

Louise St John Howe
Programme Officer,
South Staffordshire Local Plan Examination

SENT BY EMAIL
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4/12/25

Dear Louise,

SOUTH STAFFORSHIRE LOCAL PLAN: Inspector's Matters, Issues and Questions.

1. Please find attached the Home Builders Federation (HBF) response to the South Staffordshire Inspector's Matters, Issues and Questions.
2. HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. We have not responded to all the MIQs, only of those of most relevance to our members.
4. HBF welcomes the opportunity to attend the Examination in Public to ensure that the views of the sector are fully represented. We would like to be kept informed of the progress of the EIP, and the publication of any news evidence and or documents. Please use the contact details provided below for any future correspondence.

Yours sincerely,

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South Staffordshire Local Plan Examination

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?

HBF note that this Plan is being progressed under the transitional arrangements and the previous 2023 version of the NPPF. HBF notes a new NPPF including the new standard method for calculating housing need was published alongside the NPPF on 12th Dec 2024. In our view this has implications for the production of the Plan and the policies it contains. The transitional arrangements set out in the NPPF¹ state that *'for the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply: the plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025 and its draft housing requirement meets at least 80% of local housing need; [or] the plan has been submitted for examination under Regulation 22 on or before 12 March 2025; [or] the plan includes policies to deliver the level of housing and other development set out in a preceding local plan adopted since 12 March 2020.'*

The Government's is clear that its overarching housing policy seeks to deliver 1.5 million new homes over the course of the Parliament and the introduction of the new stock-based standard method is intended to result in a significant uptick in the delivery of new homes. For new housing to be delivered within the Parliament, work to support this increase must start immediately.

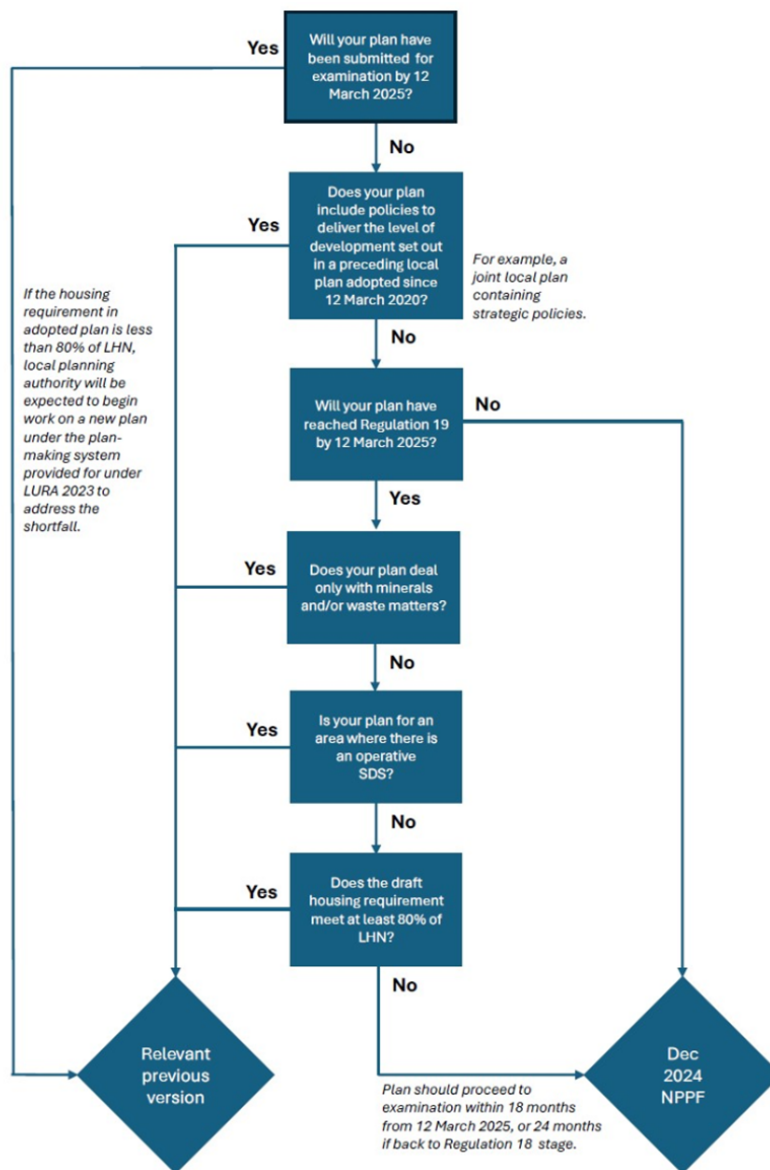
It is the HBF's understanding that the intention of the 80% allowance in the standard method was for it to be a test to be applied to Plans that were an advanced stage of preparation and were progressing and had already set a housing number. If, for these Plans, the housing figures were less than 80% of the new standard method the Council needed to revisit the housing figures but if was 80% or more, then the benefits of continuing with a plan and getting a plan in place, albeit with lower numbers, outweighed the disbenefits of not having a Plan.

