

Hearing Statement.

Matter 7 – Site Allocations Issues 1 and 2.

Boscomoor Lane, site ref. 006.

On behalf of Richborough

Representor Ref: AGT24-030-05-02

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Contents.

1. INTRODUCTION 1

2. MATTER 7 – ISSUE 1: SITE ALLOCATIONS 2

3. MATTER 2 – ISSUE 2: WHETHER THE PREFERRED HOUSING SITES ARE JUSTIFIED, EFFECTIVE AND
CONSISTENT WITH NATIONAL POLICY 2

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 7, for land at Boscomoor Lane (site ref 006), 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 Pegasus Group previously submitted representations in response to the Reg 19 Publication Plan in May 2024, the superseded Reg 19 Publication Plan in November 2022, the Preferred Options consultation (Reg 18) in November 2021, the Spatial Housing Strategy and Infrastructure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 7 – ISSUE 1: SITE ALLOCATIONS

Whether the preferred site allocations are positively prepared, justified, effective and consistent with national policy.

[Focus: Policies MA1, SA1, SA2, SA3, SA4, SA5]

In terms of the proposed planned housing and employment developments:

- a. Is the spatial distribution of the allocations across the South Staffordshire area justified and is it consistent with the Spatial Strategy?

Comments have already been made relative to Policy DS5. Specifically, concerns have been raised in regards to the approach taken in the Local Plan relative to meeting the needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) and in particular how this is dealt with by way of allocations. We contend that the Local Plan should make a greater contribution towards meeting the unmet needs of Black Country authorities in particular, and this should be reflected in the spatial distribution of allocations. In particular the Local Plan does not, in its current guise and unlike the 2022 Submission Plan, make provision for housing development on the edge of the conurbation. In order to make a meaningful contribution towards the unmet needs of the Black Country authorities, allocations should be made adjacent to the conurbation, where that need can be best met. This would include the former allocation at Langley Road, Wolverhampton.

Pegasus Group on behalf of Richborough acknowledge that development within Tier 2 and Tier 3 settlements can be a sustainable approach towards delivering new housing. Such settlements generally provide a range of services and facilities, sustainable forms of transport and new development can help sustain those facilities into the future.

- b. Has the identification and selection of the proposed site allocations been robustly evidenced and subject to robust, consistent and transparent methodologies, including in relation to the approach to existing committed sites?

We consider that the identification and selection of the proposed site allocations has been appropriately evidenced. Documents such as the Housing Site Selection Paper 2024 have demonstrated how sites have been subject to detailed assessment.

In addition, as set out above, the 2022 Submission Plan identified a number of sites on the edge of the West Midlands conurbation which would be ideally located to meet needs arising from the conurbation which cannot be met adequately within it. These sites, which includes the Langley Road, Wolverhampton site, was subject to a thorough assessment and considered suitable for development. The removal of these sites from the 2024 Submission Plan is a retrograde step which is inconsistent with the overarching objective of achieving sustainable development.

Comments relative to the site specific concerns of Richborough relative to the Boscomoor Lane site are made relative to the questions identified for Matter 7 Issue 2.

- c. Is the methodology for assessing the heritage impacts of site allocations robust and are the site-specific requirements for each site allocation consistent with it?

The method for assessing heritage impacts is felt to be robust. Specific requirements for the Boscomoor Lane site are discussed further under Issue 2.

- d. What evidence is there that education provision can be secured in a sustainable manner to support each of the housing allocations?

We have no concerns that contributions towards enhanced education provision can be delivered. The spatial strategy, by focusing on the larger settlements, ensures that housing is focused in the areas where school provision is most available.

- e. Is the approach of the Plan to air quality matters relating to planned growth sound?

We have no concerns that the strategic approach to air quality that is being pursued in conjunction with the Local Plan is deliverable. This is demonstrated via the SOCG signed by the LPAs in the subregion and Natural England. In addition, it is notable that throughout the Plan period, as electric vehicles become more prevalent, the significance of this issue is likely to reduce.

