EXAMINATION OF THE SOUTH STAFFORDSHIRE LOCAL PLAN

HEARING STATEMENT FROM PlanIT
PLANNING AND DEVELOPMENT LTD ON
MATTERS, ISSUES AND QUESTIONS



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Abbreviations used in this Statement:

SSDC. South Staffordshire District Local Plan.

SSLP. South Staffordshire Local Plan-Publication Plan 2024.

SAD. Site Allocations Document 2018.

GBBCHMA. Greater Birmingham and Black Country Housing Market Area.

Matter 4. Development Needs and Requirements.

(Q5) The Housing Requirement figure includes an additional 640 dwellings to contribute towards the unmet needs to the Greater Birmingham and the Black Country Housing Market Area. Is this justified?

It is noted that the South Staffordshire Local Plan (SSLP) includes a significantly reduced housing requirement compared to the figure which was included in the November 2022 published R19 version. This downward revision of the housing target is because SSDC seeks to exploit the greater flexibilities in December 2023 NPPF in terms of its approach to the release of Green Belt land to accommodate needs.

The Local Plan as submitted sets out in the spatial strategy, and at paragraph 5.14, that it takes a constraints-based approach that seeks to deliver 262 homes per annum in recognition of the constraints in the area, including Green Belt. Such an approach appears to accord with paragraph 145 of the December 2023 National Planning Policy Framework (the Framework) which states "Once established, there is no requirement for Green Belt boundaries to be reviewed when plans are being prepared or updated". However, the spatial strategy which has been pursued does not address or alter the need or supply shortfall across the wider GBBCHMA. On this matter, we tend to agree with the position which has been taken by Walsall MBC (reference: SOCG between Walsall MBC and SSDC dated September 2024). The need for changes to Green Belt boundaries should be established by the evidence of housing need at a strategic level, and there has been no demonstrable change in the evidence to justify exceptional circumstances for a reduction in the housing requirement. Like Walsall MBC, we are not persuaded that there are 'exceptional circumstances' in SSDC which justify an alternative approach to assessing housing need.

With reference to the Duty to Cooperate (Dtc), paragraph 26 of the same Framework states "Effective and ongoing joint working between strategic plan making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should determine whether development needs that cannot be met wholly within a particular plan area could be met elsewhere".

The published position on the Dtc is set out in the Duty To Cooperate Topic Paper December 2024 (DC 1). It shows that there are substantive disagreements around the SSLP's approach to dealing with the wider unmet housing needs. The Topic Paper summarizes the progress which has been made to reach an agreed position with the neighbouring Councils across the GBBCHMA. No conclusive agreements have been reached with many of the Councils within the wider HMA on the issue of distributing unmet housing needs. The table at page 5 of CD DC1 summarizes those Councils' positions:

- Birmingham City Council: Are disappointed that the levels of housing contributions have been significantly reduced from the 4,000 dwellings previously proposed.
- Cannock Chase District Council has some concerns with regard to the wording around the validity of the joint evidence base.

- Dudley MBC consider that the identified 10% plan flexibility should also be contribution to the unmet needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA).
- Lichfield District Council welcomes the contribution of 640 dwellings towards unmet need within the wider HMA, however they caveat that support by saying that the reduced level of contribution will need to be robustly evidenced and justified in the context of the emerging unmet housing needs within the GBBCHMA.
- North Warwickshire Borough Council says that the Local Plan Review does not
 adequately address the unmet need in relation to the housing shortfall for the
 Greater Birmingham and Black Country housing market area. The resulting major
 reduction in the housing proposed to address that unmet need within the latest Reg
 19 Publication Plan, will have an impact on the level of unmet need remaining
 overall, increasing pressure on other adjoining authorities.
- Sandwell Metropolitan Borough Council. Notes that the SSLP will not be considered sound (in terms of being positively prepared and effective) unless and until SoCG are agreed with relevant parties. The Council notes that additional 640 dwellings which are built into the Local Plan's strategy to meet the unmet housing needs in the wider HMA, but its statement does not go as far as supporting the figure.
- Walsall MBC consider that the proposal in the plan to reduce the number of homes proposed to contribute to meeting the needs of neighbouring authorities from 4,000 to 640 does not align well with the test of soundness requiring plans to be positively prepared.