The Government Response to the proposed reforms to the NPPF and other changes to the Planning system consultation² provides a helpful flow diagram of the transitional arrangements, which is copied below (see Figure 1).

¹ NPPF 2024 paragraph 234

² <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/outcome/government-response-to-the-proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system-consultation#the-future-of-planning-policy-and-plan-making>

Figure One: Transitional Arrangements Flow Diagram



This clearly sets out that Plans at Reg 19 stage should be meeting at least 80% of the standard method, not be planning for only 80% of the standard method. Other national policy in the NPPF, PPG and elsewhere is clear that the Government seeks to increase house building, and Plans that are only aiming to deliver 80% of their part of the national requirement cannot be consistent with the wider Government housing policy objectives.

It is noted that the flow diagram also clearly set out a timeframe for the progression of a Plan under the transitional arrangements. HBF particularly note that the Plan should proceed to Examination within 18 months of 12 March 2025.

The new NPPF, and the transitional arrangements, therefore provides an important context on the wider Government's objectives around housing, which add further weight to the concerns we have raised about the failure of the South Staffordshire to fully grasp the challenges of meeting the housing needs and proactively plan to do so. We would suggest that the new requirements and the transitional arrangements underscore that changes are needed to this Plan in relation to housing requirements and its monitoring. The housing requirement needs to be significantly higher. In our view such changes will be needed in order for the plan to be found sound.

We would therefore ask that the Council fully consider the implications of the new NPPF, the intention of the transitional arrangements, and new standard method on this Plan. In HBF's view, the content of the new NPPF further underlines the importance of the Council taking efforts now to positively plan for the level of housing and infrastructure needed in both South Staffordshire and the wider West Midlands Region, now, and not delay these decisions to sometime in the future. The Government's intentions to meet the housing needs of the nation in full is very clear, and this is reflected in the transitional arrangements.

Both the new (2024), and previous (2023) planning guidance are clear that Local Plans should be proactively planning for their area, which includes helping to address the housing crisis. However, the South Staffordshire is not contributing as much as it could, or should, be to helping to meet this key national housing policy goal. As such the Plan is not doing what it should be to make its contribution to achieving this national policy objective, as such it is currently unsound.

Plan Preparation and Scope

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?

We have provided detailed comments in our Reg 19 response about the housing requirement needing to be higher, and the Plan needing to make a contribution to Birmingham and the Black Country's unmet need, and the problems of soundness of the "local need" approach being pursued in this Plan. These are not repeated here. The failure of the local authorities in the Region to work together on this issues remains disappointing, and makes this Plan unsound as this very important strategic issue is not being adequately addressed.

NPPF requires that Council should start with the standard method as a basis and then consider if there are any factors that justify variations to this, but South Staffordshire continue to seek to use local housing need, which is not the approach that national policy requires.

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?

HBF have details our concerns in our Reg 19 response about the Council seeking to go beyond Building Regulations. The Council rely on the Building Regulations process as the way to manage improving energy efficiency standards, water efficiency and climate change policies and as such policies on these issue are simply not needed in the Local Plan.

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?**

HBF does not believe it is appropriate for SPDs to be references within the policies in a Local Plan policy. They should only be referred to in supporting text.

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?**

HBF do not comment on individual sites. But as we support a higher housing requirement for South Staffordshire, this would require additional sites to be allocated and further SA work to be undertaken.

