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Staffordshire Moorlands Local Plan Examination – Resumed Hearings (4-5 February 2020) into the Inspector’s Matters Issues and Questions (MIQ’s)

Hearing Statement on behalf of Seabridge Developments Limited (SDL) in relation to Site BD062 (Land to the North of York Close, Biddulph)

Introduction

This submission is intended to supplement the representations that Seabridge Developments Limited (SDL) has previously submitted on 11 April 2018 in respect of the Submission Local Plan; on 24 January 2019 in relation to the Council’s response to the Post-Hearings Advice (EL6.005) and most recently, on 29 October 2019, in connection with the proposed Main Modifications (MM’s). More specifically, they respond to the Inspector’s MIQ’s.

Session 1 – Matter 1: Biddulph – safeguarded land and provision for housing.

Issue 1 – Consideration of options for Biddulph, including safeguarded land.

- 1.1. *Is the overall analysis of options for Biddulph, following the Inspector’s Post Hearing Advice, robust?*

Please refer to points 1-10 (page 3) of our representation on the MM’s dated 29 October 2019.

In summary, we support the release of land at Gillow Heath (including Site BD062) from the Green Belt, but consider that the Council is failing its responsibility to properly plan for its housing needs (previous shortfall and immediate and future requirements). We consider that the land it proposes to safeguard, should actually be allocated for housing in this Plan, for immediate delivery. Thereafter, a review of the Local Plan can determine whether there is a need to release additional land from the Green Belt, for allocation or safeguarding, depending upon the success, or otherwise, of the Council’s Housing Implementation Strategy.

- 1.2 *Does the evidence base, including the Sustainability Appraisal, Green Belt Reviews and Options Analysis, support the identification of the three sites at Gillow Heath as safeguarded land?*

Yes. Although as we highlighted at paragraphs 3.6 to 3.9 of our representation dated 11 April 2020, we consider that Site BD062 scores even better than the Sustainability Appraisal indicates, for the reasons explained at paragraph 3.9.

Furthermore, the updated Sustainability Appraisal “Alternative Development Approaches for Biddulph” at paragraph 3.17 and the table at its Appendix C, acknowledges that the Gillow Heath sites are of low landscape sensitivity and that development of these sites would have no heritage impacts. In the case of Site BD062, it is identified as urban land and in any event, it is of poor (Grade 4) agricultural quality.

- 1.3 *Is the conclusion that there will be a limited effect on Green Belt purposes from the Gillow Heath sites justified?*

Yes. As highlighted at paragraph 1.4 of our representation to the Submission version of the Plan on 11 April 2018, in response to our Client’s objections to the Core Strategy, the Inspector carefully considered and then specifically referenced the opportunity for ‘small urban extensions’ at Gillow Heath.

This assertion was further substantiated by the Green Belt Review (Part 2) which assessed specific locations in more detail and at Table 5.1 and Appendix C, which confirmed that land at Gillow Heath (Sites BD062, BD068 and BD087) make only a limited overall contribution to the purposes of the Green Belt and so should be considered for release.

SDL agrees with the Council’s assessment that the land at Gillow Heath (and more particularly Site BD062) will have least impact against the main purposes of the Green Belt, compared with other sites that have been assessed.

Issue 2 – Other potential impacts of sites in Gillow Heath – landscape, highways, flood risk, drainage, odours, biodiversity, infrastructure.

- 2.1 *Are there any overriding constraints that are likely to prevent the Gillow Heath sites coming forward to meet any longer-term needs beyond the Plan period?*

No. Physical, technical and environmental considerations have been addressed in our previous representations on 11 April 2018 to the Submission Plan (Section 3 – Omission Site) and also on 29 October 2019 to the Main Modifications (third paragraph on Page 2). Our representations to the Council on 9 June 2016 in respect of the Preferred Options Sites Consultation and also on 22 September 2017 in relation to the Preferred Options, also addressed potential constraints as follows:

Deliverability and Potential Development Capacity

SDL owns the site and the Registered Title extends up to the adopted highway at the end of York Close and Essex Drive. There are sewer easements over the land, but these can readily be accommodated within any future development of this relatively level site, which is also not affected by the more steeply sloping contours of the land immediately to the east.

