South Staffordshire Council’s response to the Inspectors initial questions

1. Submission of the Site Allocations Document

“The Inspector confirms that the South Staffordshire Local Plan Site Allocations Document (SAD) was submitted to the Secretary of State on 15 September 2017, along with the submission documents and representations. All these documents have been placed on the Council’s web-site, and an “Examination” web-page has already been set up. The Inspector notes that Submission Documents SD35-SD69 were not submitted in paper form, but he understands that copies will be available at the examination hearings. Can the Council confirm that a paper copy of Submission Documents SD35-69 will be available at the hearings venue?”

1.1 The Council can confirm that a paper copy of Submission Documents SD35-69 will be available at the hearings venue.

2. Inspector’s initial review of the submission documents and timescale for hearing sessions

“The Inspector understands that about 50 representors have requested an "oral hearing", although the Programme Officer will shortly be confirming this position with representors. At this stage, he is considering the likely timeframe and timetable for holding the examination hearings. The Planning Inspectorate’s Procedural Guidance indicates that it normally takes about 10 weeks to reach this stage of the examination. Much depends on the availability of personnel and suitable accommodation. The Council’s preference is to open the hearing sessions w/c 27 November 2017. The Inspector is available to hold the hearing sessions at that time and during w/c 4 & 11 December 2017. He estimates that about 2-3 weeks (8 sitting days) will be needed to hold the examination hearings. He welcomes the Council’s observations on the timescale, timetable and likely dates for the examination hearings to be held.”

2.1 The Council agrees with the timescale, timetable and likely dates for the examination hearings to be held as set out in section 2.(b.) of the initial questions to the Council.

3. Legal and procedural matters

“As part of the tests of legal compliance, the Plan should have been prepared in the light of the latest approved Local Development Scheme (updated August 2017) [SD15] and Statement of Community Involvement (SCI) (revised April 2014) [SD14]. The Council has addressed these matters in their Legal Compliance Self-Assessment [SD16]. However, since some representors consider that public consultation may have been inadequate, the Inspector welcomes confirmation that the nature and extent of public consultation was undertaken in accordance with the relevant Regulations and SCI.”

3.1 The Council can confirm, as set out in the submitted Consultation Statement (SD002a, SD002b, SD003a & SD003b), that the engagement undertaken in the SAD was in accordance with the relevant regulations and the Council’s adopted SCI.

“A Sustainability Appraisal (SA) of the Submission Plan has been submitted [SD10], along with previous versions of the SA produced for earlier stages of plan preparation. Can the Council confirm that the SA was undertaken having regard to the requirements of the Strategic Environmental Assessment Directive and Regulations and guidance in the PPG [ID-28-020]; confirm that the SA work influenced the preparation of the SAD and that any mitigation measures have
3.2 The Council can confirm that the Sustainability Appraisal (SA) (SD010) was undertaken having regard to the requirements of the Strategic Environmental Assessment (SEA) Directive and Regulations and guidance in the PPG [ID-28-020]. The SA has influenced the preparation of the SAD and all mitigation measures raised in the SA have been addressed in the SAD (e.g. those proposed in Table 3.2 of the SA). The SAD considered reasonable alternatives with respect to both policy options and sites. The Council has received representations from one site promoter (SAD/AGT/086/01), which challenge the scope of the reasonable alternatives considered in the SAD Publication Plan SA (SD024a, SD024b). Having considered these representations, the Council considers that the SA meets the duty to assess reasonable alternatives and is compliant with the SEA Directive and Regulations.

“Habitats Regulations Assessment (HRA) has been submitted as part of the evidence base [SD11]. Can the Council confirm that adequate HRA has been undertaken to ensure that the SAD does not adversely affect any nature conservation sites protected by European legislation, including the Cannock Chase Special Area of Conservation, and whether there are any outstanding issues or concerns from the relevant bodies (e.g. Natural England/Environment Agency)?”

3.3 The Council can confirm that an adequate HRA was undertaken to ensure the SAD does not adversely affect any nature conservation sites protected by European legislation and no concerns have been raised with respect to the Habitats Regulation Assessment (SD011) by the relevant bodies.

“The SAD needs to have regard to, and be consistent with, the adopted South Staffordshire Core Strategy (2012) [SD70]. Furthermore, in order to properly examine the submitted SAD, the Inspector needs to be certain about the purpose and scope of the SAD and its relationship with the adopted Core Strategy. Can the Council confirm the purpose and scope of the SAD in terms of its relationship and consistency with the adopted Core Strategy?”

3.4 To confirm, the scope of the SAD is to deliver the requirements of the adopted Core Strategy, in a manner consistent with the strategic policies regarding housing, employment and gypsies and travellers within that document. With regards to housing provision, this entails providing 3850 dwellings over the plan period (equating to 175 dwellings per annum) in accordance with the spatial distribution set out in Core Policy 1 and Core Policy 6 of the adopted Core Strategy. The SAD also seeks to deliver the quantum of safeguarded housing land prescribed by Policy GB2 of the Core Strategy (para 6.31).

3.5 With regards to employment, the SAD seeks to deliver the requirements of Core Policy 7 (para 9.4) by allocating land for modest extensions at the four existing freestanding strategic employment sites, where justified by a refreshed Employment Land Study (ELS) (SD082). This refreshed ELS identified a need to undertake a subregional study with the Black Country authorities, which was subsequently undertaken (SD084, SD085), which in turn showed that there was reason to consider allocating some employment land within the SAD to meet unmet high quality employment land needs. With regards to Gypsy and Travellers, the SAD seeks to deliver the requirements of Policy H6 of the Core Strategy, which sets out specific pitch requirements for Gypsies, Travellers and Travelling Showpeople.

3.6 The SAD does not seek to review these Core Strategy policies as this is a matter which can be more appropriately considered in the Local Plan review set out in
Policy SAD1. The Council has already began working with neighbouring authorities to prepare the evidence base for this review of the Local Plan, ensuring this process will be completed expeditiously.

“The Inspector is aware that the Submitted SAD includes several “minor” amendments to address relevant points raised in the representations. The Council considers these are relatively minor amendments and additions which do not go to the heart of the Local Plan strategy or its policies and proposed sites. The Inspector will consider whether any of these proposed changes might constitute “Main Modifications” during the examination process, but, in the meantime, he would like to know whether the Council intends to put forward any further proposed changes to the Submission plan.”