- f. For any site allocations with a known flood risk, how has that been considered, both in terms of assessing the capacity of the site and any measures necessary to manage the issue? Will the measures be effective and are they consistently applied across the relevant proposed allocations in the Plan?

As set out in the representations made to the Submission Plan, the Boscomoor Lane site falls entirely within Flood Zone 1. The site also does not contain any areas of risk of surface water flooding. A surface water and foul water sewer are present adjacent to the site. A pre-application engagement request has been made with South Staffordshire District Council and this will assist in developing the proposed design including the approach to drainage. However an indicative drainage design is contained on page 26 of the Promotional Document. Consideration is being given to the proximity of the site to the adjacent canal and what, if any, flood risk is posed due to that relationship. Due to the controlled nature of water within the canal network, at this stage it is not anticipated that any flood risk will result.

g. The Council has set the requirements for each site allocation within appendix

Detailed comments on the Site Specific Policy Requirements set out in Appendix C. Is that approach effective? Are the key requirements for each site allocation justified and sufficiently clear?

Comments for the Boscomoor Lane site are contained in our original representations to the 2024 Submission Plan.

However, there are a number of specific comments which do require amendment. In particular the current key requirements set out in Appendix C includes the retention and enhancement of tree and hedgerow boundaries. Whilst we are happy with the overall objective of retaining tree and hedgerow boundaries, inevitably to form new accesses etc., there may be a need for hedgerows to be removed. These can be compensated for through additional planting within the development. However, the wording in Appendix C should make clear that the maximum amount of retention should be pursued but this will need to also consider development requirements.

In addition, Appendix C refers to ensuring active travel links onto the canal towpath along the eastern edge of the site, as well as improvements to the canal towpath surface. Whilst in principle these issues can be addressed, some flexibility needs to be introduced should site specific circumstances or land ownership related considerations, prohibit delivery of these aspects. At present there is no known difficulty in their deliverability, but they are dependent on engagement with third parties such as the Canals and Rivers Trust.

Appendix C also makes reference to a minimum capacity of 80 dwellings. The latest design work suggests a capacity of 90–95 dwellings, therefore a minimum of 90 dwellings is an appropriate assumption on which to base the policy. We therefore consider that a more appropriate minimum capacity would be 90 dwellings leaving the flexibility to go to 95 if necessary. This has been set out in the promotional material we have submitted in conjunction with previous representations.

Finally, and whilst this has been raised separately under the Green Belt consideration, we do not consider the proposed Green Belt boundary, which omits the residential curtilage of the 2 properties on the western boundary of site reference 006, which sit outside the control of Richborough, is appropriate. Such an approach to Green Belt boundary identification does not comply with paragraph 149 (F). A more appropriate Green Belt boundary would be to follow Boscomoor Lane.

- h. Do the proposed allocations have a reasonable prospect of meeting the other relevant policies of the development plan? What evidence of this exists?

No conflict with other policies in the LP has been identified. The site will deliver a policy compliant level of affordable housing. There is no issue with flood risk. Other design related policies are capable of compliance.

In terms of Policy MA1

- a. Is it clear what is meant by 'large scale' or 'complex applications'?

Not applicable.

- b. Is it clear how a Strategic Master Plan produced by an applicant will be agreed by the Council?

Not applicable.

- c. Are the requirements of the policy contained in clauses a–j clear and justified?

Not applicable.

- d. Are any amendments required to the Policy wording for soundness?

Not applicable.

3. **MATTER 7– ISSUE 2: WHETHER THE PREFERRED HOUSING SITES ARE JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY**

[Focus: Policy SA1, SA2, SA3, SA4]

Please note: In responding to the questions below the Council should identify and address specific key concerns raised in representations.