There is no evidence to suggest that the HMA authorities have reached agreement on the amount of the HMA's unmet needs which will be swept up by the SSLP. The absence of agreement on the re distribution of the unmet housing need has also been considered in the context of the neighbouring Dudley Local Plan. In that case the appointed Inspector has noted in a letter dated 13th March 2025 that Dudley's Greater Birmingham and Black Country Housing Market Area Statement of Common Ground regarding Housing Shortfall has yet to be signed. The Inspector has rightly observed that the Plan's strategy is dependent on neighbouring authorities providing for Dudley's unmet needs, and that, in that context, the omission of a signed agreement is a significant issue. The same scenario is played out in South Staffs DC.

Where neighbouring councils cannot meet their own housing needs, they will continue to look to other plan areas to pick up a proportion of that unprovided housing. The SSLP is proposing to accommodate 640 additional homes over and above the District's own housing requirement; this figure is a significant reduction compared with the Reg19 version of the Local Plan and will leave neighbouring councils in a position where their own housing needs cannot be met in full and there will continue to be uncertainty over which plan areas can pick up the shortfall.

In the case of development needs, we consider that Housing Requirement figure should include the additional 4,000 dwellings, which was allowed for in the Reg 19 version of the

Local Plan, to contribute to the unmet housing needs in the GBBCHMA.

Matter 5 Spatial Strategy (Q1) How has the settlement hierarchy been derived and (Q3) how has the preferred Spatial Strategy been selected?

The Council's justification for the Plan's spatial strategy and its approach of focusing Green Belt release on its most sustainable Tier 1 settlements is set out in the Exceptional Circumstances Topic Paper 2024 and Spatial Housing Strategy Topic Paper 2024. It is clear that the strategy is the product of the Council's assessment of the site's Green Belt constraints from which it seeks to balance the district's growth opportunities against the constraints that Green Belt land places on the plan's ability to deliver housing growth.

The Council has used the 2023 standard method formula to determine its housing need and does not consider that exceptional circumstances exist to deviate from its use. The Council considers that the use of the standard method as the basis of the housing requirement is justified and an appropriate strategy. We disagree. There is no SOCG between the Council and its neighbouring authorities on how the Plan should contribute to unmet housing needs across the HMA. At the time of presenting the Reg 20 SSLP for examination the Plan is based upon a strategy which didn't have the 'buy in' from all HMA authorities; that position continues. Its contribution of 640 additional homes to the unmet needs of authorities in the HMA area will hardly scratch the surface on the actual need and a more proportionate contribution should be provided by the SSLP.

It is important that this housing need figure is sufficient to make a meaningful and effective contribution to the HMA's unmet needs. This must be remedied to ensure that the Plan can demonstrate that it complies with the Duty to Co-Operate and the tests of soundness.

The Council's approach of focusing limited Green Belt development in Tier 1 locations which are well served by public transport is appropriate in principle, however the strategy does not recognize opportunities on the edge of urban areas such as Wolverhampton that are also well served by public transport with good access to services. In our Reg 19 representations we gave one such example of a sustainable location on the edge of the Wolverhampton urban area at Yew Tree Lane, Tettenhall.

Matter 6 Green Belt (Q6) Are there exceptional circumstances to justify the release of GB land for development in Tier 2,3 and 4 settlements.

There is justification for looking at Green Belt releases beyond the Tier 1 settlements. We have made representations elsewhere in this Statement which highlights the 'undercooked' housing requirement figure that underpins the SSLP's spatial strategy. There are settlements within the lower tiers which are equally suitable for additional development over and above the allocations on previously safeguarded sites. In respect of our clients' land interests, there is land in Tier 3 settlements which has capacity to absorb additional growth. A case in point is the village of Pattingham which has a range of services including shops, pubs and restaurants. Pattingham also the St Chad's First School and Nursery providing education for Early Years, Key Stage 1 & 2. This village also has excellent links via public transport to both Wolverhampton and Bridgnorth. The 10A service links the village to Wolverhampton, whilst the 9 service connects the village with Bridgnorth.

We consider that Pattingham demonstrates the point that there are significant variations in the availability of services across Tier 3 settlements. Indeed, in our view, settlements such as Pattingham are worthy of being designated in a sub category, Tier 2A, recognizing that the village is not of the scale of a Tier 2 settlement but that it is strategically more important than the other Tier 3 settlements which are identified in the Plan, while at the same time meeting the aims of para 128 of the December 2023 version of the NPPF.

Matter 6. Green Belt (Q10) Should the Local Plan identify safeguarded land?