3.7 The Council can confirm it does not intend to put forward any further proposed changes to the Submission plan.

4. Duty to Co-operate

“The Council has submitted Duty to Co-operate (DtC) statements for both the Submission and Publication Plans [SD13/27]. Can the Council confirm that:

i. The DtC process has identified and addressed all relevant strategic priorities and cross-boundary issues identified in the Core Strategy, SAD and other supporting evidence;”

4.1 As confirmed in the Duty to Co-operate (DtC) Statement (SD013), the Council has identified and addressed all relevant matters through the DtC process, and where these are within the scope of the SAD these have been addressed through the preparation of this document.

“Can the Council confirm that...

ii. The DtC process and the SAD has considered emerging evidence and issues relating to adjoining local plans, including the Black Country Core Strategy and Greater Birmingham Housing Market Area, and indicate the latest up-to-date position on these issues and discussions, including any Memoranda of Understanding/Statements of Common Ground;”

4.2 The Council has actively engaged with other local authorities to consider the need to address any DtC issues emerging from adopted local plans and updated evidence in the relevant geographical area. These issues include the housing shortfall identified in the adopted Birmingham Development Plan and the housing shortfall set out in the Black Country Issues and Options Report, as these are both arising from the Greater Birmingham Housing Market Area in which South Staffordshire sits. These issues are not within the scope of the SAD, as they are strategic matters relating to housing need and distribution across the HMA which would need to be addressed through a review of the Council’s adopted Core Strategy, as set out in Policy SAD1. No issues have been raised to this approach by DtC bodies, as set out in the Council’s DtC Statement (SD013).

4.3 To date there is no Memorandum of Understanding agreed across the HMA to distribute these housing shortfalls, but as set out in section 5, the Council is actively engaging with other local authorities to prepare a robust evidence base to address these matters through the Local Plan review set out in Policy SAD1.

“Can the Council confirm that...

iii. All neighbouring local authorities are satisfied that the Council has fully met the DtC requirements (with evidence if necessary) and whether there are any outstanding or unresolved issues and concerns;”
The Council has actively engaged with other local authorities throughout the preparation of the SAD to identify any relevant DtC issues. As confirmed by the submitted DtC statement (SD013) there are no outstanding or unresolved concerns with these bodies, and the Council has contacted all DtC bodies following the Publication SAD consultation to ensure they are able to reaffirm this position.

"Can the Council confirm that..."
iv. The DtC process has engaged with the relevant prescribed bodies (including the Environment Agency, Natural England, Historic England, Highways England/Highways Authority and infrastructure providers, Staffordshire County Council and the Stoke-on-Trent & Staffordshire and Greater Birmingham & Solihull Local Enterprise Partnerships), and whether there are any outstanding or unresolved issues and concerns;"

The Council has actively engaged with other DtC bodies throughout the preparation of the SAD to identify any relevant issues or concerns. As confirmed by the submitted DtC statement (SD013) there are no outstanding or unresolved DtC objections from these bodies, and the Council has contacted all DtC bodies following the Publication SAD consultation to confirm this position. Whilst there are outstanding concerns from Historic England regarding the soundness of the SAD, there is no DtC objection arising from Historic England on these points. The Council has actively engaged with Historic England throughout the preparation of the SAD to seek agreement on the outstanding matters of dispute relating to the Council’s assessment of sites in Historic Environment terms, and has resolved the majority of these through the preparation of a Historic Environment Site Assessment (SD097), with the only outstanding matters of disagreement relating to the Council’s Housing Allocation at White Hill, Kinver and Access Road Option 9 for ROF Featherstone. Highways England have not raised any soundness or legal compliance issues with the SAD but requested further assessment of some SAD sites upon the strategic highways network. The Council has since corresponded with Highways England representatives to address this matter, and Highways England has confirmed to the Council that these matters have now been adequately addressed through minor modifications to text wording within the SAD.

Can the Council confirm that...
v. The adopted Core Strategy (¶ 8.10-8.12) considered the issue of housing growth to the south of Stafford town, but at that stage, the Council stated that this location should only be considered for housing if local studies demonstrate that it is the most sustainable option for the future growth of Stafford town. Since then, has the Council considered any such local studies, and is there any request from Stafford Borough Council to allocate land south of Stafford town in South Staffordshire to help meet any shortfall in housing provision in Stafford? Is there a Memorandum of Understanding covering the relationship between the SAD and the Stafford Local Plan?"

Since the adoption of the Core Strategy, the Council has not received any requests from Stafford Borough Council to allocate land south of Stafford Town within the South Staffordshire district boundary. This matter will be reconsidered
through the reviews of both authorities’ Local Plans, which are already underway, as indicated in Stafford Borough Council’s correspondence dated 27th September 2017 (attached to this correspondence). Also attached is the Memorandum of Understanding between the two authorities dated May 2013, which agrees that land south of Stafford would not be allocated.

5. Local Plan Review and housing provision

“Several representors challenge the approach to the Local Plan review and overall housing provision on the basis that the housing provision figure is out-of-date and based on the currently adopted Core Strategy, which itself was based on the former West Midlands Regional Spatial Strategy (now revoked), and did not represent an objective assessment of housing need. However, the Inspector is aware of recent legal judgements which confirm that a Site Allocations Plan does not need to reconsider the overall housing provision figure provided that its scope is limited to allocating sufficient sites to fully meet the need established in the adopted Core Strategy. Furthermore, subsequent Development Plan Documents are not required to rectify any shortcomings in the Core Strategy’s approach to housing land provision and supply. Such matters should more appropriately be addressed as part of a review of the Core Strategy. Can the Council comment on this approach and confirm that they do not intend to review the overall housing provision figure set out in the adopted Core Strategy, but that this matter will be considered as part of the forthcoming Local Plan review? It would also be helpful to outline the latest position in terms of cross-boundary housing provision and any identified shortfalls in the wider Housing and Functional Economic Market Areas.”