For all preferred housing allocations please set out:

a. The background to site allocation and how it was identified:

Richborough have been involved in pursuing the promotion of the site through the LP for circa 8 years. Information has been supplied to SSDC to demonstrate its sustainability. The supporting evidence to the Local Plan including the Green Belt Assessment clearly demonstrates that it does not serve a significant purpose in preserving the openness of the Green Belt or its strategic function. It is well located relative to facilities and services within Penkridge. It clearly represents a sustainable form of development.

b. How the site contributes to delivering the spatial strategy:

Penkridge is a Tier 1 settlement, at the top of the Council's settlement hierarchy. As a result the allocation is consistent with the spatial strategy set out in the Local Plan.

c. Are the boundaries and extent of the site correctly identified:

The boundaries of the allocation do align with land controlled by Richborough, however, for the reasons set out previously it is not considered that this represents a suitable Green Belt boundary. The Green Belt boundary should follow Boscomoor Lane.

d. The uses to be permitted:

The site is identified for housing. It is not suitable for any mixed use development, bearing in mind its relationship to neighbouring residential properties including the residential

development recently completed by Persimmon Homes and the nature of the access along Boscomoor Lane.

- e. The anticipated housing capacity of the site, how this was determined and is it justified:

Appendix B identifies a minimum capacity of 80 dwellings. As previously been set out in our representations, it is considered that this ought to be increased to a minimum of 90 dwellings. Material demonstrating that it is suitable for this level of residential development has been included within our representations in the form of a promotional document and masterplan. It also forms the basis of the pre-application engagement we are currently pursuing with the Council.

- f. For any mixed-use proposals within it, the estimated floorspace of non-residential uses:

Not applicable.

- g. How any relevant technical constraints have been assessed and whether any necessary effective mitigation is necessary:

There are no significant technical constraints associated with the proposal. Both foul and surface water drainage outfalls are available. The site is not subject to flood risk. Suitable access can be provided onto Boscomoor Lane and this has been subject to discussions with the Highway Authority. Utilities are available in the immediate vicinity. There are no Tree Preservation Orders on the site. The nearest heritage assets in the form of listed buildings are over 0.5 kilometers away. A suitable design can provide an appropriate setting to the canal, which itself forms part of a conservation area. Technical reports are in the process of being prepared to support a planning application which should be close to submission by the date of the examination into this particular issue.

- h. Whether site specific requirements are necessary and whether they are proportionate, justified and appropriately address any technical constraints or requirements of other policies in the Plan:

As set out above the site does not have any significant constraints. There are no special requirements needed to facilitate development.

- i. Where applicable, evidence of whether the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the national policy approach to heritage will be met:

The site does not contain any designated heritage assets. The adjacent canal forms part of the Staffordshire and Worcestershire Canal Conservation Area. It is the case that many canals have been included within adopted conservation areas, but this has not precluded development adjacent to them. In this particular case there are a number of opportunities through careful design, suitable tree planting and provision of active travel routes, to integrate proposed development with the canal making the most of it as a tangible asset for the proposed allocation. The LP has identified the potential impact of the site on the setting of the Conservation Area and this is reflected in the site specific requirements in Appendix C.

j. Evidence of the expected timescale and rate of development, and whether they are realistic:

We consider the following is robust:

- Outline application submitted August 2025
- Outline planning permission granted March 2026
- Reserved matters submitted June 2026
- Reserved matters approved November 2026
- Condition Discharge December 2026/January 2027
- Start April 2027
- Complete Q1 2030.

k. The highways implications of the site, including accesses and the effect on the highway network:

Work has already been undertaken by Hub Transport with regard to the access. A simple priority junction can be formed with Boscomoor Lane and this is sufficient to accommodate development traffic. Boscomoor Lane is lightly trafficked in the vicinity of the site. Initial transport work has established there is unlikely to be any requirement for off-site improvements. Should such improvements be required these can be subject to Section 106 contributions.

- l. The known necessary infrastructure dependencies and whether the assumptions relating to them and their delivery are reasonable and consistent with the delivery assumptions contained in the submitted housing trajectory.

