

South Staffordshire Local Plan Review

Examination in Public

Hearing Statement for Matter 6

On behalf of Richborough

Representor Ref: AGT24-030-05-02

Author: SB



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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 6 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 Pegasus Group previously submitted representations in response to the Reg 19 Publication Plan in May 2024, the superseded Reg 19 Publication Plan in November 2022, the Preferred Options consultation (Reg 18) in November 2021, the Spatial Housing Strategy and Infrastructure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 6: GREEN BELT

- 2.1. **Issue: Whether the Plan's approach to Green Belt is positively prepared, justified, effective and consistent with national policy. (Focus Policies DS1, DS2)**
- 2.2. **Q5. 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?**
- 2.3. **Q6. Are there exceptional circumstances to justify the release of Green Belt land for development in Tier 2, 3 or 4 settlements?**
- 2.4. **Q7. 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?**
- 2.5. As set out in the Paragraph 145 of the NPPF, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. The Green Belt Review undertaken by the Council to inform the Local Plan is therefore welcomed, but it is considered that the exceptional circumstances would justify the release of additional land from the Green Belt to meet current and future development needs within South Staffordshire.
- 2.6. As the Council rightly note, the 2023 NPPF, against which this Plan is being examined states (para 145) that there is "no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated." The review of Green Belt that has informed the Local Plan is therefore welcomed in that sense. But the approach taken by the Council means that when reviewing this Plan, which will be immediate and likely before the end of 2025, they will be required to undertake a further Green Belt review in order to meet the requirements of their significantly increased housing requirements due to the new standard method for calculating local housing need set out in the December 2024, NPPF. This plan therefore, fails part of the tests of the 2023 NPPF against which it is being assessed, and the Green Belt boundaries proposed in the emerging Plan will not "endure beyond the plan period."
- 2.7. In terms of the exceptional circumstances which justify the release of land from the Green Belt, it is noted that in accordance with the Duty to Cooperate, which still remains, the Council must do its utmost to assist in meeting unmet needs across the housing market area, particularly given SSDCs proximity to adjoining West Midlands conurbations. The 2018 Greater Birmingham and Black Country Housing Market Area (GBBCHMA) Strategic Growth Study presented a strategic review of the Green Belt across the 'joint authorities' area. This review was undertaken in the light of the shortfall in housing need identified across the area.

It was acknowledged that as a significant proportion of land within the Housing Market Area is covered by Green Belt, 'exceptional circumstances' through Local Plan reviews would be required to alter the Green Belt boundaries.

- 2.8. Despite proposing a contribution of 4,000 homes towards the unmet housing need of the GBBCHMA as part of the Reg 19 2022 Publication Plan is now of the view that the Growth Study, on which the 4,000 contribution was based is out of date and requires further review, instead proposing a token contribution of 640 homes towards the unmet HMA need across the Plan period. However, it is evident **Doc SST/ED11** submitted to the Examination and dated 29 November 2024, that there remains a significant unmet need across the HMA authorities area.
- 2.9. The 29 November 2024 Statement identified that the shortfalls across all HMA authorities (Birmingham, Bromsgrove, Cannock Chase, Dudley, Lichfield, North Warwickshire, Redditch, Sandwell, Shropshire, Solihull, South Staffordshire, South Warwickshire, Tamworth, Telford & Wrekin, Walsall, Wolverhampton and Wyre Forest) for the period 2023-2042 totals 76,427 dwellings. It also recognises that the figures it identifies could change as local plans progress.
- 2.10. Contributions toward unmet need are also set out in the Paper where proposed. The Paper is also referred to as a 'statement of common ground', which seeks to set out an agreed approach between the contributing authorities (Shropshire, Cannock Chase, South Staffordshire and Telford & Wrekin) and the receiving authorities (Black Country authorities and Birmingham) on how the contributions will be apportioned amongst relevant authorities, where the apportionment is based on net migration flows between the exporting local authority and each of the receiving authorities.
- 2.11. Whilst that apportionment is not considered in detail in this paper, the agreement itself is already out of date. Since its publication:
- 1) The Inspectors for the Shropshire Local Plan have recommended its withdrawal, and the Council have confirmed (see letter at Appendix 2) that they are recommending withdrawal of the Plan to Full Council. This means that the proposed contribution will not be coming forward from that draft Plan.
 - 2) The NPPF published in December 2024 introduced a new standard method for calculating local housing need. Whilst this has resulted in a significant reduction in need for Birmingham,