5.1 The Council agrees with the approach set out in section 5.(b.) of the initial questions to Council. To confirm, the scope of the SAD is to deliver the requirements of the adopted Core Strategy. With regards to housing provision, this entails providing 3850 dwellings over the plan period (equating to 175 dwellings per annum) in accordance with the spatial distribution set out in Core Policy 1 and Core Policy 6 of the adopted Core Strategy. The SAD does not seek to review these Core Strategy policies as this is a matter which can be more appropriately considered in the Local Plan review set out in Policy SAD1.

5.2 South Staffordshire lies within the Greater Birmingham Housing Market Area, which constitutes 14 local authorities as set out in the GBSLEP Strategic Housing Needs Study Stage 2 Report¹. The Birmingham Local Plan 2011-31 was adopted in January 2017. The adopted Plan identifies a housing supply within the Plan period of 51,100 dwellings. This is against an objectively assessed housing need (for Birmingham) of 89,000 dwellings. Thus a shortfall of 37,900 dwellings exists, as set out in Policy PG1 of the Birmingham Development Plan², which also establishes the extent of the current HMA at paragraph 4.7 of that document. The adopted Plan establishes a monitoring role for Birmingham City Council that seeks to ensure that the remainder of the HMA will accommodate the shortfall within the local plans (potentially through local plan reviews) of the constituent authorities within the HMA. In addition to the work undertaken at the HMA level, the Black Country authorities and South Staffordshire have recently completed a 2017 Strategic Housing Market Assessment (SHMA)³, which identifies each authority’s share of the respective objectively assessed need in accordance with Planning Practice Guidance. Based on this work, the Black Country Issues and

Options Report\(^4\) identifies a further 25,000 dwelling shortfall to 2036 by comparing land currently in supply to needs identified in the latest SHMA. This additional unmet need includes 3,000 of the Birmingham Development Plan unmet need, leaving an additional shortfall of 22,000 on top of the 37,900 shortfall identified in the Birmingham Development Plan.

5.3 A technical officers’ group has been established to consider this cross boundary issue of housing shortfall across the HMA. There have also been 2 Housing Summits held with lead officers and lead Members from the constituent authorities within the HMA. The technical officer group has commissioned a Strategic Growth Study (being carried out by GL Hearn) to explore potential locations across the HMA (to accommodate the housing shortfall). The Study findings are due to be reported towards the end of this year (2017). The intention is that local planning authorities across the HMA will then test out the findings of the Study (in respect of locations for housing growth) in progressing their local plan reviews. The Council has also resolved to commission joint evidence base documents with the Black Country authorities in reviewing the Local Plan, including the commissioning of a joint SHMA (which has now been completed) and a Green Belt Review for all five authorities. This evidence and any other relevant evidence will inform the review of the Black Country Core Strategy and the review of the South Staffordshire Local Plan.

5.4 Currently, there is no agreed Memorandum of Understanding (MoU) to set out potential options which could assist in apportioning the housing shortfall across the 14 local planning authorities within the Greater Birmingham HMA. As set out above, the Council is not seeking to address matters relating to shortfalls in the HMA through the SAD, the remit of which is simply to deliver the housing provision required by policies within the adopted Core Strategy.

5.5 In addition to the above, the Black Country authorities have prepared a 2017 Economic Development Needs Assessment (EDNA)\(^5\) to assess the authorities’ ability to meet their employment land needs within their boundaries. This concludes that the Black Country authorities function as a self-contained Functional Economic Market Area (FEMA), although there are strong economic links to both South Staffordshire and Birmingham. Taking account of this document, the Black Country Issues and Options Report identifies a shortfall in supply of 300ha of employment land across the Black Country. Therefore, both South Staffordshire and Birmingham may need to consider their ability to accommodate a shortfall in employment land from the Black Country FEMA in reviews of their respective local plans. However, neither authority is within the Black Country FEMA where this shortfall lies, nor have all employment land options been fully considered in the Black Country authorities at this stage. Therefore, there is currently no agreement to apportion the needs identified in the Black Country FEMA to authorities outside the FEMA boundary. As with the identified HMA housing shortfall, considering South Staffordshire’s ability to accommodate such a degree of employment land shortfall would necessitate a review of the relevant policies within the Core Strategy, as set out in Policy SAD1. As set out previously, the SAD does not intend to review the relevant policies within the Core Strategy.

\(^4\) [http://blackcountrycorestrategy.dudley.gov.uk/t1/p3/](http://blackcountrycorestrategy.dudley.gov.uk/t1/p3/)

\(^5\) Black Country Economic Development Needs Assessment (EDNA) May 2017 Stage 1 Report
6. Site-selection methodology and Green Belt Review

“The Submitted SAD includes a section setting out the methodology and approach to site selection. The Council has also prepared documents outlining the methodology of selecting sites, including individual site assessments, which covers all potential sites, including those put forward by others, along with the reasons for selecting and rejecting each site [SD6-SD8]. Several representors have challenged or criticised this evidence. Although the specific details of each site can be considered when they are discussed during the hearing sessions, the Inspector considers it may be helpful to have a general hearing session at which the general methodology can be discussed. This session could also discuss general issues relating to the Green Belt Review, before dealing with site-specific issues and concerns. The Inspector welcomes the Council’s views on this approach.”

6.1 The Council supports the approach to examining the Green Belt review and site selection methodology set out in section 6.(a.) of the initial questions to the Council.

“Given the importance of Green Belt planning policy, the Inspector is keen to know the precise nature of the exceptional circumstances which have been demonstrated to justify amending existing Green Belt boundaries to release land for development or Safeguarded Land. He is aware that it may not be practicable to allocate sufficient land to meet development requirements without amending existing Green Belt boundaries, along with the adverse consequences for sustainable development of not doing so. However, he also wishes to know whether the Council has considered other alternatives, including existing sites within the existing development boundaries of key villages, including brownfield, windfall and other non-Green Belt sites. He welcomes confirmation of the particular “exceptional circumstances” which justify amending Green Belt boundaries in South Staffordshire”

“For most of the proposed allocated sites, the SAD includes pro-formas which set out the reasons for allocation and the planning requirements. Can the Council confirm that the site assessments have properly identified and addressed all the relevant considerations; that all the planning requirements are necessary and justified; and that, where relevant, Green Belt issues have been fully considered, including the exceptional circumstances justifying the release of Green Belt land?”

