

## South Staffordshire Council response to Regulation 16 consultation on Kinver Neighbourhood Plan

Town and Country Planning (General) Regulations 2012: Consultation under Regulation 16: 23  
January – 06 March 2023

Formal comments from South Staffordshire Council

South Staffordshire Council in general supports the Kinver Neighbourhood Plan, however there are still a number of areas of concern, as set out in the Council's formal response to the Regulation 16 consultation below.

### KINVER DRAFT NEIGHBOURHOOD PLAN

Page/ Paragraph/ Policy No.	Comment	Suggested Amendment
Policy KN01 Para 1	There is a lack of clarity in relation to a number of key terms in this policy most notably 'development' and 'around'.	The clarification included in the interpretation section on the types of development which may be considered acceptable could be usefully introduced into the wording of the policy.  The policy should include some indication of the meaning of 'around', does this relate to edge of centre/sites adjacent to the village centre boundary etc.
Policy KN02 Para 1	Unlike the NPPF (para 120(c)) policy KN02 does not appear to recognise the need for the prioritising of brownfield land to occur where it is both suitable and within existing settlements and there appears to be no recognition that housing growth in isolated locations should be avoided (as per NPPF para 80). The locations for housing development in policy KN02 appear to raise the risk of significant housing growth being permitted in locations outside of villages identified in the adopted Core Strategy policy CP1 and in potentially unsustainable locations which could exacerbate the Parishes' reliance on car-based transport.	The policy should be amended to be brought into general conformity with the spatial strategy in the adopted Local Plan. It is suggested that the opening statement of the policy should be amended to read as follows: '...housing growth will be supported in sustainable locations within settlements, particularly in the following locations: ...'
Policy KN02 Para 4	The policy as worded would suggest that all three listed tenure types should be provided. With respect to First Homes, provision of this tenure type is mandatory. With respect to Rent to Buy, there is a lack of evidence to suggest that this is a suitable tenure for meeting affordable housing need in the area (see Kinver Housing Needs Assessment 2021 and the South Staffordshire Housing Market Assessment Update 2022). The provision of shared ownership instead of Rent to Buy would therefore be strongly recommended.	To better reflect the available evidence and bring the policy into general conformity with the affordable housing policy in the adopted Local Plan it is suggested that the policy should be amended to read as follows:  'Provision of affordable housing should include:
Policy KN02 Para 4	The adopted South Staffordshire Core Strategy policy H2 (Provision of Affordable Housing) does not allow for provision of affordable rented homes. Such housing could only be provided if the affordable housing requirement on allocated sites were to be exceeded. No evidence has been provided to suggest that this would be viable in Kinver and a requirement for additional levels of affordable housing could potentially threaten site delivery.	<ul style="list-style-type: none"> <li>a. First Homes;</li> <li>b. Shared ownership; and</li> <li>c. Social rent'</li> </ul>
Policy KN04 Para 10	Policy requires houses to be separated by a gap of 'sufficient' width, what is classed as sufficient?	Welcome clarification.