plus reductions for Sandwell and Wolverhampton (very minor) all other authorities in the GBBCHMA area will have increased housing requirements. Unmet need is therefore likely to increase across the area, and the Duty to Co-Operate (and its replacement, once enacted following the Levelling Up and Regeneration Act 2024, will remain important.

- 3) Amended Local Plan legislation is also proposed to be enacted (through the LURA) in 2025. This will result in amended requirements for Plan-making where a large number of authorities, including South Staffordshire will be in immediate Plan review as their housing targets in current /emerging Local Plans are less than 80% of the new standard method requirements.

- 2.12. Notwithstanding the shortcomings of the November 2024 GBBCHMA Paper, it is evident that the 'significant housing shortfall across the HMA' that is acknowledged is only likely to increase.
- 2.13. The Spatial Housing Strategy Topic Paper (2024) (**Doc EB14**) continues to recognise the relationship between the District and adjoining GBBCHMA authorities and the opportunity to deliver unmet housing needs along the north/north-western edge of the Black Country to minimise the extent to which households from these areas are displaced from existing communities, jobs and education. The Topic Paper at Paragraph 4.10 concluded that *'if unmet housing needs were located in close proximity to Wolverhampton and Walsall (i.e. along the north-western and northern edges of the Black Country) then this may minimise the extent to which households from these two areas are displaced from their existing communities, jobs and education'*.
- 2.14. The Green Belt Exceptional Circumstances Topic Paper 2024 (**Doc EB16**) (paragraphs 4.5 and 4.6) of the Local Plan evidence base continues to acknowledge the exceptional circumstances for the release of Green Belt land, providing the *'exceptional circumstances case for releasing Green Belt at the districts most sustainable settlements with the best sustainable transport links to these authorities in the conurbation that are the source of the unmet needs.'* However, in terms of delivering housing for the District and the GBBCHMA this continues to focus on the delivery of housing on non-Green Belt options. Paragraph 7.2 of the Topic Paper sets out that only 0.16% of the District's Green Belt is proposed for release despite SSDC acknowledging the significant unmet need of the wider GBBCHMA and these authorities being unable to accommodate any of SSDCs housing requirement given they are also constrained by Green Belt or urban areas with unmet needs.

- 2.15. It is unclear however why SSDC require the assistance of other authorities when there are other opportunities for sustainable housing development through additional and 'Green Belt' release whilst still ensuring a significant quantum of high value Green Belt land is protected across the District. It is also evident, that since writing to the GBBCHMA authorities in 2021 (Appendix 1, Green Belt Topic Paper 2024), that the unmet housing shortfall across the HMA's as evidenced through the various HMA authorities' Local Plan Reviews is now significantly greater and SSDC need to take a greater proportion of the unmet need through additional housing allocations.
- 2.16. As well as continuing to focus on the delivery of homes through the development of non-green belt land, SSDC have placed an emphasis on higher density development. The Green Belt Exceptional Circumstances Paper 2024 sets out that *'under the preferred spatial strategy, land is released at an average density of 35 dwellings per hectare, thereby ensuring Green Belt release is kept to a minimum'*. The Paper points to the density of 35dph recommended in the GBBCHMA Strategic Growth Study 2018 to make efficient use of land prior to the release of Green Belt land. As recognised by SSDC however, the study is dated, and pre dates mandatory government policy requirements, including increasingly stringent Building Regulations and 10% BNG. SSDC have also based the delivery of housing sites at a density of 35dph on historic development capacity in the District, including housing development sites which again did not have to deliver the requirements of more recent mandatory Government policy. This is discussed further later in this section.
- 2.17. SSDC clearly recognise the scale of the housing shortfall across the wider GBBCHMA however this is not reflected within the Plan itself. As demonstrated through the 2022 Publication Plan and under the provisions of the NPPF Paragraph 145, there are clear exceptional circumstances based on the housing evidence available at the time to suggest the release of additional Green Belt sites to meet both the District's and the wider HMA's housing need.
- 2.18. The SSDC's substantially reduced contribution of 640 homes towards the HMA unmet need is not reflective of the 'significant housing shortfall' clearly evident across the HMA authorities, and the Council are relying on there 'not being a requirement' to review Green Belt boundaries rather than considering the clearly identified exceptional circumstances in full. It is clear that the District, (along with others in the HMA) need to go further to address this housing supply shortfall. South Staffordshire in particular has the ability to make a significant larger contribution to unmet needs in the HMA as it has a contiguous border with