6.2 Policy SAD2 is required to conform to Core Policy 6 and Core Policy 1 of the Core Strategy in delivering housing allocations. Core Policy 6 sets out the required quantum of housing growth required in each Main and Local Service Village within the District, based upon a strategy which seeks to achieve a pattern of sustainable development through an adopted settlement hierarchy within the District (Core Policy 1). A sequential approach to allocating housing growth is also set out in paragraph 6.20 of the adopted Core Strategy. This ensures that in line with the settlement hierarchy, all non-Green Belt supply is maximised, and where Green Belt release is necessary, previously developed land within the Green Belt is to be prioritised.

6.3 Extensive surveys of land supply options (including all available non-Green Belt options within village development boundaries) and numerous Calls for Sites have been undertaken to inform the Council’s SHLAA, as set out in paragraphs 5.9-5.12 of the SHLAA 2016 (SD079). This exercise has been undertaken to maximise non-Green Belt, non-Open Countryside supply. In particular, the SHLAA has sought to identify all available options within the existing village development boundaries where these are not subject to another policy constraint, such as a land required to be kept for employment use (i.e. that identified as a ‘Best/Good’ Employment site in the Council’s Employment Land Study 2013 (SD082)).
6.4 The number of dwellings sought in each village in the SAD has also been adjusted to take account of any full planning permissions granted in accordance with the sequential approach set out in paragraph 6.20, to ensure that Core Strategy compliant non-Green Belt housing supply is maximised. This led to a downwards adjustment to the housing numbers sought in the 2015 Preferred Options SAD, reflecting housing supply which had already come forward in accordance with Core Policy 1 and Core Policy 6 of the adopted Core Strategy. This is set out in more detail in the Council’s Housing Topic Paper (SD030).

6.5 Therefore, in accordance with the sequential test set out in paragraph 6.20 of the Core Strategy, all suitable Core Strategy compliant non-Green Belt options have been prioritised in meeting the village specific requirements set out in Core Policy 6. Green Belt sites were only allocated after these options were exhausted, including land within village boundaries, safeguarded land and previously developed land within the Green Belt. These adjustments to supply are set out in paragraphs 3.1-3.11 of the Housing Topic Paper (SD030), resulting in a residual housing requirement of 1012 dwellings to be found in the Main and Local Service villages. As set out in Policy SAD2 (SD001), the Council has been able to identify further sites which could meet supply within the village development boundary (e.g. sites 228, 141 and 281a) and sites in the open countryside or on existing safeguarded land (e.g. sites 379, 223) which are in accordance with Core Policy 6, and has allocated these. Whilst the 2016 SHLAA (SD079) does include a windfall allowance of 30 dwellings per annum, this is generally considered to be representative of small scale applications that would not provide an affordable housing contribution and are often not allocated within villages allocated for growth (e.g. barn conversions, conversion of redundant buildings and prior approval applications). Therefore, the Council has no indication that this windfall allowance would be appropriate to reduce the allocations set out in Core Policy 6.

6.6 Having taken account of these supply options and the Core Strategy sequential test, the remainder of the housing requirement for each village has necessarily had to come from Green Belt release. To ensure the harm to the Green Belt’s purposes and permanence is minimised, the selection of such sites to be released from the Green Belt has been informed by a Green Belt Review undertaken by LUC (SD074 & SD074a). The Green Belt Review, alongside the sequential test in para 6.20 of the Core Strategy, has been given extremely high weight in assessing the Council’s assessment of potential site allocations (SD023).

6.7 Accordingly, having taken account of the factors set out above, the exceptional circumstances justifying the release of Green Belt land for the proposed housing allocations set out in Policy SAD2 (SD001) include the need to allocate sufficient development to meet the minimum housing requirements for each village set out in Core Policy 6 in order to support the adopted strategy for sustainable development set out in Core Policy 1 of the adopted Core Strategy. The exceptional circumstances case also includes the steps taken by the Council to minimise Green Belt release by maximising non-Green Belt site options which accord with Core Policy 1 and Core Policy 6 of the Core Strategy. This includes thorough consideration of suitable brownfield sites within existing village development boundaries, existing safeguarded land and other non-Green Belt sites (such as windfall planning permissions that accord with the Core Strategy and sites adjacent a village development boundary within the open countryside).

6.8 Policy SAD3 addresses the need to release safeguarded land to meet the requirements of adopted Core Strategy Core Policy 6. This requires land sufficient to deliver a further 10 years’ worth of supply against the Core Strategy housing
requirement to be identified in the SAD (Core Strategy para 6.23), equating to enough safeguarded land sufficient to deliver 1750 dwellings (Core Strategy Monitoring Framework). The Core Strategy also requires safeguarded land to be delivered in accordance with a 90/10 split between Main and Local Service Villages, which reflects the sustainable distribution of future housing growth in accordance with the Core Strategy’s Spatial Strategy (Core Strategy para 8.15).

6.9 To ensure the harm to the Green Belt’s purposes and permanence is minimised, the selection of safeguarded sites to be released from the Green Belt has been informed by a Green Belt Review undertaken by LUC (SD074 & SD074a), which has been given extremely high weight in the Council’s assessment of potential safeguarded land sites (SD023). Further detail on the quantum of land safeguarded necessary to be released within the Green Belt to meet these needs is set out in the Housing Topic Paper Addendum August 2017 (SD098). The Council has also sought to retain existing safeguarded land which accords with Core Policy 6 (e.g. site 005 'Existing Safeguarded Land: Land at Cherrybrook Drive’) in order to minimise the extent of Green Belt release through the SAD. Therefore, given the need for the SAD to conform to the requirements of the Core Strategy (in particular Core Policy 6), it is considered that exceptional circumstances exist to justify the extent and location of Green Belt release proposed for safeguarded land.

