

# **South Staffordshire Local Plan Review**

## **Examination in Public**

### **Hearing Statement for Matter 11**

On behalf of Richborough

Representor Ref: AGT24-030-05-02

Author: DO

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## Document Management.

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# 1. INTRODUCTION

- 1.1. Pegasus Group is instructed by Richborough to respond to the South Staffordshire Local Plan Examination: Matters, Issues and Questions produced by the Inspectors appointed to hold an independent examination of the South Staffordshire Local Plan Review 2023–2041 (the Plan).
- 1.2. This Statement relates to Matter 11 and its respective issues and questions as identified by the Inspectors.
- 1.3. Pegasus Group previously submitted representations in response to the Reg 19 Publication Plan in May 2024, the superseded Reg 19 Publication Plan in November 2022, the Preferred Options consultation (Reg 18) in November 2021, the Spatial Housing Strategy and Infrastructure Delivery consultation (Reg 18) in October 2019, and the Issues & Options consultation (Reg 18) in October 2018. This Hearing Statement should be read alongside our representations.

## 2. **MATTER 11: PROMOTING SUCCESSFUL AND SUSTAINABLE COMMUNITIES**

**Issue 1: Whether the approach of the Plan to promoting successful and sustainable communities is justified, effective, and consistent with national policy [Focus: Policies HC14, HC15, HC16, HC17, HC18, HC19]**

### **1. In terms of Policy HC14:**

#### **a. What is the basis for the policy approach?**

- 2.1. Section 8 of the National Planning Policy Framework (NPPF) highlights that planning policies should enable and support healthy lifestyles, and this is what this policy seeks to achieve. Meanwhile, Paragraph 34 of the NPPF states that plans should set out the contributions expected from development, including healthcare contributions. The Council suggest that the Infrastructure Delivery Plan (Doc Ref **CD11**), CCG Estates Plan, and Public Health England: Spatial Planning for Health (2017) provide the necessary evidence to justify the policy.

#### **b. How have the health impacts of the Plan been assessed and dealt with?**

- 2.2. No comment.

#### **c. Is the policy justified, effective and consistent with national policy?**

- 2.3. Whilst it is considered that Policy HC14 is broadly consistent with national policy, it continues to refer to proposed development generating an “unacceptable impact” on existing healthcare facilities, without defining what level of impact is deemed to be unacceptable and how this is measured. The policy fails to acknowledge that not all residents of a development will be new to a catchment area and may indeed already be registered with the local healthcare provider, thereby not creating a net additional burden on existing healthcare facilities. Additionally, the policy should be more explicit with regards to the health infrastructure that is needed. As such, the policy is currently not justified or effective in its current form in this respect.

#### **d. Are any modifications necessary in the interests of soundness?**

- 2.4. The points raised in response to 1(c) above should be addressed to ensure that the policy is sound.

## **2. In terms of Policy HC15:**

### **a. What is the basis for the policy approach?**

- 2.5. The Council assert that the Infrastructure Delivery Plan provides the necessary evidence for this policy, and Paragraph 99 of the NPPF is clear that sufficient school places should be made available to meet the needs of new communities, with Paragraph 34 stating that plans should set out the contributions expected from development, including education contributions.

### **b. Does the policy make it sufficiently clear to developers what are the expected education provision requirements?**

- 2.6. The education provision requirements are unclear, with the Policy instead implying that new education infrastructure will be required from all new development. The policy and its supporting text require further clarification as any such provision to be delivered by a S106 Agreement must have regard to the tests of CIL Regulation 122, and this should be made explicit within the policy. Education contributions should be determined on a case-by-case basis, having regard to the need which will be generated by proposals, and the latest evidence, with any contribution being fairly and reasonably related in scale and kind to the development, as per Paragraph 57 of the Framework.

### **c. Are there any thresholds that should be applied to the policy?**

- 2.7. No; this is considered unnecessary. As noted above, the contributions required by a proposal (if any) should be determined on a case-by-case basis, based on the latest evidence, and having regard to CIL Regulation 122 and Paragraph 57 of the Framework.