the West Midlands Conurbation. This could include a number of sites which could be highly sustainable, located on the edge of the conurbation.

- 2.19. The eastern edge of South Staffordshire's local authority boundary adjoins the local authority areas of Dudley and Wolverhampton with key transport infrastructure links running through South Staffordshire. The direct relationship between these adjoining urban authorities and the authority area of South Staffordshire provides further exceptional circumstances in which to release additional Green Belt land within the District to deliver the housing sites necessary to meet the clear unmet housing need across the wider HMA. Proximity to these urban conurbations also enables sites, particularly those located on or close to key transport infrastructure networks to benefit from sustainable transport including access to cross boundary bus and rail services consistent with the Plan's spatial strategy.
- 2.20. In addition to unmet needs from neighbouring authorities, the Council should be considering their future position and increased local housing need arising from the standard method introduced in the NPPF. The new standard method increases South Staffordshire local housing need from 223 dwellings per annum to 645 dwellings per annum. Significant additional land will need to be found, and this constitutes exceptional circumstances that whilst not a housing requirement of this Plan, are sufficient to consider the release of land for safeguarding to ensure that the altered Green Belt boundaries endure beyond the Plan period as required by NPPF para 145.
- 2.21. Paragraph 145 of the NPPF states that *"strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the Plan period."* The South Staffordshire Plan is proposing some limited Green Belt amendments to provide proposed housing requirements. However, in order to address in particular, the issues arising from the shortfall in housing and employment land in the conurbations which in turn supports early review of the emerging Local Plan, it is essential that Green Belt boundaries are defined which will endure beyond the Plan period. The currently adopted Local Plan at Policy GB2 included safeguarded land for the longer term needs of the District. The Core Strategy was adopted in 2012 and so is now 12 years old. The NPPF highlights that Local Plans should be reviewed every 5 years so in effect the Core Strategy has endured two Local Plan cycles.
- 2.22. As a result, Richborough consider the 2024 Publication Plan should establish Green Belt boundaries which will not require amendment in the rest of the Local Plan cycle or indeed

beyond, through the introduction of safeguarded land. The introduction of safeguarded land would give the Council greater flexibility to accommodate development requirements and to assist in meeting a growing unmet housing need across the GBBCGMA. Following the removal of Policy DS6 (Longer Term Growth Aspirations for a new settlement) as proposed within the Publication Plan 2022, the introduction of safeguarded land is particularly important to future growth of the District.

2.23. **Q10. Should the Local Plan identify safeguarded land?**

2.24. In addition to unmet needs from neighbouring authorities, the Council should be considering their future position and increased local housing need arising from the standard method introduced in the NPPF. The new standard method increases South Staffordshire local housing need from 223 dwellings per annum to 645 dwellings per annum. Significant additional land will need to be found, and this constitutes exceptional circumstances that whilst not a housing requirement of this Plan, are sufficient to consider the release of land for safeguarding to ensure that the altered Green Belt boundaries endure beyond the Plan period as required by NPPF para 145.