6.10 Policy SAD4 does not propose to amend Green Belt boundaries to deliver Gypsy and Traveller allocations. As stated in SAD 4, all Gypsy and Traveller allocations lie on existing sites washed over by Green Belt and as such, it has not been considered necessary to remove these sites from the Green Belt to accommodate further allocations. Furthermore, given the relatively open character of the surroundings of these sites, under para 86 of the NPPF it has been considered that it would be inappropriate to exclude the sites from the Green Belt for future development management purposes. In selecting these allocations, the Council has been guided by a comprehensive Call for Sites exercise and the need to conform to adopted Core Strategy Policy H6. Policy H6 requires the Council to engage with the owners and occupiers of the existing Gypsy and Traveller sites to consider the capacity and potential to extend. Furthermore, despite an extensive Call for Sites exercise, the only available options for Gypsy and Traveller pitches were put forward on existing or new Green Belt sites, as set out in the Gypsy and Traveller Issues and Options consultation (SD065). Given these facts, the Council has had to rely on existing Gypsy and Traveller sites within the Green Belt in order to meet the pitch requirements of Policy H6. However, given that the Council proposes that the land remains washed over by Green Belt and therefore amendments to Green Belt boundaries are not proposed, the exceptional circumstances test is not considered to apply in this instance.

6.11 Policy SAD5 seeks to deliver the requirements of Core Policy 7 of the Core Strategy, which supports modest extensions to the four freestanding strategic employment sites in South Staffordshire (i54, Hilton Cross, ROF Featherstone/Brinsford and Four Ashes). The supporting text (para 9.4) to this policy makes clear that the SAD should update the Council’s Employment Land Study and weigh this in the balance when considering, through the SAD, the need for modest extensions to these strategic sites and mixed use sites adjacent Main and Local Service Villages. The Council subsequently updated its employment land evidence base (SD082 – SD086). This evidence indicated that a 12.3ha oversupply of employment land existed to meet South Staffordshire’s local needs, but that there was a shortfall of High Quality employment land arising from the wider sub-region, in particular arising from the Black Country in the 2014-2026 period. The Council, through the Duty to Co-operate, has agreed to meet part of these needs and has consequentially sought to allocate ‘modest extensions’ to
ROF Featherstone and i54 to help meet part of these needs. This reflects the scope of Core Policy 7 of the Core Strategy.

6.12 Given that all available land for modest extensions to the four strategic employment sites lies within the Green Belt, the Council undertook a Green Belt Review of the land surrounding these sites (SD073 - SD074a). The Council also consulted with site promoters to ensure the land released is sufficiently attractive to the market (and therefore deliverable). Consideration of these factors ensured that any release of Green Belt as extensions to these sites would reflect defensible Green Belt boundaries, minimising harm to Green Belt purposes, whilst being of sufficient size/appropriate location to be attractive to end users. Therefore, the exceptional circumstances justifying these allocations are the need to meet part of the sub-regional gap in High Quality employment land and maintaining compliance with Core Policy 7 of the Core Strategy. This approach is agreed with the neighbouring Black Country authorities.

6.13 Policy SAD6 predominantly seeks to amend Green Belt boundaries to deliver the development/land required by Policies SAD2, SAD3 and SAD5. Therefore, the exceptional circumstances test for these parts of the policy is the same as those set out above for Policies SAD2, SAD3 and SAD5. Aside from these, there are two other Green Belt release proposals in Policy SAD6, both of which relate to former Major Developed Sites in the Green Belt which have been developed for housing since the Council’s 1996 Local Plan was adopted (which was the last policy document to amend the District’s Green Belt boundaries). The exceptional circumstances to justify this amendment are that the extent of redevelopment of the two sites in question means that it is no longer appropriate to include the two sites in question in the Green Belt, as it is no longer possible in these changed circumstances to keep the land permanently open.

6.14 With respect to the pro-formas included in Appendix 1 and 3 of the SAD, these relate to the relevant allocations and safeguarding proposals in Policies SAD2, SAD3 and SAD5. As such the Green Belt boundary revisions set out in these pro-formas and on the policies maps are justified by the same exceptional circumstances as the policies (i.e. SAD2, SAD3 and SAD5) to which they relate.

7. Proposed Site Allocations

“The SAD proposes almost 50 specific site allocations, for housing, employment, Safeguarded Land, Gypsies & Travellers and/or development boundaries, as listed in Policies SAD2-SAD6. Can the Council confirm that the submitted Policies Maps include all the amendments to boundaries relating to proposed housing, employment and gypsy & traveller sites, Safeguarded Land and development/policy boundaries?”

7.1 The Council can confirm the SAD includes all proposed boundary amendments relating to Policies SAD2 – SAD6.

“For most of the proposed allocated sites, the SAD includes pro-formas which set out the reasons for allocation and the planning requirements. Can the Council confirm that the site assessments have properly identified and addressed all the relevant considerations; that all the planning requirements are necessary and justified; and that, where relevant, Green Belt issues have been fully considered, including the exceptional circumstances justifying the release of Green Belt land?”

7.2 The Council can confirm that the site assessments have properly identified and addressed all the relevant considerations and have included full consideration of
Green Belt issues, including the exceptional circumstances requires to justify the release of Green Belt land (which are set out in section 6. 'Site selection methodology and Green Belt Review'). With regards to the planning requirements listed in the site pro-formas these are all necessary and justified, and almost all requirements included relate to specific requirements identified via stakeholder consultation (e.g. with the highways authority, Environment Agency, Historic England etc.). Other requirements include those designed to deliver a necessary community benefit identified through consultation with the local community. For example, the housing allocation site 168 at Featherstone, which is delivering a community benefit in the form of allotments, a BMX track or skate park, sports pitch and changing rooms. This is necessary in planning terms as it is the result of allowing the Featherstone allocation to slightly exceed the minimum numbers required in the village in order to provide community facilities not currently available in Featherstone, with the support of Featherstone Parish Council and local residents. This conforms to Core Policy 6 (and para 8.9) of the Core Strategy and is the result of active and positive engagement between the Parish Council, the District Council and the promoters of the site.

"For the proposed employment sites, the Inspector asks the Council to confirm whether there is any outstanding evidence to be submitted for the allocated employment sites, including ROF Featherstone. He also notes that the Core Strategy (¶ 9.9-9.12) and SAD (¶ 9.31-9.32) refers to a possible Regional Logistics Site/Strategic Rail Freight Interchange, which could be located within South Staffordshire. He wishes to know about the latest position on the RLS/SFRI and whether the SAD needs to refer to this matter.”