The site is available, its development is easily achievable and we maintain that it is suitable to accommodate around 35 dwellings, having regard to all known constraints, including: the shape of the site; existing sewer easements; the informal/non-statutory path that links York Close with the footpaths and housing to the west; strong boundary tree cover to the east; and the proximity of the sewage works to the north-east.

Should there be any doubt about the market suitability of the site for housing, we are able to confirm that SDL has received several expressions of interest in the site, as recently evidenced by the unsolicited offer from a local small builder (**Appendix A**)

Transportation

In 2016 we submitted to the LPA an initial Highways Report prepared by AHDPC dated December 2015 (**Appendix B**) which confirmed that a development of up to 40 dwellings can be achieved by safe means of access design that complies with the technical standards adopted by Staffordshire Moorlands and in accordance with Manual for Street Design Guide. It also demonstrates that the traffic associated with a development of up to 40 dwellings, can safely be accommodated onto the local highway network. The existing peak time traffic flows currently operate well below their theoretical capacity, meaning that a development of up to 40 dwellings would have a very little impact on the local highway network and would not constitute severe impact to warrant refusal as stated in the NPPF.

Furthermore, the site can be accessed by both walking and cycling and therefore provides alternative modes of transport opportunities to the car to access the local schools and amenities. There are also public transport services that operate from Congleton Road (A527) and the surrounding area within a very short walking distance of the proposed development. Overall it can be concluded that the site is very sustainable and offers a wide range of alternative modes of transport locally.

The Report noted that the NPPF states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". It concluded that overall, the proposed development does not produce a residual cumulative impact on the road network and is considered acceptable in transport terms.

The site is located in a sustainable location and would therefore deliver a highly sustainable small scale graft onto the existing urban area. In the circumstances, the proposed access, to serve the site off York Close, the surrounding priority junctions and footway connectivity, can safely accommodate all vehicular and pedestrian movements.

It should also be noted that throughout the plan-making process, the Highway Authority has consistently raised no objection to the development of Site BD062 for up to 40 dwellings, served by means of an extension of York Close.

Flood Risk

The site is shown on the Environment Agency Flood Map as being Flood Zone 1 and so not liable to flood. A copy of the latest EA Flood Map is included as **Appendix C**.

It is envisaged that the foul water will discharge into on-site mains and the surface water can either be to soakaways, or more likely, attenuated to discharge into the adjacent watercourse at an agreed greenfield (or potentially less) run-off rate.

Ecology

The LPA commissioned an Extended Phase 1 Ecological Survey dated July 2015 (Examination Docs 14.1) which identified Site BD062 under reference FID122. This concluded that at that time, the site had *'potential for protected species to be present due to the mosaic of habitats and habitat structure present'*.

SDL subsequently commissioned Leigh Ecology to undertake an Extended Phase 1 Habitat Report in 2014, which was updated, first in June 2016 and then again in June 2017 (**Appendix D**). Each of these reports were submitted as evidence to the Council at appropriate stages of the plan-making process, to substantiate the merits of BD062.

Each of the Ecological Assessments undertaken by Leigh Ecology have confirmed that the land is not of significant ecological value and in any event, any potential impacts arising from its future development can be minimised and enhancements to local biodiversity can be achieved, through an Ecological Mitigation Strategy, to be formulated in due course.

More recently, in Autumn 2019, the landowner exercised its right to manage the land, by cutting back and also clearing much of the bramble and self-seeded vegetation.

