



**South Staffordshire Local Plan Examination
Response to Matter 14: Protecting and Enhancing the Natural
Environment**

Wain Estates

April 2025

Introduction

This statement Matter 14 (Protecting and Enhancing the Natural Environment) of the examination of the South Staffordshire Local Plan Review (SSLPR) is submitted by Wain Estates (Land) Ltd ('Wain Estates'). Separate representations have been submitted in respect of the following Matters:

- Matter 2: Duty to Co-operate
- Matter 3: Vision and Strategic Objectives
- Matter 4: Development Needs and Requirement
- Matter 5: Spatial Strategy
- Matter 7: Site Allocations
- Matter 8: Delivering the Right Homes
- Matter 9: Housing Land Supply
- Matter 12: Building a Strong Local Economy
- Matter 16: Enhancing the Historic Environment

It follows representations submitted on behalf of Wain Estates (by Emery Planning) to the (Regulation 19) Pre-submission Draft of the South Staffordshire Local Plan Review in May 2024 in respect of our land interests at Penkridge Road, Acton Trussell which we are promoting for residential development. For reference, the representations comprised those identified under the following Representation IDs by the Council: AGT24-016-02-01 to AGT24-016-02-14.

The National Planning Policy Framework [NPPF] outlines that during the examination process, a Local Plan must demonstrate that it has been positively prepared, is justified, is effective and is consistent with national policy. Outlined below are responses to a select number of the Inspector's questions which set out why Wain Estates considers changes to the are necessary to ensure the soundness of the plan.

The Plan was submitted on the 11th December 2024 and thus the December 2023 NPPF is wholly applicable for the purposes of assessing this plan, in accordance with paragraph 234 to 236 of the revised December 2024 NPPF. Reference is therefore made to the December 2023 NPPF in response to the Inspector's questions, unless otherwise stated.

This Statement has been prepared in line with the Guidance Note for the Examination (SST/ED8).

Matter 14: Protecting and Enhancing the Natural Environment

Issue 1: Whether the approach of the Plan to the natural environment is justified, effective and consistent with national policy

[Focus: Policies NB1, NB2, NB3 and NB4]

4. In terms of Policy NB4:

a. What is the basis of this policy approach, and is it justified and consistent with national policy, given that the National Planning Policy Framework does not advocate nil harm, and the development of any undeveloped site will have a degree of visual effect?

The policy could be interpreted in a way that is unnecessarily restrictive, as the development of any greenfield site (including the allocations) will inevitably result in some level of adverse visual effects on the immediate environment or in longer range views, in terms of a change of character from a greenfield site to developed. It states:

“Throughout the district, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views.”

It is important to note that the NPPF only refers to the protection and enhancement of valued landscape (paragraph 180(a)). Paragraph 135(c) of the NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Therefore, national policy does not advocate a no development / zero harm approach to landscape character; rather, development should be sympathetic to landscape character and seek to minimise and mitigate against significant impacts.

In light of the above, the policy is not considered to satisfy paragraph 35 d) of the NPPF as it does not reflect paragraphs 135(c) and 180(a) of the NPPF.

b. Is the evidence base to be relied upon for the purposes of applying this policy sufficiently clear?

No comment.

c. Is the policy approach to hedgerows and trees not defined as ‘irreplaceable habitats’ justified and consistent with national policy?

The policy states that all trees, woodland, and hedgerows should be protected and retained. Whilst we note that the policy goes on to explain the approach where the loss of such assets is necessary, the policy should express their retention as a preference rather than a strict policy requirement.

The NPPF does not advocate an approach that all trees, woodland and hedgerows must be retained, and it is well established that the loss of some features such as trees or sections of hedgerow to facilitate development can be mitigated. Indeed, such an approach will be required on many of the allocated sites.

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

The policy should be amended to clarify that development should be sympathetic to landscape character and seek to minimise and mitigate against significant impacts.

The policy should also be amended to make clear that the preference is to retain trees, woodland and hedgerows, subject to assessment of their value and consideration of any replacement provision and/or mitigation measures.