7.3 The Council considers the evidence submitted to date to be sufficient to support an in principle allocation of extensions to the indicated employment sites, including ROF Featherstone. Work to set out a final detailed scheme for the ROF Featherstone access road is underway in the form of the Options Appraisal Report Stage 2 carried out by AMEY on behalf of Staffordshire County Council. This involves a detailed assessment of the 2 preferred road proposals in the Site Allocations – Road options 7 and 9 from the OAR Stage 1. The precise outcomes of this are currently dependent upon confirmation of the preferred M6/M6 Toll/M54 link road. Highways England’s work to date has narrowed this down to three potential motorway link road options, which are currently being consulted upon. Once the outcomes of the Highway’s England consultation is announced, the programme can then proceed and we are able to complete the ROF consultation process; AMEY on behalf of Staffordshire County Council will be in a position to prepare a final detailed scheme for the ROF Featherstone access road. This will be confirmed by Staffordshire County Council’s Cabinet in 2018. However, this decision will be dependent upon the principle of the road being supported within South Staffordshire Council’s Site Allocations Document.

7.4 The Council collaborated with a number of West Midlands authorities to produce a Black Country and Southern Staffordshire Regional Logistics Site Study 2013 (SD083). As set out in paragraphs 9.31-32 of the SAD, whilst South Staffordshire may be one of a number potential locations within the West Midlands where an SRFI could be delivered, development of this scale would not fall within the scope of the ‘modest extensions’ to existing strategic employment sites allowed for within the Core Strategy; however, since this study was prepared, a proposed Strategic Rail Freight Interchange (SRFI) has been promoted in South Staffordshire – by a company known as Four Ashes Ltd (FAL). The site, known as West Midlands Interchange (WMI) is located close to M6 Junction 12 at Gailey, Four Ashes and is 300 hectares in size. It is proposed to build a rail freight terminal and up to 7.4 million square feet of B8 (storage and distribution) sheds. Up to 8,000 new jobs are forecast to be created. Further detail available on the WMI website. The proposal’s size means it qualifies as a Nationally Strategic Infrastructure Project (NSIP). Therefore it is being determined through a Development Consent Order (DCO), outside of the Local Plan process. The site

6 http://www.westmidlandsinterchange.co.uk/
promoter’s representation to the Council’s Publication SAD⑦ confirms this position and that the scope of this scale of development falls outside of the SAD (SD003b).

7.5 The statutory consultation recently closed for comments on 30 August 2017. We understand that the aim is to submit a Development Consent Order (DCO) application (under the Planning Act 2008) in early December 2017. Based on this timeline it is anticipated that the Secretary of State for Transport would be issuing his decision in Spring 2019. This will be a matter to be addressed/taken into account in the local plan review.

“The adopted Core Strategy (¶ 6.25) refers to the possibility that the Smestow Bridge Special Policy Area would be reviewed as part of the SAD process. Can the Council confirm whether this SPA has been reviewed in the SAD?”

7.6 The Council did consider whether the existing employment use on the Smestow Bridge SPA could be considered for an alternative use, primarily housing. However, to reflect the sequential test set out in para 6.20 of the Core Strategy, this was not deemed to be appropriate as the site did not directly adjoin the current development boundary of Wombourne, nor was there a willing landowner despite contacting previous representatives. Therefore, the site was not reviewed as a potential location for housing in the SAD. Furthermore, the site was assessed as land of ‘Other’ quality in the 2013 Employment Land Study (SD082) and is not within a Main or Local Service Village or one of the District’s Strategic Employment Sites (as defined by Core Policy 7). Furthermore, there is an oversupply of employment land to meet local (as opposed to cross-boundary) needs (SD082). Therefore, as per Appendix 2 of the adopted Core Strategy, the Special Policy Area covering Smestow Bridge has been removed and the site continues to lie within the Green Belt, which is covered by Policy GB1 of the adopted Core Strategy.

8. Alternative/additional “omission” sites

"Many representors, including developers and landowners, have put forward additional or alternative sites which they consider should be included in the SAD. However, the primary purpose of the examination is to consider whether the submitted Plan, with its proposed site allocations, is sound. Consequently, the examination should concentrate on whether those sites allocated in the submitted Plan are sound, and participants should focus on this issue, rather than promoting their own sites. If the Inspector concludes that additional/alternative sites are needed, perhaps because one or more of the sites included in the SAD have shortcomings, he will ask the Council to put forward alternatives, and these would be considered during the later stages of the examination. A similar approach would apply to employment sites, Safeguarded Land, Gypsy & Traveller sites and Development Boundaries. The Inspector welcomes the Council’s views on this approach."

8.1 The Council supports the approach to alternative/additional “omission” sites set out in section 8.(a.) of the inspector’s initial questions to Council.

“In its representations, the Environment Agency raises concerns about flood risk, surface water run-off and odours at some site allocations. Does the Council intend to amend the Plan to address these issues?”

8.2 The Environment Agency’s representation to the SAD Publication Plan (SAD/STA/007) raises a number of proposed amendments to the SAD Publication Plan to address site-specific concerns. These amendments have been made within the SAD. The Environment Agency’s representation did also raise concerns.

---

⑦ https://www.sstaffs.gov.uk/planning-files/Publication-Plan-Reps-SITE-PROMOTERS/Quod%20for%20Four%20Ashes%20Ltd%20PP.pdf
regarding the IDP and the capacity of Severn Trent Water’s treatment plants to accommodate growth, suggesting that these issues are raised with Severn Trent Water and reflected in the IDP. The Council has consulted with Severn Trent Water at each stage of the plan’s preparation and following the Environment Agency’s representation have contacted Severn Trent Water to ascertain whether any additional information should be included in the IDP. The Council has subsequently received written confirmation from Severn Trent Water that there are no such concerns on their part relating to capacity issues at the pumping stations in question. Therefore, the Council has not currently proposed any changes to the submitted IDP on this basis.