Policy KN06 Para 1	The policy should be clear that the preference is for limited infill development to occur in sustainable locations. This would align this policy with the adopted Core Strategy policy CP3 and would reflect NPPF paragraphs 80 and 120 (c).	To better align with the adopted Local Plan and the NPPF amend the wording of the first paragraph to read: 'Infill development will be supported for gaps in existing built frontages in sustainable locations within settlements, providing...'
Policy KN07 Para 1	The reference to no overall harm is contrary to policy in the NPPF and the adopted Local Plan. National Policy in relation to biodiversity (NPPF para 180) states that 'significant harm' is to be avoided.	To better align with policy in the NPPF and adopted Core Strategy policy EQ1 it is suggested that the policy is amended to include reference to 'significant' harm in relation to habitats and ecology.
Policy KN07 Para 6	In relation to loss of trees and hedgerows would this approach apply if the trees/hedgerows were of poor quality.	Reconsider the approach in this policy and suggest that there is the potential to promote enhancements where trees/hedgerows are assessed as being of poor quality.
Policy KN07 Para 7	Question the purpose of paragraph 7 in the context of protecting the natural environment. Maintaining the separation of settlements is usually associated with Green Belt designation. Inclusion within a policy relating to nature conservation is not considered to be consistent with policies regarding the natural environment within the NPPF and the adopted local plan.	Revise Paragraph 7 of policy KN07 as it is considered inconsistent with the approach towards the natural environment in both the NPPF and the adopted Core Strategy. The NPPF and the Local Plan set out a policy approach which promotes the protection and enhancement of sites for their biodiversity and geodiversity value and not for the contribution they make towards maintaining settlement separation.
Policy KN08 Para 1	Does this policy apply to listed or also non-designated heritage assets.	Welcome clarification of policy intention.
Policy KN08 Para 5	Policy could result in building environmental performance being enhanced but could detract from the buildings character.	Amend policy to include reference to preserving/enhancing the character of the historic building.
Policy KN08 Para 6	Policy wording could be clearer that the opportunities for enhancement relate to the canal conservation areas.	Suggest the policy should be rephrased as follows 'Development should enhance the character or appearance of the canal conservation area including....'
Pg52 Final Paragraph	Comment that replacement of historic windows being against policy is factually incorrect as such works are classified as Permitted Development.	Delete inaccuracy
Policy KN11 K01	This site has statutory protection as a Local Nature Reserve and is situated within the Green Belt. The site is readily accessible via the local Public Rights of Way network (PRoW).	It is not clear what extra protection would be achieved by adding a LGS designation. Suggested this LGS designation is removed.
Policy KN11 K02 & K03	Adjoining linear open sites which together comprise an area of 17.3 hectares of open land. The sites provide an open setting for informal recreation along the canal and the local PRoW network. Green Belt designation is an acknowledgement of the value of the openness of this location, the area of land is also identified as Flood Zone 3 and is adjacent to the canal conservation area.	It is considered that taken together these sites are contrary to NPPF criteria regarding the identification of extensive tracts of land. The area of land already benefits from multiple layers of policy protection. It is not clear what extra protection would be achieved by adding a LGS designation. Suggested this LGS designation is removed.

Policy KN11 K04-K09	These sites are adjoining, and whilst comprising different uses together they constitute an area of 16.2 hectares of open land. All of this land is designated as Green Belt, and significant portions are identified as Flood Zone 3. This area includes formal recreation space at Edward Marsh Playing Fields & Kinver High Playing Fields which are protected by national and local playing pitch policies. The Paddocks (K04) & Kinver High Nature Reserve (K07) are both Biological Alert Sites. The Paddocks (K04) & the Woods (K05) are within the direct setting of the Canal Conservation area.	It is considered that taken together these sites are contrary to NPPF criteria regarding the identification of extensive tracts of land. This area of land already benefits from multiple layers of policy protection. It is not clear what extra protection would be achieved by adding a LGS designation. Suggested this LGS designation is removed.
Policy KN11 K12	Site occupies the open land between Kinver and Dunsley. The supporting evidence indicates that the site is used for a range of formal and informal recreational uses. Playing pitches occupying the site will be protected by national and local playing pitch policies. This site is designated as Green Belt, is situated within Flood Zone 3 and is within the Kinver Conservation Area.	This area of land already benefits from multiple layers of policy protection. It is not clear what extra protection would be achieved by adding a LGS designation. Suggested this LGS designation is removed.
Policy KN11 K14	Playing pitch associated with the Foley Infant School. Site will be protected by national and local playing pitch policies.	This area of land already has policy protection which supports its present use. Playing pitch policy includes a measure of flexibility to support potential enhancements and the possibility of improved alternative facilities being provided. LGS designation could potentially conflict with this element of the existing policy protection covering this site. Suggested this LGS designation is removed.
Policy KN11 K17	An area of land physically detached from the current built area of the village though adjoining a proposed housing site. The supporting statement indicates that the importance of this site will increase once the new development is completed. The site is designated as Green Belt.	The Staffordshire Way affords access extensive areas of open countryside in addition to the candidate site. The site benefits from Green Belt designation it is not clear what extra protection would be achieved by a LGS designation. Suggested this LGS designation is removed.
Policy KN11 K18	Prominent site which makes a clear contribution to the character of the area and forms the setting for the Grade I listed church. Inclusion of the site within the conservation area and relationship with the listed building will afford a significant measure of protection. Site is designated as Green Belt.	This area of land already benefits from multiple layers of policy protection. It is not clear what extra protection would be achieved by adding a LGS designation. Suggested this LGS designation is removed.
Policy KN11 K19&K20	These sites are adjoining and together comprise an area of 7 hectares of open land. The supporting evidence indicates that this is an area valued for informal recreation. This area of land is situated within the Green Belt, is identified as Flood Zone 3 and provides the setting for the canal conservation area. The Riverside Fields (K19) are identified as Biological Alert Site.	This area of land already benefits from multiple layers of policy protection. It is not clear what extra protection would be achieved by adding a LGS designation. Suggested this LGS designation is removed.
Policy KN11 K22	Site of Scheduled Ancient Monument at Greensforge. Isolated location divorced from significant centres of population. Site is a protected Scheduled Ancient Monument and is situated within the Green Belt.	The proposal is contrary to NPPF LGS criteria regarding close proximity to the community. The area of land already benefits from multiple layers of policy protection. It is not clear what extra protection would be achieved by adding a LGS