As we said in our Reg 19 response, HBF remain supportive of the previous spatial strategy options tested through plan preparation which sought to find enough sites to deliver against the Council's earlier intentions to deliver the full "top down housing requirement". This should have ensured that South Staffordshire was able to meet its own housing needs and make a more substantial

contribution to the housing needs of the wider HMA area. Such an approach would indicate a plan that is being positively prepared to ensure that the Plan is doing all it can to help address the housing crisis and meet housing needs in full. It is unclear from the SA work why this approach would now be undeliverable. What has changed?

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 cooperate 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?**

In our Reg 19 response HBF noted out disappointment that the DTC statement simply sets out what has happened but gives no explanation of what has been agreed upon and why. Merely noting that there is an unmet need, does nothing to address it. This concern remains outstanding.

HBF remains supportive of the need for the Council to have an up to date Local Plan which is why it is so disappointing that there is a total lack of collective thinking around how the unmet need of the whole Housing Market Area will be addressed.

Although HBF recognise that DTC is not a duty to agree, the DTC requirement must surely be seeking some action on the issues that were identified as a result of the conservations, not merely the conversation themselves occurring.

The Government's is clear that its overarching housing policy seeks to deliver 1.5 million new homes over the course of the Parliament and the introduction of the new stock-based standard method is intended to result in a significant uptick in the delivery of new homes. The Government's reforms to the planning process seek to ensure the planning does not serve as inhibitor to growth, and wider Government policy, is seeking to address housing crisis in a multi-faceted way. For new housing to be delivered within the Parliament, work to support this increase must start immediately.

There are several policy measures that could be included within this Plan to help address the housing crisis now. This includes the allocation of additional sites, and Green Belt release.

Deferring any work on addressing the issue of the West Midlands unmet housing need to some point in the future, fails to properly plan for the future of the wider City-Region, this will hold back growth which mean the Plan is not positively prepared or effective, this makes the plan unsound and may also fail the DTC.

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?**

As mentioned in our Reg 19 comments, HBF would expect South Staffordshire's Plan to be an ambitious plan that plans for the future development of South Staffordshire, recognising the wider regional context.

The new Local Plan should detail where new housing will go, fully meeting housing needs, providing certainty for the house building industry and set out a positively prepared long-term vision for the area in accordance with the NPPF, one of the fundamental purposes of good plan-making.

This should be clearly set out in the vision. However, this Reg 19 version of the Plan continues to row back on the housing numbers planned for in the earlier Regulation 19 consultation. The result is a plan to deliver less housing than was already being planned for, which it itself was not enough.

HBF remains very disappointed that in the midst of a Housing Crisis, and in light of the increased Government emphasis on seeking to address it, the Council is continuing to proceed with a Plan, that will exacerbate not address the housing crisis.

We remain of the view that there is nothing in the changed NPPF that would force the Council to change tack in this way. We continue to believe the Vision for this should include an explicit commitment to meeting South Staffordshire housing needs in full whilst also making a contributing to wider growth agenda of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA).

We would reiterate that there remains a need for the Plan to take the longer-term view needed on the future growth in South Staffordshire. The failure of the joint-working and cross-boundary collaboration between the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) LPAs including South Staffordshire failing to recognise and address the scale of housing need, does not result in the housing need disappearing, it simply makes the situation worse as the unmet housing needs of the region continue to grow.

The national policy context has seen an increased emphasis by Government to address the housing crisis, and the introduction of the clear target of 1.5 million homes within this parliament. In our view this means additional housing allocations are needed, and the Vision and Strategic Objectives of this Plan, need to reflect that.

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?

HBF continue to support a higher housing requirement for South Staffordshire which will enable a greater contribution to be made to meeting the wider housing needs of the HMA. The need to include a contribution to helping meet unmet need is part of the formula for calculating housing the standard method figure, that applies to this Plan

2. Are there any circumstances where it is justified to set a housing figure that is higher than the standard method indicates?

Yes. HBF strongly support the need for more housing in the South Staffordshire Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing, to support small and medium house builders and to support employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. Each of these issues and/or a combination of them could justify the need for a higher housing requirement.

