy NB2:
  - a. What is the basis of this policy approach, and is it justified and consistent with national policy?
  - b. Does the policy simply repeat national policy and legislation, and if so, is it necessary?
  - c. What is the current progress and status of the Local Nature Reserve Strategy and Supplementary Planning Document proposed by the Council? Is the supporting text up to date? In the absence of either of these documents is the policy justified, can the policy be applied and are the criteria sufficiently clear on what is required of the developer?
  - d. Is the biodiversity net gain requirement of 10% and the timescale for securing and managing gains justified, including through viability evidence and consistent with national policy?
  - e. Is the policy sufficiently clear on the instances where off-site biodiversity net-gain will be permissible and when post-development value needs to be demonstrated?

- f. What certainty is there that appropriate biodiversity units could be secured off-site near the development site in instances where they cannot be delivered on site?
- g. Is the policy clear on the mitigation measures for “Red” listed bird species and roosting bats?
- h. Is it the intention that all development must comply with this policy and if so, is that approach justified and consistent with national policy and the Biodiversity Gains Requirements (Exemptions) Regulations 2024?
- i. Are any modifications necessary in the interests of soundness?

3. In terms of Policy NB3:

- a. What is the basis of this policy approach, and is it justified and consistent with national policy and the Habitat Regulations (2017)?
- b. Is the ‘Guidance to Mitigation Note’ referred to in the supporting text and policy a strategic mitigation strategy that has been agreed with Natural England? If so, what status does this strategy currently have?
- c. Should the final sentence of the first paragraph of this policy be strengthened, and if so, how?
- d. What is meant by the penultimate sentence of the policy in terms of its reference to implementation jointly with neighbouring authorities? Is it clear how the cumulative effects of other schemes, including those beyond the district should be regarded?
- e. Are any modifications necessary in the interests of soundness?

4. In terms of Policy NB4:

- a. What is the basis of this policy approach, and is it justified and consistent with national policy, given that the National Planning Policy Framework does not advocate nil harm, and the development of any undeveloped site will have a degree of visual effect?
- b. Is the evidence base to be relied upon for the purposes of applying this policy sufficiently clear?
- c. Is the policy approach to hedgerows and trees not defined as ‘irreplaceable habitats’ justified and consistent with national policy?
- d. Are any modifications necessary in the interests of soundness?

## **Matter 15: Climate Change and Sustainable Development**

(When responding to the questions please qualify your answers).

### **Issue 1:**

**Whether the Plan is justified, effective and consistent with national policy in relation to climate change.**

[Focus: Policies NB5, NB6A, NB6B, NB6C and NB7]

### **Questions:**

1. In terms of Policy NB5:

- a. What is the basis of the scope and approach of this policy, and is it justified and consistent with national policy?
- b. How will the policy be effective in addressing climate change?
- c. Are any modifications necessary in the interests of soundness?

2. In terms of Policy NB6A:

- a. What is the background to the local approach to operational energy performance set out in Policy NB6A and what is the evidence to justify it?
- b. What does the policy add, over and above current Building Regulations to addressing climate change?
- c. Given the efforts to decarbonise the national grid, is the policy approach justified?
- d. Is Policy NB6A consistent with the parameters set out in the Written Ministerial Statement on Energy Efficiency (December 2023) in terms of:
  - i. the proposed target levels;
  - ii. the robustness of the submitted evidence supporting any proposed uplift;
  - iii. how the proposed targets are expressed within policy;
  - iv. the viability implications on future development proposals, including when assessed cumulatively with other development plan policy requirements;
  - v. providing flexibility to respond to the viability findings of individual schemes?
- e. What evidence supports the targets set out in A1, A2 and A3 of the policy?
- f. Has the potential for any unintended consequences of the policy requirements on matters including heritage, design, appearance and living conditions been explored?
- g. Are the circumstances where measures are unfeasible, and offsetting is triggered sufficiently clear?
- h. Is the approach of including an offsetting requirement for unregulated emissions justified?
- i. Has the policy been the subject of a viability assessment? Are the viability assumptions about the cost of offsetting relative to on-site measures robust?

As currently worded, how does the policy secure the delivery of an appropriate level and means of offsetting?

- j. For the purposes of interpreting part A5 of the policy, is it clear what is meant by “assured performance method”?
- k. What barriers, if any, exist in terms of fulfilling the requirement for post occupation evaluation required by part A7 of the policy?
- l. Should the Policy distinguish between full, outline and reserved matters applications?
- m. Could the policy have any unintended consequences?
- n. Are the caveats in A1 and A3 effective in providing certainty?
- o. Are any modifications necessary in the interests of soundness?