Odour and Noise in relation to the nearby Waste Water Treatment Works

Curiously, immediately following the Council's publication of its Preferred Options Sites Consultation in 2016, which proposed Site BD062 as a potential housing allocation, the Council's Environmental Health Section (EHO) and also United Utilities (UU) received an inexplicable spike in complaints about odour and noise associated with the waste water treatment works, to the north-east (downwind) of the site. Up until that time, it is understood that the both the Council's EHO and also UU had received little complaint about the works, which have been upgraded over the years to ensure that UU continues to comply with its statutory duties not to cause a nuisance. It is also understood, that following publication of the Preferred Option Plan in 2017, which did not identify land at Gillow Heath for housing allocations, complaints about odour and noise associated with the works, ceased again.

In the light of the initial complaints, SDL commissioned an Odour Assessment from leading consultants in this field (**Appendix E1**). The Assessment was supplied to the Council and also UU and its expert advisors and it was later supplemented by a Technical Addendum (**Appendix E2**) that addressed specific queries raised by the consultees. UU subsequently confirmed in writing that it accepted the findings of the Odour Assessment and the Council's EHO has also not disputed the findings and recommendations of the Assessment, which identified a zone in the northern part of the site where residential development should be avoided and which instead, can be utilised as public open space.

Our representation dated 24 January 2019 in relation to the Council's response to the Inspector's Post-Hearings Advice, makes reference to the issue of Odour and UU's latest position and we were pleased to note in our representation dated 29 October 2019 (page 2), that UU do not raise objection to the potential allocation of Site BD062.

SDL also commissioned a Noise Assessment which was undertaken by Echo Acoustics in June 2017 (**Appendix F**). The report was subsequently submitted to UU and also the Council's EHO for consideration.

The assessment demonstrated that the proposed development site BD062 is principally affected along its eastern boundary, by low-level noise from the operation of plant equipment on the adjacent United Utilities waste water treatment works, an element of which contains marginally elevated levels of low frequency noise. In order to ensure no likelihood of disturbance in bedrooms in east-facing facades along the eastern site boundary, it was recommended that bedrooms on east-facing facades of the properties closest to the eastern side of the development area should be provided with up-rated glazing, as well as acoustically-treated passive ventilation.

It concluded that with the provision of appropriate relatively minor noise mitigation measures, suitable levels of external and internal noise will be achieved, commensurate with the preservation of residential amenity for future occupants of the development area. Therefore, Site BD062 can be developed for residential use, broadly in accordance with the indicative layout that was indicated at Figure 8 of the Assessment.

Again, neither the Council's EHO, nor UU have ever disputed the Noise Assessment, the findings of which are understood to be accepted.

Conclusion

The site is of only 'limited' value in terms of fulfilling the purposes of Green Belt and it is clear that there are no physical (ownership, easement and topography), technical (highways and flood risk and drainage), or environmental (landscape, ecology, trees and proximity to the nearby treatment works) constraints to prevent the allocation and future development of Site BD062, for around 35 dwellings.

In summary, Site BD062 is suitable, achievable and capable of quickly delivering a sustainable, modest scale of residential development, in keeping with the adjoining urban area; without detriment to the wider surroundings and with least impact upon the Green Belt, as compared with other potential options outside Gillow Heath.

- 2.2 *Should Policy SS6 and MM12 be further modified to make it clear that consideration would need to be given to potential impacts if the sites were brought forward for development in the future?*

Because Site BD062 is sustainable, deliverable with no overriding constraints, there is a willing landowner/developer and it would make an immediate and meaningful contribution to meeting the identified shortfall of housing in Biddulph, (amongst the most sustainable settlements in the entire Plan area), the sites at Gillow Heath should be formally allocated for development.

Issue 3 – Proposals for Wharf Road and Tunstall Road.

- 3.1 *Are the increases in density and housing numbers following master-planning work, justified?*

No. Please refer to our representations dated 11 April 2018 to the Submission Plan (paragraphs 2.13-2.20 – pages 5 and 6) and 29 October 2019 to the Proposed MM's (points 3 and 4 and objections to MM12)

Issue 4 – Housing Supply in Biddulph

- 4.1 *Is it necessary to identify sufficient land in Biddulph at this stage to meet the housing needs of the town over the Plan period?*

Yes. Please refer to our representations of 29 October 2019 to the Proposed MM's (notably points 1-7 on pages 3 and 4 and objections to MM9 and MM12)

The Plan-making process represents SMDC's opportunity to properly plan to meet the identified needs of its area in a sustainable way. Whilst the NPPF's position is that latter years of the Plan may be subject to a more flexible approach, there is no reason a shortfall, at whatever point one is predicted during the life of the Plan, should be permitted, when there are identified sustainable sites able to contribute to reducing that shortfall.