### **d. What types of development should be subject to the policy requirements?**

- 2.8. The policy requirement for education contributions will be most relevant to major residential developments which may generate a need for additional infrastructure.

### **e. Is the policy justified, effective and consistent with national policy?**

- 2.9. The policy aligns with the NPPF in making provision for development to contribute towards there being sufficient school places to accommodate the needs of communities. Notwithstanding, it is contended that the policy in its current form is inconsistent with the NPPF, as stating *“new education infrastructure will be required from new development”* implies that all proposals will have to provide education infrastructure, when Paragraph 57 is

clear that contributions should only be requested if they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development, thus there will inevitably be instances in which a contribution is unnecessary.

**f. Are any modifications necessary in the interests of soundness?**

- 2.10. It should be made more explicit that not all development will need to contribute towards education infrastructure, which will ensure consistency with the NPPF and a sound policy.

**3. In terms of Policy HC16:**

**a. What is the basis of this policy approach?**

- 2.11. No comment

**b. Is it justified and consistent with national policy?**

- 2.12. No comment

**c. Should the policy enable demolition of existing buildings where they are surplus to requirements?**

- 2.13. No comment

**d. Are any modifications necessary in the interests of soundness?**

- 2.14. No comment

**4. In terms of Policy HC17:**

**a. What is the basis of this policy approach?**

- 2.15. Paragraph 102 of the NPPF highlights that access to a network of high-quality open spaces is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. It also notes that information gained from robust and up-to-date assessments of the need for open space should be used to determine the level of provision is needed, which plans should then seek to accommodate. The key evidence underpinning this policy is the Open Space Study Standards Paper (January 2020) (Doc Ref **ED73**), Open Space Strategy and Audit 2019 (Doc Ref **ED74**), and Infrastructure Delivery Plan Doc Ref **CD11**).

**b. Is it justified and consistent with national policy?**

- 2.16. No. The policy requirement for on-site equipped play provision for developments over 33 dwellings is unjustified and not supported by Richborough, as this will not be appropriate for every site, such as in areas where there is already high-quality equipped play provision in the locality; this is recognised within the evidence base, on page 20 of the Open Space Study Standards Paper (January 2020).
- 2.17. Furthermore, with regards to smaller sites required to pay an offsite contribution under the provisions of the policy, it may be preferable to provide an area of open space on site, where, for example, an area of informal open space can be delivered which cannot be developed as a result of other design and policy requirements. For example, SUDS features can offer opportunities for informal open space and areas of sites may need to remain undeveloped for landscape and visual reasons.
- 2.18. Richborough contend that the exclusion of incidental green infrastructure without a defined recreational purpose from on-site open space provision is not justified, nor consistent with national policy. This is because the PPG acknowledges that *“green infrastructure can embrace a range of spaces and assets that provide environmental and wider benefits. It can, for example, include parks, playing fields, other areas of open space, woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, street trees, and ‘blue infrastructure’ such as streams, ponds, canals, and other water bodies”* (Paragraph 004 – ref ID: 8-004-20190721).

**c. What evidence is there to support the policy requirement to provide 0.006 hectares of multi-functional publicly accessible open space per dwelling?**

- 2.19. The 0.006 figure is justified, with this being derived from the evidence, namely the Open Space Study Standards Paper (January 2020) (see Table 3.4.3).

**d. What evidence is there to support the requirement that development generating a need for i. 0.2ha of open space or more should provide the open space on site and ii. that sites of between 10 and 32 dwellings are required to provide an offsite financial contribution equivalent to the amount of open space that would otherwise be required on-site?**

- 2.20. The Open Space Study Standards Paper (January 2020) provides the evidence for the 0.2ha minimum area threshold (see Table 5.3.2). Whilst the document recommends that developments consisting of 33 dwellings and above should require on-site provision, it does not state that there should be a blanket requirement for those of 10–32 dwellings to provide



an off-site contribution, and evidence to explicitly support this has not been identified elsewhere within the evidence base. Thus, it is considered that this is not justified.

