

SOUTH STAFFORDSHIRE LOCAL PLAN EXAMINATION – MATTER 4 – DEVELOPMENT NEEDS AND REQUIREMENTS

RAPLEYS LLP ON BEHALF OF VISTRY UK
APRIL 2025

ISSUE 1 – WHETHER THE IDENTIFIED FUTURE HOUSING DEVELOPMENT NEED AND REQUIREMENTS SET OUT IN THE PLAN ARE JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY – POLICY DS4

1. This Hearing Statement should be read in conjunction with the Regulation 19 representations submitted by Rapleys on behalf of Vistry. It is also interlinked with the Hearing Statements in respect of Matters 2, 5 and 7.
2. Vistry does not dispute the general level of housing in so far as it relates to the Council's own needs, beyond the fact that this should absolutely be expressed as a minimum to be provided (bearing in mind the housing figures in this Plan are derived under the pre-2024 standard method).
3. The key concern of Vistry in so far as the housing need is concerned is in relation to **Question 5 – the housing requirement includes an additional 640 dwellings to contribute towards the unmet needs of the Greater Birmingham and Black Country Housing Market Area. Is this justified? If not, what should the figure be and why? And Question 4 – the housing requirement figure includes an approximate 10% additional number of homes to ensure plan flexibility. Is this figure justified?**
4. Put simply, no, the reduced figure in either case (unmet need and buffer) is not justified, and they should at least return to the levels identified and accepted by the Council in the 2022 version of the emerging Plan. The reasons for this are set out below.

Question 5 - Unmet Need

5. The 2022 Regulation Plan identified an explicit 4,000 dwelling contribution to the unmet need of the Greater Birmingham and Black Country Housing market Area (GBBCHMA). The 2024 submitted version reduces this to 640 – a substantial drop at a time of continuing and increasing need.
6. The 4,000 figure arose out of joint working carried out by the GBBCHMA authorities in 2018 set out in the GL Hearn Strategic Growth Study. Whilst this report has not been updated or superseded, Vistry consider its findings continue to be of relevance, and indeed, paragraph 5.10 of the submitted SSCD Plan states of the 2018 study that it – *'drew together existing evidence on housing supply and need across the entire housing market area, estimating that at that time the unmet needs of the GBBCHMA sat at around 28,000 dwellings up to 2031, rising to nearly 61,000 dwellings by 2036. Subsequently consultation by the Black Country authorities in 2021 and Birmingham City Council in 2022 indicated a potential shortfall of 28,239 and 78,415 homes respectively, indicating that the shortfall is likely increasing.'*
7. The Council themselves acknowledge a position whereby the shortfall is likely increasing. It is perverse therefore, for the Council to make such a reduction, or indeed, reduce the figure at all. There is no real evidence for this reduction beyond the stated position that this is now an environmental capacity-led change arising from the 'opportunity' purported to be provided through the perceived change in the 2023 NPPF of *'no requirement for the Green Belt boundaries to be reviewed or changed, and it was within the authority's gift to choose to do so where they could demonstrate exceptional circumstances'* (Spatial Strategy Topic Paper, April 2024). The plan therefore fails the 'positively' and 'justified' tests on this point alone.
8. Further perversity is evident in –
 - (i) the aforementioned Topic Paper, which also states that the reduction is as a result of the fact that the 2018 Growth Study on which the previous 4,000 home contribution to the GBBCHMA was directly informed, was no longer up to date and therefore could not be relied on to justify at the strategic level, the previously proposed plan target and level of Green belt release, and