2.25. Paragraph 145 of the NPPF states that *“strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the Plan period.”* The South Staffordshire Plan is proposing some limited Green Belt amendments to provide proposed housing requirements. However, in order to address in particular, the issues arising from the shortfall in housing and employment land in the conurbations which in turn supports early review of the emerging Local Plan, it is essential that Green Belt boundaries are defined which will endure beyond the Plan period. The currently adopted Local Plan at Policy GB2 included safeguarded land for the longer term needs of the District. The Core Strategy was adopted in 2012 and so is now 12 years old. The NPPF highlights that Local Plans should be reviewed every 5 years so in effect the Core Strategy has endured two Local Plan cycles.

2.26. As a result, Richborough consider the 2024 Publication Plan should establish Green Belt boundaries which will not require amendment in the rest of the Local Plan cycle or indeed beyond, through the introduction of safeguarded land. The introduction of safeguarded land would give the Council greater flexibility to accommodate development requirements and to assist in meeting a growing unmet housing need across the GBBCGMA. Following the removal of Policy DS6 (Longer Term Growth Aspirations for a new settlement) as proposed within the Publication Plan 2022, the introduction of safeguarded land is particularly important to future growth of the District.

2.27. Richborough are of the opinion that their land interests at Station Road, Codsall and Boscomoor Lane should be removed from the Green Belt (via the exceptional circumstances test for housing purposes) and a new Green Belt boundary redrawn. It is considered that these sites are optimal locations for new housing, as set out in detailed representations to

the Regulation 18 and 19 consultations, and in the Matter 7 Hearing Statements for each site, which consider Green Belt matters in detail and highlight that both sites do not make strong contributions towards the Green Belt purposes, including purposes (a), (b), and (d). As there are no assets or areas of importance in Footnote 7 of the NPPF which would provide a strong reason for refusing development, both sites are grey belt. Richborough have therefore considered the implications of the release of these sites from the Green Belt in terms of the Green Belt objectives identified at paragraph 143 of the Framework and also the approach which should be taken when identifying new boundaries as per paragraphs 147 and 148 of the Framework.

2.28. **Q11. Are there any amendments required to the wording of Policy DS1 for soundness?**

2.29. Richborough do not accept the Council's proposition that the Green Belt '*contributes towards rural character*'. Green Belt is a development restraint policy set out at Chapter 13 of the NPPF and is not a landscape or character policy. The NPPF outlines '*the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'. Therefore, the Council should amend the text within Policy DS1 and its supporting text to represent national policy.

2.30. Policy DS1 as currently drafted is unsound and does not meet with the provisions of the NPPF Paragraph 35. It has been demonstrated that there are clear exceptional circumstances for the release of Green Belt land to meet the unmet housing needs of the GBBCHMA. The delivery of 640 homes is not however considered to be a proportionate, or fully evidenced contribution towards meeting this need and the Green Belt boundaries will not endure beyond the Plan period, contrary to NPPF para 145.

2.31. There are additional Green Belt sites suitable and available for housing which are sustainably located and will contribute further to meeting this need as well as addressing other issues and challenges identified within the District including the additional land that will be required to meet a much higher local housing need under the standard methodology introduced by the NPPF 2024, for which the Council will need to begin preparing a new Plan likely before the current one is adopted. The Green Belt boundary should therefore be amended further to enable the release of additional Green Belt sites.