3. In terms of Policy NB6B:

- a. What is the background to the local approach to operational energy performance set out in Policy NB6B and what is the evidence to justify it? What does the policy add over and above current Building Regulations to addressing climate change?
- b. Is Policy NB6B consistent with the parameters set out in the Written Ministerial Statement on Energy Efficiency (December 2023) in terms of:
  - i. The proposed target levels;
  - ii. The robustness of the submitted evidence supporting any proposed uplift;
  - iii. How the proposed targets are expressed within policy;
  - iv. The viability implications on future development proposals, including when assessed cumulatively with other development plan policy requirements, in terms of the effect on the delivery of future housing units, including affordable homes; and
  - v. Providing flexibility to respond to the viability findings of individual schemes?
- c. Are the targets included within the policy justified and achievable, bearing in mind the potential for site specific and viability constraints?
- d. How has flexibility been built into this policy to cater for a scenario where measures are technically infeasible?
- e. Should the Policy distinguish between full, outline and reserved matters applications?
- f. What barriers, if any, exist in terms of fulfilling the requirement for post occupation evaluation required by part B6 of the policy?
- g. Are any modifications necessary in the interests of soundness?

4. In terms of Policy NB6C:

- a. What is the basis of this policy approach, and is it consistent with national policy? What does the policy add over and above current Building Regulations to addressing climate change?
- b. What is the evidence justifying it and the targets set?

- c. Are the policy requirements sufficiently clear in the absence of an associated supplementary planning document?
- d. Should the requirement for an Energy Statement set out in paragraph 13.15 of the Plan be set out in the policy?
- e. Is the Written Ministerial Statement on Energy Efficiency (December 2023) relevant to this local approach to embodied carbon reduction? If so, is Policy NB6C consistent with the parameters set out in that Statement and if not, why is this?
- f. Are proposed thresholds and targets clearly expressed in policy and are they justified through robust evidence?
- g. How will the policy respond to scenarios relating to abnormal or unavoidable site-specific drivers of carbon?
- h. Are any modifications necessary in the interests of soundness?

## **Matter 16: Enhancing the Historic Environment**

(When responding to the questions please qualify your answers).

### **Issue 1:**

**Whether the Plan is justified, effective and consistent with national policy in relation to the historic environment.**

[Focus: Policies NB8 and NB9]

### **Questions**

1. In terms of Policy NB8:
  - a. What is the basis of the approach to this policy, and is it justified and consistent with national policy?
  - b. Does the policy clearly distinguish between designated and non-designated heritage assets?
  - c. Does the policy set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats?
  - d. Are the heritage assets and/ or their settings potentially affected by the planned growth in the Plan clearly identified?
  - e. Have any potential effects been assessed and reported upon in a clear and consistent way, which demonstrates an effective understanding of their significance?
  - f. How have any objections raised by Historic England to the Plan been considered and/ or addressed?
  - g. Are any main modifications necessary in the interests of soundness?
  
2. In terms of Policy NB89;
  - a. What is the basis of the approach to this policy, and is it justified and consistent with national policy?
  - b. Are any main modifications necessary in the interests of soundness?

## **Matter 17: Delivery and Monitoring**

(When responding to the questions please qualify your answers).

Note - Answers to questions in this Matter, particularly around infrastructure provision, will also be informed by detailed discussions about deliverability of specific allocations and the spatial strategy under other matters.

### **Issue:**

**Whether the effectiveness of the Plan, in terms of delivery of its proposals and any consequences of that, can be measured.**

### **Questions**

1. How has viability been considered in plan preparation? Is there a proportionate assessment of plan viability? Is it sufficiently flexible to respond to relevant changes which may occur during the plan period?
2. In terms of infrastructure requirements and delivery:
  - a. At an overall plan level, have the all the relevant infrastructure needs been identified, along with appropriate consideration of associated delivery risks and the mechanisms that will be used for delivery?
  - b. Are the details regarding infrastructure delivery in the Infrastructure Delivery Plan consistent with the supporting evidence base?
  - c. Does the Plan set out the contributions for planning obligations expected from development for infrastructure and is it in accordance with the National Planning Policy Framework?
  - d. Does the Plan provide a justified, clear and sufficiently detailed approach to funding infrastructure provision?
  - e. Does the Council have an adopted up-to-date Community Infrastructure Charging Schedule, and if so, does it have any implications for the soundness of the Plan?
  - f. Do key infrastructure dependencies align, are they sufficiently understood and how will they be reasonably managed? If not, what are the implications for the soundness of the Plan?
3. In terms of how the Plan will be monitored:
  - a. Do the proposed indicators provide adequate coverage across each of the policies of the Plan?
  - b. Is each indicator clear, relevant and measurable in the absence of any contextual indicators, targets and triggers within the monitoring framework?
  - c. Are there any barriers to securing the relevant monitoring arrangements?
  - d. Are any modifications needed to the monitoring framework to ensure that the Plan is effective?

END