This is particularly important in Biddulph, where in the initial stages of the Plan period, there is likely to be a shortage of deliverable sites available for development to meet local market and affordable housing needs, resulting from the delivery issues associated with the two strategic allocations, but most notably the Wharf Road site, as highlighted at paragraph 2.19 of our representation dated 11 April 2018 on the Submission Plan

4.2 *If it is considered necessary to identify sufficient land, how is it to be achieved?*

As stated at point 7 of our representation dated 29 October 2019 on the Proposed MM's, in order to boost significantly the supply of housing as required by the NPPF, or at the very least, provide greater certainty for the delivery in Biddulph over the shorter term and to provide opportunities for small local builders, the Plan should allocate for housing, land at Gillow Heath (including Site BD062), which comprise a compilation of relatively modest sites in single ownerships that are capable of being delivered early in the Plan period.

Session 2 – Matter 2: Housing Land Supply Update

Issue 1 – Housing Supply Position

1.3 *Is the likely shortfall in supply against the overall requirement justified taking into account paragraph 47 of the Framework?*

No. We refer to points 1-7 of our representation to the Proposed MM's on 29 October 2019. Furthermore, as a point of principle, the requirement is to significantly boost the supply of housing applies in all cases, not only when there is a lack of five-year land supply, or identified shortfall. To plan for a shortfall, is a failure to plan at all: that shortfall will have to be made up somehow.

The Council has accepted that there are exceptional circumstances that justify the release of land from the Green Belt to meet development needs, but it has provided no reasons which justify planning to have a shortfall, when there are sustainable sites such as those at Gillow Heath (BD062, BD068 and BD087) which would make a meaningful contribution to meeting the area's identified housing needs now, including the provision of much-needed affordable housing.

Session 3 – Matter 3 Local Green Space (LGS)

Issue 2 – Biddulph

2.2 *Are there any implications arising from proposals within the emerging Biddulph Neighbourhood Plan for the LGS designations in the LP?*

It is perhaps worth noting that Site BD062 was first identified by the District Council as a potentially suitable housing site way back in 2015/2016, well before preparation of the BNP process was initiated.

The Biddulph Neighbourhood Plan (BNP) Regulation 14 Draft was recently published for consultation. The BNP proposes to designate 88 areas of LGS, including Site 57, which is referred to as 'Gillow Fold Field', which includes the Local Plan Site BD062.

The BNP must be in general conformity with the strategic policies of the Local Plan, including allocations and safeguarded land. It should be noted that SDL submitted strong objections to Site 57 and these are included as **Appendix G**. The District Council has also registered numerous objections to the BNP, including the proposal to designate Site 57 as LGS and the Inspector might wish to obtain a copy of the Council's representation. It is unlikely that the BNP will progress to become a 'Made' Plan in its current form and therefore its LGS proposals cannot be afforded significant weight at this Examination.

Needless to say that SDL considers that Local Plan Site BD062 holds little landscape importance, no heritage importance, holds no significant ecological importance and is private land over which the public have no right of access, other than along the single definitive footpath (No. 24), which runs alongside the Biddulph Valley Way, that effectively became obsolete when the former railway line closed and it became a footpath and cycleway instead.

SDL has previously prepared an indicative layout (included in the Ecology Appraisal – **Appendix D**) to demonstrate how Site BD062 might be developed to provide 35 dwellings, along with a re-aligned footpath 24 through the centre of the development, to connect into an area of public open space in the north, that links to footpath 25, which runs to the north of the waste water treatment works. The layout also provides for pedestrian linkage between York Close and Long Valley Road.