		designation. Suggested this LGS designation is removed.
Policy KN11 K23	Well defined extensive area of open land adjacent to the west midlands conurbation. The site measures 20.9 hectares, is situated within the Green Belt, is identified as a Site of Biological Importance and is covered by a blanket Tree Preservation Area.	It is considered that this site is contrary to NPPF criteria regarding the identification of extensive tracts of land. This area of land already benefits from multiple layers of policy protection. It is not clear what extra protection would be achieved by adding a LGS designation. Suggested this LGS designation is removed.
Policy KN11 K24-K26	These sites are adjoining and combined comprise an area of 37.5 hectares of open land, adjacent to the west midlands conurbation. This is an area characterised by woodland and open fields. The area is designated as Green Belt, the Friars Gorse and Sandy fields site (K25/K26) is a Biological Alert Site.	It is considered that this site is contrary to NPPF criteria regarding the identification of extensive tracts of land. This area of land already benefits from multiple layers of policy protection. It is not clear what extra protection would be achieved by adding a LGS designation. Suggested this LGS designation is removed.
proximity though Policy KN11 K27&K28	These sites are adjoining and together comprise an area of 18 hectares of open land adjoining the west midlands conurbation. The area is designated as Green Belt and contributes to the setting of the Stourbridge Canal.	It is considered that this site is contrary to NPPF criteria regarding the identification of extensive tracts of land. This area of land already benefits from policy protection. It is not clear what extra protection would be achieved by adding a LGS designation. Suggested this LGS designation is removed.
Policy KN11 K29	Linear parcel of woodland adjoining the west midlands conurbation. The area is designated as Green Belt and is a Biological Alert Site.	This area of land already benefits from policy protection. It is not clear what extra protection would be achieved by adding a LGS designation. Suggested this LGS designation is removed.
Policy KN11 K30	Well defined parcel of woodland in close proximity though physically detached from the west midlands conurbation. The area is designated as Green Belt and a Biological Alert Site.	This area of land already benefits from policy protection. It is not clear what extra protection would be achieved by adding a LGS designation. Suggested this LGS designation is removed.
Policy KN12 Para 5	Unclear on the precise requirements of this policy. Is the policy requiring a separate dedicated cycle storage external to the main dwelling. Is the reference to charging point for EV charging.	Amend policy to improve clarity.
Policy KN12 Para 6	Policy wording imprecise, what would constitute 'adequate' parking provision.	Amend policy to improve clarity.
Policy KN12 Para 8	Policy wording imprecise, how many EV charging points should be provided, where should they be located. Does this apply to new developments or does it also include extensions to existing developments.	Amend policy to improve clarity.