9. Structure and timescale of the hearings

“The Inspector will shortly be liaising with the Programme Officer about drawing up the timetable for the forthcoming hearing sessions. He envisages commencing the hearings with an introductory session covering Legal and Procedural Matters, including consistency with the Local Development Scheme, Local Planning Regulations and Statement of Community Involvement, along with confirming the purpose and scope of the SAD, the adequacy of public consultation and the Duty to Co-operate requirements. The hearings would then cover the Local Plan Strategy and Strategic Policies (SAD1-SAD5), discussing general (non-site specific) points relating to the Local Plan Review, Housing Provision, Safeguarded Land, Gypsy & Traveller Provision, Employment Provision and Green Belt & Open Countryside. The Site-Selection Methodology and Green Belt Review would then be discussed, before turning to the Specific Site Allocations. Since there is some overlap between the housing, Green Belt, Safeguarded Land and Development Boundaries, these could be dealt with on a settlement/site-by-site basis, dealing with issues relating to each of the policy areas. Employment site allocations and Gypsy & Traveller site allocations would follow. The hearing sessions would conclude with Other Policies & Development Requirements (Policies SAD7-SAD9), and any other matters. The Inspector envisages the hearing sessions taking place on 8 days over 2-3 weeks. He welcomes the Council’s comments on this approach.”

9.1 The Council agrees with the proposed approach to the structure and timescales of the hearings set out in section 9.(a.) of the initial questions to the Council.

“The Inspector understands that the Council intends to utilise the Council Chamber for the hearing sessions, including separate rooms for the Inspector and the Programme Officer. The Inspector will also need a car parking space and a note-taker to record the gist of the discussions at the hearing sessions. Can the Council confirm that the necessary arrangements will be made and whether they intend to have any legal representation at the hearings?”

9.2 The necessary arrangements set out in section 9.(b.) of the initial questions to Council will be made. With regards to legal representation, at this stage the Council does not propose to have legal representation, but reserves the right to change its position on this if other participants rely on legal representation and the Council feels it is necessary to do so.

10. Other matters

“The Inspector would like to know whether the Council’s officers are having any meetings with relevant bodies and key representors with a view to resolving any issues in dispute during the Examination. Statements of Common Ground can be useful in narrowing the issues in dispute, and should be submitted as soon as possible. Can the Council indicate whether any meetings are being held/to be held with relevant parties during the Examination?”
10.1 The Council intends to hold meetings and engage in correspondence with Historic England regarding their outstanding areas of concern regarding the SAD, which primarily relate to the housing allocation at White Hill, Kinver and Access Road Option 9 for ROF Featherstone. The Council is also currently engaging with Staffordshire County Council/Network Rail to determine the extent of car parking necessary to be delivered by Site 136 (Land at Landywood Lane, Great Wyrley) to address identified parking issues at the existing Landywood Rail Station.

“The 2004 Act (as amended) distinguishes between “Main Modifications” and “Additional Modifications”. “Main Modifications” are changes needed to ensure that the plan is legally compliant and sound and can be adopted; “Additional Modifications” are minor changes which do not materially affect the policies in the plan, when taken together with the “Main Modifications”. The Council can make “Additional Modifications” at any time before adoption; these are not formally considered at the Examination or recommended by the Inspector. However, the Inspector cannot consider or recommend “Main Modifications” unless specifically requested to do so by the local planning authority. Without this request, his report will be confined to identifying any soundness or legal compliance failures and possibly recommending non-adoption of the plan. The Council will therefore need to consider whether they wish the Inspector to consider and recommend any Main Modifications to the Plan under Section 20(7C) of the 2004 Act.”

10.2 The Council can confirm that they would wish the inspector to consider and recommend any Main Modifications to the Plan under Section 20(7C) of the 2004 Act.

“Can the Council confirm whether there are any outstanding documents, reports or studies to be submitted, and if so, what is the likely timetable for completion?”

10.3 The Council does not intend to submit any further documents, reports or studies unless such evidence is requested by the inspector during the examination.

“Can the Council confirm whether it intends to prepare any further Background/Topic Papers for the examination and indicate a timescale for publication?”

10.4 Unless requested by the inspector, the Council does not intend to prepare further background/topic papers for the examination.

“The Inspector is in contact with the Programme Officer, Amanda Willis. The Council’s team will need to work closely with the Programme Officer in making the arrangements for the examination and the hearing sessions; it is often helpful to appoint an examination manager as the Programme Officer’s main contact. If the Council (or any representor) has any queries about the processes or procedures for the examination, they should not hesitate to contact the Programme Officer. The Inspector understands that the Programme Officer is currently an existing officer with the Council. Can the Council confirm that the Programme Officer will be able to deal with examination participants in an independent and impartial manner and give top priority to work associated with the local plan examination?”

10.5 The Council can confirm that the Programme Officer will be able to deal with examination participants in an independent and impartial manner and give top priority to work associated with the SAD’s examination, and has previously demonstrated this by acting as Programme Officer for the South Staffordshire Core Strategy examination in 2011/12. The Programme Officer is not part of the Enterprise and Growth Service and has considerable experience, having worked in
this role for seven different local authorities’ at their Examinations in Public in the West Midlands region over the last 6 years, receiving numerous commendations for her work. The Examination Manager will be the Strategic Planning Team Manager, Kelly Harris.

“The Council should be fully aware of the published national planning policy guidance in the National Planning Policy Framework (March 2012), Planning Practice Guidance (October 2014 and updates), and the Planning Inspectorate’s Procedural Guidance. Can the Council confirm that they are fully aware of this guidance?”

10.6 The Council can confirm that they are fully aware of the guidance set in section 10.(f.) of the inspector’s Initial Questions to the Council.

Five year supply/Housing provision

“The latest evidence on housing land supply [SD102] confirms that, at present, the Council can demonstrate a housing supply of only 4.39 years, based on the most recent objective assessment of housing need for South Staffordshire (270dw/year) [SD080]. What implications does this have for the SAD, and will the Council be able to demonstrate a 5-year supply of housing land when the SAD is adopted?”

11.1 The Council has produced the 2017 5 year housing land supply statement (SD102) in order to offer an up-to-date position regarding the Council’s land supply. For the purposes of providing clarity in development management decision-making, this has included an annualised objective assessment of need of 270 dwellings per annum, to reflect a 2017 SHMA produced between South Staffordshire and the Black Country authorities in advance of the Local Plan review committed to in Policy SAD1.