The infrastructure requirements associated with the proposed development are relatively limited. The design of the proposal should deliver the linkages into the canal network, where practicable. Contributions to improvements to the canal towpath can be funded by 106 contributions and delivered through the Canal and River Trust. At this stage no other infrastructure requirements are identified as being necessary and none that would inhibit the delivery of the proposed development.

- m. How the necessary infrastructure requirements will be funded and delivered in line with anticipated delivery timeframes.

It is anticipated the infrastructure requirements will be contained within a Section 106 Agreement and delivered in accordance with agreed triggers. It is not envisaged that any of the Section 106 infrastructure requirements would inhibit delivery of housing on the site.

- n. Clear evidence of whether the site is viable and developable at the scale of development expected within the plan period.

Richborough consider the site to be viable and the scale of the development will be delivered by circa Q1 2030.

- o. What is the situation with regards land ownership, land assembly and developer interest; and:

Richborough have an interest in all of the land identified in the allocation. There is known developer interest from housebuilders to take the site forward. As set out above, an outline planning application is already in preparation.

- p. Any modifications that are necessary for reasons of soundness?

Modifications are required to deal with:

- Acknowledgement that it may not be possible to preserve every hedgerow within the site as access requirements may necessitate some removal.

- Flexibility should be introduced to the requirement relative to delivering of linkages into the canal side.
- The allocation should be uplifted to a minimum of 90 dwellings.
- The Green Belt boundary should be amended to run along Boscomoor Lane.

In addition, for sites located in the Green Belt:

- q. What are the conclusions of the Green Belt Study in relation to the contribution of the site to the purposes of the Green Belt and the potential to alter the Green Belt in this location?

The Green Belt Study is clear that the site makes a weak/no contribution with regard to purposes A (sprawl), B (merging of towns) and D (setting of historic towns). The study identifies that it makes a strong contribution to safeguarding the countryside from encroachment. Whilst any underdeveloped site is likely to make the same contribution to safeguarding countryside in Green Belt terms, the Boscomoor Lane site is very well contained and therefore does not read as part of the wider countryside. As a result it is not considered that it makes a strong contribution to this purpose. All sites in the study are considered to make a strong contribution towards urban regeneration.

In view of the above there is clear evidence to justify altering the Green Belt boundary in this location to allow for a housing allocation.

- r. How would the proposed release of land maintain the openness and permanence of the Green Belt?

As set out above and recognised in the Green Belt Study the site makes a limited contribution to the majority of Green Belt purposes. Its removal and development for housing would not undermine the wider openness and permanence of the Green Belt, which occupies a large swathe of land south of Penkridge towards the northern edge of the conurbation, some 8.5 kilometers to the south.

- s. What would be the effect of developing the site on the purposes of the Green Belt?

As set out above development of the site would have limited/no impact on 3 of the 5 Green Belt purposes. For reasons set out above the impact on preserving the countryside would be limited in view of the characteristics of the site.

- t. Are there exceptional circumstances to alter the Green Belt in this particular case? If so, what are they?

The Local Plan has shown in robust terms that Green Belt release is necessary to accommodate even the reduced housing requirement currently being utilised. As set out previously in our representations, we conclude that the contribution towards meeting unmet needs within the conurbation is not being fulfilled. Even without this additional component of housing requirement, it has been clearly demonstrated through the evidence that Green Belt release is fundamentally necessary to deliver the required housing, even utilising the suppressed need. The Boscomoor Lane site has been shown to perform weakly in terms of Green Belt purposes, it is also with a Tier 1 settlement and therefore should be a priority for Green Belt release.

- u. What is the basis for the proposed Green Belt enhancements? Are they justified and appropriate and how will they be delivered?

Green Belt enhancements will be pursued in accordance with the requirements of Policy DS2. This is likely to consist of compensatory improvements to remaining Green Belt land in close proximity to the development site, and this is still being investigated. Should no land be identified in the locality of the proposed development, then a commuted sum delivered via a Section 106 Agreement will provide compensatory improvements which will be delivered via the Council. This will accord with Policy DS2. The scale of such enhancements will be subject to negotiation during the course of the planning application process.

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

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