

Regulation 19 Local Plan Response December 2022

Visit <https://lowerpennnpc.co.uk> to answer our survey about the consultation.

This link will take you to the main document and some other useful webpages.
www.linktr.ee/lowerpennparish

The consultation is now open and closes on 23rd December 2022

Email responses to : localplans@sstaffs.gov.uk Don't forget to add your name, postal address and email address.

You can use the portal as last time but again it is hard to navigate. <https://sstaffs.oc2.uk/login>

This consultation is on the final draft of the South Staffordshire Local Plan - known as the Publication Plan or Regulation 19 consultation. Following this consultation the council will submit the plan to the Secretary of State for independent examination. The purpose of the examination is to assess whether the plan is 'sound. In doing so they will only consider the representations [responses] made on this version of the plan.

Plans are 'sound' if they are:

National Planning Policy Framework (NPPF) Chapter 35

(a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

(b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

(c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

(d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, where relevant.

If you make a comment that an aspect of the plan is not 'sound', try to suggest a modification that would resolve the issue you have identified.

We have tried to identify either NPPF policy that the Council have not followed in our opinion or SSDC's own policies like the Statement of Community Involvement. Mention these policies where you can in your answers.

Part of the legal process is that the District Council has to actively engage with all members of the community.

The plan should be easily understood and accessible to all.

If you have not found any part of this plan easy to access, or found it difficult to understand it is important you respond and explain that this is the case. The District Council have a legal

obligation to publicise the Local Plan and the consultations and make them easy to understand and accessible to everyone.

Do you think that as a resident the District Council have engaged with you with regard to the Local Plan?

How did you know about the local plan? Do you understand the language that is used?

How do you find navigating the website and the Local Plan documents?

Were you able to find Lower Penn in the plan, or the information that relates to our area?

Do you understand the process of the local plan, how to respond, and how to find the information?

If you want to add some more detail to your response, there is information below that might help you.

Infrastructure

There are several issues around infrastructure, especially as most of the infrastructure need for the Langley site will fall on Wolverhampton.

Paragraph 35 (c) of the NPPF guidelines requires a plan to be 'based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground'

Wolverhampton City Council requested in their response to the 2021 consultation that a Masterplan be completed for the Langley Road site together with a supplementary Planning Document (SPD) containing evidence that the local area around the site and within the Wolverhampton boundary could cope with the increase in traffic, doctors, dentists and schools. This has not been done and so the plan is not sound. This should be in the evidence base for the plan.

Chapter 73 of the NPPF:

The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.

Public Transport: There is a bus route at Merry-hill but no tram and no train station. The development will be car led. How does this sit within the fact South Staffs District Council declared a climate emergency in 2019 and that this plan is meant to be infrastructure led?

There is a disparity between what the South Staffs Local plan provides, 3/4 bedroom homes on a car led estate (Langley site, 582) with no facilities and what people need i.e good public transport, access to employment sites, first time buyer and social housing.

Chapter 85 of the NPPF:

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Chapter 95 of the NPPF:

It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and**
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.**

As Bhylls Acre is a South Staffs school this new housing development would take preference for school places over Wolverhampton children. Where would they go?
Nothing has been shown around this and needs evidencing.

Chapter 105 of the NPPF:

The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

To local people, infrastructure led means access to trains, trams, buses, without the need for a car. Easy access to employment sites without the need for the car. Doctors surgery and schools built within the planned development. Have you had issues you have around for appointments, school places etc?

Include references to these chapters from the NPPF in your response where relevant.

The Consultation Process

The Town and Country Planning Regulations regulation 21 covers the preparation of the Local Plan and refers to Regulation 18 and the requirement for public participation and the need for a Statement of Community Involvement. Have the District Council followed their SCI?

Taken from the SSDC Statement of Community Involvement 2019:

2.1 At the heart of the planning system is the requirement to involve local communities and stakeholders in the process of Local Plan preparation at the earliest opportunity. The Government therefore requires the planning system to be:

- transparent and open;
- one that will be easily understood and accessible to all

2.3 In order for community participation to be successful, an inclusive methodology is required that targets all the different sections of our community and acknowledges the need for different approaches as some individuals are in a better position to contribute than others.

This Local plan has been evolving since 2018. In that time there has been Brexit, COVID, a climate emergency declared and now a recession. Government guidelines have changed. However the plan has not changed. The duty to cooperate has not changed. The Council have ploughed on regardless of outside forces and public consultation. We are in a very different world now with different needs. How can the plan not been updated to reflect this?

The 2021 consultation and now the 2022 consultation are not fit for purpose. They are designed to be complex and technical. There is no summarised document for lay people to read. Developers pay professional consultants to answer these very technical questions. What chance have lay people got?

