



**South Staffordshire Local Plan Examination
Response to Matter 16: Enhancing the Historic Environment**

Wain Estates

April 2025

Introduction

This statement Matter 16 (Enhancing the Historic 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 14: Protecting and Enhancing the Natural 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 16: Enhancing the Historic Environment

Issue 1: Whether the Plan is justified, effective and consistent with national policy in relation to the historic environment.

[Focus: Policies NB8 and NB9]

Questions:

1. In terms of Policy NB8:

a. What is the basis of the approach to this policy, and is it justified and consistent with national policy?

We are concerned that the wording of the policy (particularly the second paragraph) misconstrues national policy in a way that the local policy could be interpreted differently from the NPPF. For example, the reference to development proposals seeking to avoid, and then minimise harm to heritage assets in the first instance is presumably an interpretation of paragraph 201 of the NPPF. However, it is not clear from the policy as drafted that paragraph 201 of the NPPF (read in conjunction with paragraph 18a-008-20190723 of the PPG) is concerned with whether the assessed level of harm to a heritage asset that would be caused by a proposed development could be reduced by alternative designs. The policy as drafted could lead to avoidance being read in a wider context, i.e. one of to avoid development altogether, which would be inconsistent with caselaw on the issue (see *Newcastle upon Tyne City Council v Secretary of State for Levelling Up, Housing and Communities* [2022] EWHC 2752 (Admin) & *Newcastle upon Tyne City Council v Secretary of State for Levelling Up, Housing and Communities* [2023] EWCA Civ 359).

b. Does the policy clearly distinguish between designated and non-designated heritage assets?

The policy does not appear to distinguish between designated and non-designated heritage assets. Under national policy and the legislative requirements, a very different approach needs to be taken depending upon whether a heritage asset is designated or non-designated.

c. Does the policy set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats?

No comment.

d. Are the heritage assets and/ or their settings potentially affected by the planned growth in the Plan clearly identified?

No comment.

e. Have any potential effects been assessed and reported upon in a clear and consistent way, which demonstrates an effective understanding of their significance?

No comment.

f. How have any objections raised by Historic England to the Plan been considered and/ or addressed?

No comment.

g. Are any main modifications necessary in the interests of soundness?

The policy should simply defer to national policy in relation to proposals affecting heritage assets. We note that the policy does this in any event in relation to the second sentence of the second paragraph, which is presumably intended to be a reference to paragraphs 205 – 214 of the NPPF.