- 2.32. The other issue that needs to be taken into account in examining the Plan under the December 2023 NPPF, is the difference in Green Belt policy which will apply for decision-making purposes within South Staffordshire, as introduced in the December 2024 NPPF.
- 2.33. The South Staffordshire Green Belt Review work undertaken to support the Local Plan (Docs EB16 – EB18b) has not considered the concept of grey belt. But, as it will be important in decision-making, it needs to be taken into account in the Local Plan Review.
- 2.34. The definition of grey belt refers to previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143 of the NPPF. Thus, with 64 out of 82 parcels assessed not strongly contributing towards these purposes, Richborough would expect there to be a significant number of grey belt sites within South Staffordshire that can suitably accommodate development, and as this is a key consideration for development management even if not for the purposes of identifying land in this Plan, the Council's evidence base should be acknowledging this matter and providing clear policy references to Grey Belt.
- 2.35. As noted, Policy DS1 should include an acknowledgement that development in the Green Belt can be deemed appropriate if the criteria of Paragraph 155 are satisfied, and the 'Golden Rules' for residential development must also be referenced.
- 2.36. It is noted that Policy DS1, as drafted, reflects the national requirements of the December 2023 NPPF that was in force at the time the Plan was drafted and submitted. However, the Plan should be mindful of the changes that the 2024 NPPF introduced, particularly in how it will relate to future development management matters, planning applications and green and grey belt matters. These are national planning policies that impact on Development Management and as such will impact on how development in South Staffordshire will be delivered. To not include any such recognition of these changes would mean that upon adoption Policy DS1 would be out of date as it would not accord with national policy.
- 2.37. To be effective, Policy DS1 should be amended and updated to reflect national policy matters with regard to the wording and considerations of green and grey belt in the 2024 NPPF.



Appendix 1 – Shropshire Letter to Local Plan Inspectors

Inspectors:

Louise Crosby MA MRTPI
Elaine Worthington MTP MUED MRTPI IHBC
Nick Palmer BA (Hons) BPI MRTPI

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Date: 13th March 2025

Shropshire Council Response to Inspectors Correspondence ID48

Dear Inspectors,

Thank you for your letter of 17th February, which the Council received on 4th March 2025, setting out your response to the Council's letter GC56.

Clearly, the Council are hugely disappointed by your conclusions, the outcome of which provides no route to the adoption of the draft Local Plan. The choice now facing the Council is whether to agree to withdraw the Plan further to your recommendation, or to request you prepare a final report, of which you have already set out what your conclusions would be.

As the only choices open to the Council result in the same conclusion, the Council therefore recognises ID48 as a decision of the Planning Inspectorate that the draft Local Plan cannot be adopted due to the soundness concerns you have already set out in full in ID47 and within previous correspondence.

Set against the changing picture nationally with regard to Plan making, and in particular the new housing need figures derived from the Government's revised standard methodology, it had already become necessary for the Council to begin work on a new Local Plan later in 2025 regardless of the progress with the examination. However, having responded positively to the majority of your concerns, it remains extremely frustrating that we are now not being allowed an opportunity to undertake the work programme we set out in GC56.

Regarding the rationale for your position set out in ID48, having specifically invited the Council to prepare a project plan (paragraph 67 of ID47), it is now surprising you consider the work required to fulfil this would exceed the definition of 'limited' and could not be carried out in the defined six months. The Council are unaware of any material change in circumstance since the publication of ID47 regarding either your soundness concerns, or the



Government's advice to the Planning Inspectorate regarding the application of pragmatism in these circumstances. Put simply, it is unclear why this position was not reached in ID47, which would have saved the Council both time and expense.

For the avoidance of doubt, the Council continues to consider that the necessary work to address your soundness concerns, as set out in GC56, is capable of being undertaken within a six month period. It is also apparent there is flexibility regarding the application of the six month timetable as demonstrated by recent conclusions of other Local Plan Inspectors.

However, it is clear that despite this, you have concluded that undertaking necessary additional work in accordance with the proposed project plan is no longer an option open to the Council.

On this basis, officers feel that there is little choice but to recommend to elected members that the draft Shropshire Local Plan is withdrawn from the examination.

However, under our Constitution the decision to withdraw the Local Plan from examination requires full Council approval. Because our pre-election period commenced on Monday 10th March, ahead of elections on Thursday 1st May, the first opportunity for full Council to consider this recommendation and reach a decision is likely to be 17th July 2025. As a result, it is our intention to take a report to this meeting with a recommendation that our members provide approval to withdraw the Local Plan from examination.

Therefore, please accept this letter as the Council's intention to withdraw the Plan from examination, and on this basis we would ask that no further work be undertaken by you on the examination. We will write to you formally confirming the decision of Council in due course.

Your sincerely

Eddie West
Planning Policy and Strategy Manager



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

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