In addition, HBF would argue for a higher housing requirement for South Staffordshire because of the long-term failure of effective planning at the sub-regional level resulting in a history of under-delivery of housing and the housing needs of both Birmingham City, the Black Country and the wider sub-region, being inadequately addressed for many years.

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?

HBF supports a higher housing requirement, for all the reasons listed in response to Question 2 above.

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?

HBF supports the inclusion of a contribution towards the unmet needs of the Greater Birmingham and Black Country Housing Market Area, as this is a key part of the relevant standard method calculations. We would support a higher figure as there is a housing crisis and the unmet needs of the wider region are not being adequately addressed.

6. In terms of the capacity of housing site allocations is the approach to calculating the minimum capacity for each housing allocation sound?

HBF do not comment on individual allocations, but we have provided some detailed responses to the issue of density elsewhere in our MIQ response, especially in relation to BNG. There is an interaction between housing density and the new mandatory national requirement for 10% BNG especially as under the BNG hierarchy on-site BNG is preferred where possible. There will clearly be a trade-off to be made between what land is used for new green space and what land is used for new built forms.

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?

HBF do not comment on site allocations, however we have provided detailed comments on the Spatial Strategy as set out in our Reg 19 response to Chapter 3. These are not repeated here.

In relation to viability we provided detailed comments in various section of Reg 19 responses.

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?

As we said in para 26-28 of our Reg 19 response, in failing to plan to plan for a higher housing number the burden of developer contribution must be borne by less developments which will increase viability pressures and may serve to undermine the IDP and its existing evidence base.

In our view the Council has yet to demonstrate that the infrastructure needed to support new development remains viable with the new significant lower levels of housing growth now being planned for in the Submission version of this Plan.

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?

HBF provided detailed comments on Green Belt, and green belt policy in our Reg 19 response, particularly Chapter 3. We remain of the view that the magnitude of the housing crisis warrants the 'exceptional circumstances; required to justify Green Belt release. In addition, the ongoing failure of the West Midlands region to properly plan to meet the need of the region, further underlines the need for this approach in this location.

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?

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?

HBF made detailed comments on H3 in our Reg 19 responses which remain outstanding. We remain concerned about the whole plan viability study and the need for flexibility within the policy. Viability is becoming increasingly challenging especially in light of recent global events. Developers are finding it challenging to find Housing Associations partners to take on their affordable housing units, and the Government's response to this has been to set up a clearing house. To date this has only approx. 800 units suggesting this is perhaps not the only solution needed to address this issue.

We also note that the Building Safety Levy rates for South Staffordshire have now been published and they are £14.77 per sq m for brownfield sites and £29.33 per sq m for greenfield. Whilst

affordable housing providers are exempt from this fee, it will impact on the delivery of affordable housing through the impact on the viability of open market housing needed to enable affordable housing brought forward through Section 106.

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?

HBF provided detailed comment in our Reg 19 statement on this policy.

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?

HBF provided detailed comment in our Reg 19 statement on this policy. Our concerns remain outstanding.

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?

HBF have provided detailed comments in our Reg 19 on these issues they are not repeated here.

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?**

We have nothing further to add to our detailed Reg 19 response on this issue.

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?**

HBF remains concerned about planning policies that step into areas that are already addressed through other regulatory processes. Local Plan policies should deal with planning issues, and leave other matters addressed in other regulatory regimes to their own processes and regulations. Otherwise, there is a danger of confusion, ineffectiveness and unnecessary delay.

It will be important to understand how this policy links into NB2 on BNG, and the emerging LNRS for Staffordshire.

2. In terms of Policy NB2: (BNG)

- 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?

New Information on BNG and LNRs

In March 2025, the Government published additional Guidance on how Local Nature Recovery Strategies should be integrated with/feeding into Local Plan Making. For a Plan to be sound it must be consistent with national policy. The Council therefore needs to review the new guidance and fully consider its implications for this Plan. There is a need to update the BNG section of the Plan to reflect this latest guidance.

BNG Policy: NB2

HBF note the introduction of Biodiversity Net Gain which came in for large sites on Feb 12th 2024, and for small sites from 2nd April 2024. It will be important that this policy fully reflects all the new legislation, national policy and the new DLUHC and DEFRA guidance to ensure any Local Plan policy fully reflects it.

HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness, including feeding into the BNG Planning Practice Guidance from DLUHC and the DEFRA BNG Guidance. HBF note that this represents a lot of new information that the Council will need to work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.

Now the policy has come in, we continue to feed back to Government on issues of BNG Implementation through both the Future Homes Hub BNG Implementation Board and their Community of Practice.

It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure.

There are significant additional costs associated with biodiversity gain, which will need to be fully accounted for in the Council's viability assessment. It is important that BNG does not prevent, delay or reduce housing delivery. Although the national policies requiring 10% BNG cannot be subject to site specific viability discussions, any policy requirements over 10% can be. The Plan should make this position clear. HBF therefore suggest that significantly more information, assessments and analysis around BNG, and Viability (for BNG and viability more generally) is needed to support the South Staffordshire Plan.

It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided

in the new BNG PPG.

The costs of BNG should have been considered as part of the whole plan viability assessment and should be specified as a single specific item, not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are still unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. The costs relate both the financial costs and also land take- which will impact on densities achievable if BNG is provided on site.

As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should have clearly set out how it considered the implications of mandatory BNG and how it was arrived at using the most up to date BNG costs information available.

HBF would also request that the Local Plan allocation policies fully consider the issue of delivering against the new BNG requirements. This should include undertaking an assessment of the baseline to support the allocation to enable an understanding the BNG requirements for a site to be allocated and the impact this may have on viability and other policy requirements and considerations. It will be important to understand the BNG costs of mandatory BNG as this is non-negotiable and as such may impact on the viability of the site and its ability to deliver against other policy requirements such as affordable housing or other s106 asks.

HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the Council should take particular care to explain how the requirements of the two-part BNG hierarchy work in different ways and that they seek to achieve different aims.

Reference should also be made within the Plan to the small sites metric. This is intended to be a less complex statutory metric that can be used to set out how 10% BNG will be secured on small sites. It can only be used for on-site BNG delivery. The national mandatory 10% BNG policy applies to small sites from April 2024.

The new DEFRA and DHLUC guidance is clear that going beyond the mandatory 10% requires evidence and there is a need to show that this will not impact viability. HBF agree that there is no evidence to support a higher figure in South Staffordshire. However, the introduction of mandatory BNG is significant new requirement and it will be important for the viability implications of this new policy is considered in the whole plan viability assessment on the South Staffordshire Local Plan. It will be important to understand if this non-negotiable national policy requirement has any knock-on implications for other policy areas 'asks', notably the amount of affordable housing that can be delivered.

With regards to the policy wording:

- BNG is required to be secured for 30 years. Seeking it in perpetuity is in conflict with national policy.

- It is not appropriate to reference SPD within a Local Plan policy, as this would give Local Plan status to an SPD. SPDs should only be referenced in supporting text.
- BNG is required on all eligible sites. The reference to PDL is confusing and unhelpful, and in conflict with the national policy and guidance.
- 10% BNG is mandatory where it is required, the reference to where possible, is therefore inaccurate.
- The small sites metric can be used where appropriate.
- There is no need to reference the need to comply with other plan policies as the Plan should be read as a whole.

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:

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?

HBF provided detailed comments on this policy in our Reg 19 response. These are not repeated here. Our concerns remain outstanding as the proposed wording suggests that the Council is seeking to move away from the carbon reduction methods set out in Part L of the Building Regulations. HBF supports the Council in seeking to minimise carbon emissions and reduce heat and power demand through energy efficient design. However, the HBF does not consider that the Council setting its own standards is the appropriate method to achieve these outcomes.

Whilst the ambitious and aspirational aim to achieve zero carbon is lauded, the HBF is concerned that the Council is adding to the complexity of policy, regulations and standards that housebuilders are already expected to comply with. The key to success is standardisation and avoidance of individual Councils specifying their own policy approach, which undermines economies of scale for product manufacturers, suppliers and developers. The impact of this requirement along with others in this Plan may have considerable viability implication and may lead to the non-delivery homes and needs to be fully considered within the Viability Assessment.

HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.