South Staffs has an older demographic. Not everyone is computer literate. The whole plan has been designed around having access to the internet. They have not complied with their statement of community involvement which includes communicating to hard to reach groups of people.

During the last consultation the local plans team were given feedback that the roll out was failing large parts of the community;

- the portal set up for people to answer the questions kept failing and was difficult to navigate leaving people unable to use the system,
- people wanted group meetings at local venues but were refused.
- the District as a whole should have been leafleted.

None of these past failures have been addressed for this final and important consultation.

Taken from the SSDC Statement of Community Involvement 2019:

6.6 The Council will also inform residents by advertising the consultation on the Council website, and where possible, through the local newspapers and the Council's Review newspaper which is sent to every household in the district. Copies of the consultation documents will also be available to view at the Council Offices and the offices of Parish Councils. There will be an individual response form to accompany the Issues and Options consultation document (and every other consultation document produced at subsequent stages of the process). This will be available on the Council's website and representations can also be made by email or by letter.

The review magazine was *NOT* delivered to the majority of households within in the timeframe of the consultation, or at all in most cases. The Local Plans team and local District Councillors were aware of this, but were unable to give a satisfactory explanation. They were told repeatedly that the magazine had not been delivered and failed to resolve the issue.

The review magazine is no longer delivered to households at all. The only way residents will now find out about the consultation is by visiting the council website, or if they happen to attend a parish council meeting.

The SSDC Statement of Community Involvement (2019) sets out several "principles of engagement".

This statement sets out how the District Council will engage with people throughout the planning process, including the local plan. These quotes are from that statement;

"Community involvement should be a continuous process, which allows everyone involved to see the development of ideas. This will require feedback to provide local communities and organisations with a sense of ownership."

"Communication with local communities and organisations should use a range of approaches and integrate with a wide cross section of the public. This should include 'hard to reach' groups with the values of equality and diversity applied to all those involved in the consultation process."

Also and very important -

"Consultation documents will be prepared with the reader in mind limiting the use of jargon where possible."

"South Staffordshire Council is committed to consulting those groups that have had low levels of engagement in the past, especially hard to reach groups."

Think about these points:

- Have 'hard to reach groups' been part of this process? This could be elderly people or those with communication issues.
- Were the points above followed?
- Did you feel part of the process? If not, why not?
- Did you understand the documents? If not, why not?
- Were you able to easily find the 'evidence base' and other documents that are referenced?
- Despite promising that all public responses would be made public for viewing this has not been done. This was promised at the time of the preferred options consultation and then throughout 2022.

What has been put in place by South Staffs Council to gather the opinions of people just over the border in Wolverhampton who will be most affected by the infrastructure issues? Have they engaged with the City of Wolverhampton Council and have they consulted with Wolverhampton residents?. If you are a Wolverhampton resident please share your experience of the consultation process.

Flooding

Chapter 35 (b) of the NPPF requires the plan to be 'Justified: an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.'

Infrastructure Delivery Plan 2022

Severn Trent Identifies Langley Road as

"These development proposals are in areas where the existing sewerage infrastructure may be sensitive to receiving new or increased discharges. We strongly recommend contacting our developer service team to discuss proposals in more detail."

Any flooding issues would be good here and could tie up with

Residents have also mentioned flooding in the last consultation however no flood risk assessment has been completed. Use your flood experience and tie in to chapter 35 (b) and chapter 160.

Chapter 160 of the NPPF:

Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

Sustainable Development

Paragraph 35 (d) of the NPPF requires a plan to be 'Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, where relevant.'

If a greenfield site is to be heavily urbanised there need to be a number of policies that have been adhered to show that it is sustainable and some of these policies are not within the evidence base of the plan. For example:

Urban Capacity Study to show there are no other places to build within existing village areas.

Air Quality Study for the sites on the urban extension of Wolverhampton

Chapter 104(a) of the NPPF:

Transport issues should be considered from the earliest stages of plan-making and development proposals, so that the potential impacts of development on transport networks can be addressed.

Lack of travel choices which make this a car-led housing development. Langley Road has not had a specific infrastructure policy/masterplan completed.

Evidence to Lower the housing needed for the plan

Chapter 82 (d) of the NPPF:

Planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

SSDC have not sufficiently amended the draft plan since its inception in 2018 to take into account COVID, Brexit, more up to date Office for National Statistics figures than currently used (2014), declining birth rates and population rates.

Also the collapse of the Black Country plan and therefore the needs of neighbouring conurbations. Dudley MBC have said they have enough brown field sites to cover their own housing need.