The local Plan should identify safeguarded land; there are exceptional reasons to do so. It is a matter of fact that this District is heavily constrained by Green Belt policy. 80% of the District has Green Belt policy protection. It is therefore inevitable that the Green Belt will continue to be called upon to accommodate housing needs beyond the SSLP plan period. We have explained through our representations on Matter 4 (Development Needs) that, by reducing its contribution to wider housing needs across the HMA (from 4,000 to 640 dwellings), this SSLP is seeking to 'kick the can down the road' on the issue of unmet housing needs. We know that SSDC will be required to complete an immediate review of this SSLP in order to address the shortfall in housing needs (per the requirements of paragraph 235 of the NPPF December 2024). The need for that review is triggered because the SSLP is providing less than 80% of the housing need working to the new Standard Method on the December 2024 version of the NPPF.

The new housing need through a subsequent review will be substantially increased to 651 dwellings per annum compared with the existing 223 dwellings annual requirement. The same Green Belt issues will have to be addressed through the next review of the Local Plan, therefore, this SSLP should be providing greater certainty over Green Belt boundaries. Taking land out of the Green Belt and identifying those sites as Safeguarded land will provide that greater permanence to the Green Belt boundaries so that they endure beyond

the plan period. This approach is promoted by the NPPF at paragraph 145. It will also allow the Council to take a more flexible position on the release of land for development if the housing land supply position deteriorates over the plan period.

Matter 6 Green Belt (Q12) Are the provisions of Policy DS2 on Green Belt Compensatory Improvements clear, justified, and consistent with national policy and will it be effective?

This policy has been drafted to reflect the advice which is at paragraph 147 of the NPPF (December 2023). The principle of a policy, which seeks compensatory improvements to environmental quality and accessibility of land which remains in the Green Belt, is therefore supported by government policy. We do have concerns however over the need for a compensatory policy and the approach which is taken by Policy DS2 for the following reasons.

Firstly, government guidance on the need for a compensatory Green Belt policy has not been carried forward into the December 2004 version of the NPPF. The Council will therefore find it difficult to justify the policy through the next review of the Local Plan; that review will follow quickly after the adoption of the SSDC. For this reason, the policy will have little time for implementation.

Secondly, further guidance should be provided on the amount of compensation which will be expected by the Policy and how that sum is calculated. There is no policy justification for requiring compensatory land where sites, which have demonstrated Exceptional Circumstances or Very Special Circumstances, have been removed from the Green Belt. The policy implies that land which is removed from the Green Belt has a 'value' which loss needs to be compensated. However, this is not always the case. The designation of land as Green Belt does not indicate any intrinsic landscape, biodiversity or ecological value. Green Belt is a policy designation based upon the function of the land against the 5 purposes which are set out at paragraph 143 of the NPPF. Any mitigation measures can be dealt with through other development control policies in the Local Plan and by reference to paragraph 57 that requires contributions to be necessary to make development acceptable in planning terms, directly related to the development and related in scale and kind.

Matter 7. Site Allocations.

Issue 1. Q(A) Is the spatial distribution of the allocations across the South Staffordshire area justified and is it consistent with the Spatial Strategy?

We think that the general distribution of the allocations is justified. The Plan's strategy to allocate those sites which are identified in the adopted Local Plan as "Safeguarded' sites is the correct approach. Land such as Site 419 Codsall and Site 251 Pattingham were removed from the Green Belt and identified as Safeguarded land by the 2018 Site Allocations Document (SAD) plan. They, like other sites with safeguarded land status, have previously gone through a site selection sieve process as part of the adopted SAD and have been identified as potential opportunities for residential development. Their constraints such as landscape sensitivity were assessed through the SAD and they are an eminently suitable land resource to meet the district's housing needs.

Issue 1 Q(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?

We are satisfied that our client's site allocations at Codsall and Pattingham have been robustly assessed. We are however less happy by the process which the Council followed to assess omission sites. A case in point is our clients extended land interests which adjoin the site allocation 251, Pattingham. The assessment is set out in the Housing Site Selection Topic Paper 2024 (Appendix 3). Page 324 records an assessment which is not robustly evidenced. The site is scored down because of comments relating to the absence of a footway across the site frontage and concerns with achieving suitable access from Hall End Lane. However, it fails to recognise that both pedestrian and vehicle access can be secured through the Site allocation land.

We acknowledge that the purpose of this Examination is to consider the soundness of the plan which is before it, and not to consider omission sites. However, if the examiners recommend that more allocations are required to meet the housing needs, then it is clear that other sites are available in sustainable locations, such as those which we have referred to in our Reg 19 representations in Keepers Lane Codsall, Hall End Lane Pattingham and Yew Tree Lane Tettenhall which is close to the urban edge of Wolverhampton.