

**Matter 1 – Issue 1**

**Question 3.**

**Have the relevant notification, consultation, publication and submission requirements been met in line with the Regulations and Statement of Community Involvement?**

There is a legal duty under The Environmental Assessment of Plans and Programmes Regulations 2004 (Schedule 1 Section 1(c)) that requires plans to integrate environmental considerations in particular with a view to promoting sustainable development. As set out in our separate responses to Matters 4 and 5, South Staffordshire District Council ('SSDC') has misinterpreted the National Planning Policy Framework ('NPPF') 2023 which has led them to pursue a spatial and growth option which has not been properly justified and fails to promote sustainable development.

**Question 6.**

**Does the Plan clearly distinguish between strategic and non-strategic policies? Are strategic policies limited to those necessary to address the strategic priorities of the area and any relevant cross-boundary issues?**

The plan identifies strategic and non-strategic policies, however, the strategic policies are not sufficiently justified nor do they address cross-boundary issues given the minimal contribution being made towards meeting the Greater Birmingham and Black Country Housing Market Area ('HMA') shortfall. The majority of HMA Authorities are continuing to progress with Local Plans which fail to collaboratively address the cross boundary housing shortfall e.g. Shropshire, Dudley, Wolverhampton, Solihull and Sandwell. In the cases of Shropshire and Solihull, these plans were found unsound because their strategic policies did not sufficiently address the HMA shortfall.

**Question 9.**

**In terms of the Sustainability Appraisal:**

- a) **Is the methodology applied robust?**
- b) **Is the baseline information upon which the Sustainability Appraisal is based up to date and relevant in terms of its scope?**
- c) **How were the appraisal framework objectives of the Sustainability Appraisal derived and how do they link to the individual policies in the Plan?**
- d) **How were the options considered through the Sustainability Appraisal for the following:**
  - i. **The overall scale of housing and other growth**
  - ii. **The broad distribution of development across the District**
  - iii. **Potential allocation sites**
  - iv. **Individual policy approaches**
- e) **Is the assessment of the likely effects of the Plan's strategy, policies and allocations adequate? Is the scoring against the Framework objectives reasonable?**
- f) **Is consideration of reasonable alternatives and reasoning for rejecting alternatives clearly justified?**
- g) **How have the conclusions of the Sustainability Appraisal been reflected in the Plan?**

- d) SSDC misinterpreted the NPPF 2023, leading them to pursue an alternative spatial and growth strategy within the 2024 Publication (Document reference CD1) different from that which was considered in the 2022 Publication Plan (Document reference PC1) and its evidence base. The preferred 'Option I' within the Sustainability Appraisal ('SA') (Document reference EB2-EB2b) was not an option assessed in the Sustainability Appraisal ('SA') 2022 (Documents reference EB3-EB3b) and was 'created' as a new option that reflected SSDC's interpretation of the NPPF 2023 to support the reduction in housing to meet the wider HMA needs.

The SA (2024) does not consider why Option I is preferred to other equally performing options nor does it assess other levels of growth options. NPPF gives LPAs a choice, but the choice must be exercised lawfully and meet the tests of soundness, which SSDC's is not. The document has also failed to adequately assess reasonable alternatives in terms of the overall scale of housing pursued and the distribution of it across the District.

- e) It is not adequate as the process to calculate the 640 dwellings contribution towards the HMA shortfall is not transparent. No assessment demonstrates why an increased contribution, such as the 4,000 dwellings pursued in the 2022 Publication Plan, has been discounted when the 2022 evidence base clearly supports the increased contribution.
- f) As above, consideration of reasonable alternatives has not been undertaken. As a consequence, the SA process and the plan are legally flawed due to the failure to assess reasonable alternatives and/or provide reasons for rejecting them.
- g) The conclusions of the SA have not been appropriately reflected in the submitted plan. Option I has been created in the 2024 SA to reflect SSDC's incorrect interpretation of the NPPF (2023) and their desire to reduce their Green Belt release and contribution towards the HMA shortfall. This is not a sound or reasonable approach to plan-making as is now demonstrated by the 2024 NPPF which requires LPAs to review their Green Belt in order to accommodate their identified housing need. Nor is it in accordance with the sustainable development duty in S.39 Planning and Compulsory Purchase Act 2004.

**Question 10.**

**Have any concerns been raised about the undertaking and/ or outcomes of the Sustainability Appraisal and what is the Council's response to these?**

This is a question for the Council but their response should be 'yes' as Taylor Wimpey submitted responses to the Regulation 19 Publication Plan 2024 which set out concerns with the outcome of the SA (2024).

**Question 18.**

**How does the Plan ensure the mitigation of and adaption to climate change, paying regard to the duty in S19(1A) of the Planning and Compulsory Purchase Act 2004?**

- As set out in our response to Question 3 above, the plan does not comply with the 2004 Act as the plan does not align the strategic growth needs to a sustainable transport strategy.
- Land at Cross Green (site references 646a and 646b) was previously allocated in the 2022 Plan (Draft Policy SA2) to deliver safeguarded land to facilitate future delivery of a rail-based park and ride, comprising of a 2-platform station and 500 car parking spaces. This is a significant infrastructure project and included within the Infrastructure Delivery Plan 2024 (document reference CD11). However, there is no acknowledgement in the Plan or its evidence base of what the impact of the removal of Land at Cross Green as an allocation will have on the delivery of this sustainable transport project.

**Question 19.**

**How has the Council had regard to all other relevant matters set out in section 19 of the Planning and Compulsory Purchase Act 2004 and Regulation 10 of the Town and Country Planning (Local Planning) Regulations 2012?**

No. The Plan's policies do not address the strategic cross boundary priorities adequately.