11.2 However, it is not intended that this updated SHMA should be used within the SAD to revise the housing targets contained in Core Policy 6 of the Core Strategy. As set out in the case law highlighted by the inspector and in the Council’s Housing Topic Paper Addendum August 2017 (SD098), the Council is not required to revisit housing need targets set in the Core Strategy through the SAD and it is necessary for all DPDs to comply with every provision within the NPPF where these are not relevant to the plan in question. Instead, the SAD must deliver the development required by the existing housing requirements set out in Core Policy 6 of the adopted Core Strategy. Therefore, the amount of land to be allocated through the SAD has been based on the numbers apportioned to Main and Local Service Villages in Core Policy 6 of the adopted Core Strategy, as set out in paragraphs 3.1-3.11 of the Housing Topic Paper (SD030).

11.3 Core Policy 6 of the adopted Core Strategy expects the Council to maintain a five year supply throughout the plan period, based upon a delivery target of 175 dwellings per annum and a 5/20% buffer as appropriate. Paragraph 7.4 of the Council’s 2016 SHLAA (SD079) makes clear that even without the proposed SAD allocation sites, the Council could demonstrate in excess of a five year housing land supply (5.93 years) against the target required by Core Policy 6 of the adopted Core Strategy as of 31st March 2016, based on existing commitments. Whilst the 2017 5 year supply statement (SD102) measures supply against an objectively assessed need of 270 dwellings per annum to provide clarity in current development management decisions, it can also be seen from this statement that the Council’s overall supply has improved between 31st March 2016 and 31st March 2017, increasing from 1006 dwellings to 1322 dwellings over this period (see SD102 and SD079). Therefore, if the Core Strategy compliant 175 dwellings per annum target had been used in the 2017 five year housing land supply statement (SD102), the position against the target identified in Core Policy
6 would have improved further. Furthermore, if the Council had factored in proposed SAD housing allocations without planning permission into this calculation the supply position would have improved further.

11.4 Consequently, the 270 dwellings per annum figure does not impact upon the amount of growth planned for in the SAD, as it is not within the scope of the SAD to review the 175 dwellings per annum required by Core Policy 6 to deliver the strategic policies of the Core Strategy. The Council is confident that the SAD complies with the relevant requirements of Core Policy 6 with respect to delivering a five year housing land supply of 175 dwellings per annum and the required housing provision at each Main and Local Service Village. The adoption of the SAD would further guarantee a five year supply figure against the relevant Core Strategy requirement and would ensure the required apportionment of growth to individual villages in Core Policy 6 is delivered.

11.5 Whilst the Core Strategy does not require the SAD to achieve a five year supply against the 270 dwellings per annum figure, the SAD would significantly improve the Council’s 4.39 years’ worth of land supply against this figure, by adding an additional 891 dwellings not currently accounted for in the Council’s supply. The Council is therefore confident that the adoption of the SAD would greatly assist in demonstrating a five year supply based on a more recent objective assessment of housing need in advance of the Local Plan review, although the extent of uplift in supply would have to be confirmed in an update of the supply position in the next monitoring year.

11.6 The revision of the Core Strategy’s housing policies and the housing target of 175 dwellings per annum they require can be adequately addressed through a Local Plan review set out in Policy SAD1. As set out in section 5 above (‘Local Plan Review and housing provision’) the Council is already actively participating in work with neighbouring authorities within the HMA to inform the Local Plan review to ensure that housing needs across the HMA are met in the most expeditious manner possible.

Gypsy and Traveller provision

“What are the implications of the latest Gypsy & Traveller Accommodation Assessment [SD105] which indicates a shortfall of 11 pitches (5 years) and 33 pitches (2013/14-2027/28) and how will this be addressed?”

12.1 The January 2014 Gypsy and Traveller Accommodation Assessment (SD105) updated the Council’s housing needs evidence base, but has subsequently been superseded by a more recent assessment of gypsy and traveller needs contained within the 2017 SHMA carried out with the Black Country authorities. However neither of these documents have been used to revise the pitch requirements fixed by Policy H6 of the adopted Core Strategy. The SAD needs to conform to the adopted Core Strategy, which sets clear parameters for the amount of Gypsy and Traveller needs to be accommodated in the SAD. These are set out in Policy H6 of the adopted Core Strategy and it is not within the scope of the SAD to revise these strategic housing need policies. Further detail on the Council’s approach to this matter is set out in the Gypsies, Travellers and Travelling Showpeople Site Selection Background Paper (SD029).

13. Call for Sites

---

8 891 equals the total allocations in Policy SAD2 minus 19 dwellings from site 281a and 160 dwellings from site 223, both of which have planning permission and are already accounted for in the Council’s five year supply.
“The Inspector understands that the Council is currently undertaking a "Call for Sites" in connection with the Strategic Housing & Economic Land Availability Assessment (SHELAA) relating to the review of the Local Plan. **Can the Council confirm whether this will have any implications for the current SAD examination?**

13.1 The Council can confirm that the Call for Sites exercise started today does not affect the submitted Site Allocations Document (SAD). As a tier 2 plan delivering the adopted Core Strategy, the SAD has already identified sufficient sites to meet the requirements of the Core Strategy in terms of housing, employment and gypsy and traveller needs and distribution. The Council has proposed what it considers to be sound site options to meet these Core Strategy requirements, based on extensive previous Call for Sites exercises designed to identify the most sustainable options to meet these requirements.

13.2 As set out in the Call for Sites letter (dated 28th September 2017), the Council is undertaking the Call for Sites as part of the early evidence-base for the review of its Local Plan, recognising that previous ‘Call for Sites’ exercises have been undertaken in the context of delivering the adopted Core Strategy, thereby focusing attention on land within/adjacent to Main and Local Service Villages (as set out in Core Strategy Core Policy 1) and the four strategic employment sites (as set out in Core Strategy Core Policy 7). Given the need to review the Local Plan by 2022 (as set out in Policy SAD1 of the SAD), it is essential that the Council begins to prepare its evidence base to inform this plan, thereby minimising the delay in addressing its revised housing need and unmet needs within the wider housing market area.