HBF would highlight the publication 'Future Homes, One Plan Building a generation of high quality, affordable and sustainable homes and communities, together (https://irp.cdn-web-site.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf) This was published in Nov 2023 and highlights what actions are needed to support the delivery of sustainable homes.

In particular HBF, would highlight 'Issue 9. The Partnership Imperative' on page 15 which states in the Local Government section that "Local planning requirements must align with the overall plan for improving performance standards at national level. For example, avoiding divergence of local energy standards that make it harder to accelerate improvement in standards at national level, and avoiding conflict between local planning conditions and new requirements of building regulations."

The Government's Written Ministerial Statement clearly says "the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale." See <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123>

To be consistent with national policy, HBF request the Council rely on the Building Regulations process as the way to manage improving energy efficiency standards and as such no policy on this issue is needed in the Local Plan.

To be consistent with national policy, HBF continue to request the Council rely on the Building

Regulations process as the way to manage improving energy efficiency standards and as such no policy on these issue is needed in the Local Plan.

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?

HBF have provided detailed comments on the viability appraisal in our response Policy HC3: Affordable Housing which are not repeated here.

We did flag in our Reg 19 response the concerns about the costs if the Building Safety Levy not being considered. The Building Safety Levy rates were published in March 2025 and for South Staffordshire these equate to £14.77 per square metre for previously developed land, and £29.33 per square metre for greenfield land.

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?

In our Reg 19 HBF observed that the evidence that underpinned the earlier Reg 19 South Staffordshire Plan, that sought to Plan for a higher number of homes remained valid. We remain unclear what has changed in relation to the evidence under pinning the previous Reg 19 plan and how on this evidence base supports the Submission Plan. In our view the South Staffordshire Plan is still failing to meet the already identified housing needs for South Staffordshire. The evidence base behind the previous Reg 19 consultation remains, and this was supportive of the previous approach where South Staffordshire was able to make a greater contribution to the wider housing needs of the HMA, enabling it to benefit from the value of current and future inward investment, attract new jobs and provide a range of employment land to ensure a range and choice of sites for that sector.

We remain concerned that in failing to plan to plan for a higher housing number the burden of developer contribution must be borne by less developments which will increase viability pressures and may serve to undermine the IDP and its existing evidence base. This issue has only become more pertinent in light of the ongoing challenges in processing planning applications and the time this is taking, the increasing complexity of the regulatory burden facing house building both within and outside of the planning system.

It therefore remains essential for the deliverability of the Plan for the Council to be able to demonstrate that the infrastructure needed to support new development remains viable with the new significant lower levels of housing growth now being planned for in the Submission version of the South Staffordshire Local 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?

HBF have provided detailed comments on the need for an effective monitoring of the Plan. Our concerns remain outstanding. In our Reg 19 response we noted that due to the failure of this plan to properly address the issue of unmet need and the wider role South Staffordshire should play in meeting the housing needs of the wider West Midlands region, and the economic impacts of not doing so, the Plan should be subject to an early review policy.

This request has been further underlined by the transitional arrangements which set out a requirement for Plans progressed under the transitional arrangements to include a review clause. However, HBF would also highlight the limitations of a policy within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.

We would therefore highlight the wording of the Local Plan Review policy for Bedford (attached below), which sets out a clear timeframe for a Local Plan review and clear consequences for if a review is not prepared. This is one way a review policy can be made effective.

Policy 1 - Reviewing the Local Plan 2030

The Council will undertake a review of the Local Plan 2030, which will commence no later than one year after the adoption of the plan. An updated or replacement plan will be submitted for examination no later than three years after the date of adoption of the plan. In the event that this submission date is not adhered to, the policies in the Local Plan 2030 which are most important for determining planning applications for new dwellings will be deemed to be 'out of date' in accordance with paragraph 11 d) of the National Planning Policy Framework 2019.

The plan review will secure levels of growth that accord with government policy and any growth deals that have been agreed. The planning and delivery of strategic growth will be aligned with the delivery of planned infrastructure schemes including the A421 expressway, Black Cat junction, East West Rail link and potentially the A1 realignment.

The review will also serve to build stronger working relationships with adjoining and nearby authorities and may result in the preparation of a joint strategic plan based on a wider geography.