**e. Is the reference to smaller areas of incidental green infrastructure not forming part of the on-site open space standard justified?**

2.21. No; see paragraph 2.18 in response to question 4(b).

**f. Should new developments catering for older people be excluded from the requirements of the policy?**

2.22. No comment.

**g. How effective is the policy and on what basis is this view taken?**

2.23. The policy will be effective in securing additional open space in South Staffordshire to ensure the health and wellbeing of communities, in line with Section 8 of the Framework, although the policy is inflexible and does not make provision for instances where an off-site contribution may render a development unviable. As such, reference to this should be added to ensure that the policy is fully effective and deliverable.

**h. Are any modifications necessary in the interests of soundness?**

2.24. The overly prescriptive wording of the policy should be revisited to ensure that the policy takes a more flexible approach to open space provision, having regard to need in accordance with the CIL regulation tests to achieve the right design solution for each site. The policy should make clear reference to national guidance, ensuring that open space and green infrastructure is properly and clearly defined, and recognise the contribution that a range of spaces and uses will bring to a development, including incidental green infrastructure. It is contended that the blanket requirement for developments of 10–32 dwellings to provide an offsite financial contribution is unjustified, and the policy should include a ‘viability hook’ to ensure that it is fully effective.

**5. In terms of Policy HC18:**

**a. What is the basis of this policy approach?**

2.25. Paragraph 102 of the NPPF states that information gained from robust and up-to-date assessments of the need for sports facilities and playing pitches should be used to determine the level of provision is needed, which plans should then seek to accommodate. The key evidence underpinning this policy is the Indoor Sports Facilities Strategy (February

2020) (Doc Ref **EB70**), Indoor Sports Facilities Needs Assessment (January 2020) (Doc Ref **EB71**), Playing Pitch Assessment Report (January 2020) (Doc Ref **EB93**), Playing Pitch Strategy and Action Plan (September 2020) (Doc Ref **EB94**), Playing Pitch Requirements Topic Paper (April 2024) (Doc Ref **EB67**), and Infrastructure Delivery Plan.

**b. How has the available evidence informed the policy requirements? Is the evidence comprehensive?**

- 2.26. The evidence underpinning this policy is considered to be comprehensive; however, it is noted that this has not informed any specific standards within the policy, unlike Policy HC17, with it simply stating that Section 106 contributions will be informed by the latest Sports Facilities and Playing Pitch Strategies.

**c. The policy supports the development or improvement of new playing fields and sports facilities where it accords with the latest Sport Facilities and Playing Pitch Strategies. Is this justified and effective?**

- 2.27. No; the emphasis within the policy itself should be on establishing deficiencies in existing sports and playing pitch provision, in accordance with the latest evidence, and a requirement for any additional provision alongside the proposed development having regard to the tests of the CIL regulations, rather than making a blanket assumption that all major developments will be required to make a contribution towards sports facilities and playing pitches. This is unjustified. The wording of the policy should be revised to make this explicit. Regard will need to be given not only to evidence of provision included within the latest Sport Facilities and Playing Pitch Strategies, but also the delivery of new facilities as part of larger strategic allocations.

**d. The policy says that the Council will prepare an Open Space, Sport and Recreation Supplementary Planning Document (SPD). Is the policy effective in the absence of that document? Should the policy provide more detail on the scope and remit of the Open Space, Sport and Recreation SPD?**

- 2.28. Whilst the policy requires all new major residential development to contribute towards sports facilities and playing pitches, no quantitative details of what will be expected are included within the Local Plan. Any specific requirements relating to the delivery of planning obligations should be included within the provisions of the Local Plan itself, and not left to an SPD, which may not be prepared in a timely manner. For the policy to be effective, these standards should be set out within it, and it is important to emphasise that these must be fully justified and grounded in evidence.

**e. Is reference to the preparation of an SPD a policy requirement or a statement that should be included in the supporting text?**

- 2.29. Richborough affirm that preparing an SPD is not a policy requirement, and it is sufficient to reference this within the supporting text.

**f. Are any modifications necessary in the interests of soundness?**

- 2.30. As set out above, requirements for sports facilities and playing pitches which are justified, should be included within the policy text, and not left to an SPD, to ensure that it is effective. As with Policy HC17, the policy should ensure that it provides sufficient flexibility and a 'viability hook'.

Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

# Expertly Done.

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