- (ii) The Submitted Local Plan employment strategy, where employment land levels have been increased from 99ha in the 2022 Plan to 107.45ha with the specific justification being to accommodate *'unmet employment land needs arising from the Black Country authorities'*.
9. To provide for unmet employment needs but not housing needs, which are far more pressing and greater in number than employment, not only produces an unbalanced strategy, but is not in the spirit of Duty to Co-operate either. There is a strong relationship between South Staffs and the Black Country authorities in particular – many of South Staffs residents rely on the Black Country for employment and shopping needs. It is only fair that South Staffs reciprocates in providing for housing needs of the Black Country.
10. It is not a justifiable argument when the availability of land outside the Green Belt is so limited in any event, to simply then limit any Green Belt release to just local identified need, in the face of such overwhelming unmet need. With each authority taking the same position, the level of the unmet need at best stays the same, but in reality, continues to increase. This is not in accordance with paragraph 60 of the 2023 NPPF and will not *'support the Government's objective of significantly boosting the supply of homes'*. The NPPF expressly allows for exceptional circumstances for Green Belt boundary amendments and allocation of sites within it – provision of such overwhelming unmet need is an exceptional circumstance.
11. Furthermore, Green Belt designation is not an environmental capacity constraint; it is a policy derived constraint/mechanism designed to prevent the unrestricted sprawl of conurbations and prevent separate settlements from coalescing with the conurbation and with each other. Environmental capacity constraints relate to environmental protection designations, traffic and infrastructure impacts. It is acknowledged that the NPPF recognises there may be circumstances where development requirements cannot be met because of a lack of environmental capacity, but that is a completely different argument to not allocating enough sites because of designation of Green Belt. Clearly, the Council had identified sufficient environmental capacity to accommodate 4,000 dwellings in the 2022 Regulation 19 version of the Plan.
12. The 2024 Plan figure of 640 is not evidenced at all, whereas the 2022 figure of 4,000 at least had an established base and evidence to it. It is a figure that South Staffs agreed to accommodate in 2022. The need has not gone away just because of a perceived change to the NPPF. Indeed, the adjacent Wolverhampton Local Plan, also recently submitted for Examination, specifically acknowledges a shortfall of 10,398 dwellings in its plan period 2024-2042 (table at paragraph 1.105 and paragraph 1.111). Its' assessment notes that this could be met through existing and potential contribution offers from neighbouring authorities which have a strong relationship with Wolverhampton. Similarly unmet needs are identified by the other Black Country authorities, albeit their plans are less advanced. Strategic Objective 2 of the submitted Plan seeks to meet housing and employment needs of the District whilst making a proportionate contribution towards the unmet needs of the GBCHMA. Reducing the level of provision of unmet need from 4,000 to just 640 does not in Vistry's view, represent a proportionate contribution, particularly in the face of increasing need.
13. It is acknowledged that the Council has agreed a single Statement of Common Ground across the GBCHMA which includes the commitment to further work to identify how the extensive housing shortfall can be accommodated. Commitment for further joint working is one thing; actual provision of housing is another. A contribution of 4,000 dwellings from South Staffs would go some considerable way to meeting the identified shortfall, whereas 640 is barely half of the 1,096 annual need in Wolverhampton alone, never mind the wider Black Country or GBCHMA need.
14. The figure of 640 is not justified; the Local Plan is therefore not justified, nor positively prepared, nor in accordance with the NPPF. It is therefore not sound.

Question 4 - Buffer

15. Vistry's Regulation 19 representations identify concerns in relation to the 10% buffer now being applied. The 10% buffer is a reduction from the 13% allowed for in the 2022 version of the plan, but this has not been justified other than to say that historic delivery rates result in the need for only a 10% buffer being applied.

16. A 10% buffer does not provide sufficient flexibility, given the reliance on only two 'strategic' housing sites (Bilbrook and Penkridge) and in particular the over-reliance on existing allocations/commitments that have been in the pipeline of supply for some considerable time yet without showing any movement towards commencing development. Delivery rates in the two years between the Regulation 19 plans have not increased so dramatically as to warrant a reduction in the buffer.
17. Though quite dated now, the Report to Communities Secretary and to the Minister of Housing and Planning by the Local Plans Expert Group in March 2016, notes at paragraph 11.4 that a 20% buffer would ensure a more effective supply of deliverable sites that could be brought forward to respond to changes in circumstances.
18. Whatever the percentage size of the buffer, Vistry consider that it needs to take into account –
 - (i) land likely to be lost within existing longstanding allocations (that do not have planning permission) as a result of BNG requirements and other requirements in Policy DS2 that requires Green Belt compensatory requirements – any applications made now will have to provide at least 10% BNG on site in the first instance, which will not have been taken into account when identifying the capacity of the sites;
 - (ii) the potential for planning permission to lapse, particularly in relation to those sites within the supply which have permission but have yet to commence;
 - (iii) the application of a non-implementation rate on the allocated sites, typically 10%, especially given the 11.7% reliance on windfall sites.
19. The Plan is neither justified, nor positively prepared in terms of the level of the level of the buffer being applied and is therefore not sound.