



Local Plan
Publication Stage
Representation Form

Ref:

**(For
official
use only)**

Name of the Local Plan to which this representation relates:

**South Staffordshire Council
Local Plan 2018 - 2039**

Please return to South Staffordshire Council BY 12 noon Friday 23 December 2022

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	Ms	Mr
First Name	Sarah	Fred
Last Name	Day	Davies
Job Title (where relevant)	Senior Land Manager	Consultant
Organisation (where relevant)	Clowes Developments	Harris Lamb
Address Line 1	Ednaston Park	Grosvenor House
Line 2	Painters Lane	75-76 Francis Road
Line 3	Ednaston	Edgbaston
Line 4	Derbyshire	Birmingham
Post Code	DE6 3FA	B16 8SP
Telephone Number	01335 360353	0121 455 9455
E-mail Address (where relevant)	sarah.day@clowes.co.uk	fred.davies@harrislamb.com



Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Objector has reviewed policy DS4: Development Needs particularly in the context of employment land requirements (note that separate objections have been submitted in respect of the housing requirement in the context of the Objector's land interest at Himley).

The Objector notes that the policy does seek to make provision for an element of the Black Country's overspill employment land requirements but on closer examination of the figure identified and also the Council's EDNA 2022 the allowance is wholly inadequate to meet those requirements. The basis of our case is set out below.

- The ENDA has made an allowance for perceived reduction in employment land requirements arising from the desire/ability of the workforce to work from home rather than a place of work. Whilst this may result in some reductions in employment floorspace requirements for offices (although there is only limited market intelligence to substantiate this suggestion) for most forms of employment, such as retail, manufacturing and warehouse space, the ability to work at home is not a realistic prospect and no reductions should be made in this context.

Accordingly it is considered that the employment land requirement has been under estimated for South Staffordshire's own needs and should be increased. We suggest that a figure of 64.8 hectares is the appropriate figure.



2. The council has made an allowance for the West Midlands interchange to contribute to the employment provision for the South Staffordshire and Birmingham overspill area. However there is no evidence that the West Midlands interchange will meet the needs of local businesses in both South Staffordshire and the Black Country. By its very nature it has been designed to be a rail related development meeting regional and national requirements. Local businesses have very different floorspace and locational requirements. Many businesses in the local area require to be located near to their workforce and are seeking grow on/expansion floorspace with new units needed to provided for growth of businesses.

They are not seeking floorspace at a rail related interchange with its attendant costs and service charges.

The Objector has commissioned a report from Messrs Harris Lamb/Sellers Agency Teams, both of whom are highly experienced in dealing with occupier needs and demands in the Black Country area and the report is attached at Annex A to these representations. This clearly demonstrates that there is very little available floorspace in many of the major employment estates in the Black Country area and there is considerable demand from new businesses seeking to locate or expand in the Black Country area. They are not however, businesses of a scale or disposition to be attracted to the West Midlands interchange with its much wider appeal across the region and the country.

In the absence of any justifiable evidence that the West Midlands interchange will provide floorspace to meet the more local needs of firms in the Black Country, the figure attributed to the Black Country interchange should be removed from policy DS4.

It is noteworthy that the Council's estimate of employment needs has been based on a past trends approach which, in reality, would be dependent upon meeting the needs of local businesses, net any take up from WMI. Quite clearly it is that past trend which needs to be brought forward into the plan and land allocations made for it. To suggest that those localised requirements could now be met at the West Midlands interchange demonstrates a misunderstanding of how the market will function and how employer's needs are going to be met in the plan period.

3. Black Country overspill figure.

Although the Council has stated that it is endeavouring to engage with other authorities regarding the Black Country overspill figure it is the case, nonetheless, that a substantial proportion of the Black Country overspill figure, even if an element of the WMI site were to provide for some of its needs, is unmet. Obviously, our previous point throws considerable doubt as to whether the Black Country's employment needs are going to be met by WMI in any meaningful way because it will not meet the needs of local businesses.

Having regard to policy DS4B, it appears that of the 99 hectares of employment land allocated in the period 2020 to 2039, 18.8 hectares is contributed by the West Midlands Interchange; in the light of our comments above, a buffer amount should be allocated in case the WMI does not contribute to meet the needs of local businesses. Similarly the allowance for 1.2 hectares of surplus office space should be deleted since this is simply part of the vacant stock.

In this context the identified need for employment land should be a minimum of 64.8 hectares. Allocations will need to be made to make up the 18.8 hectares from the WMI which should be discounted.

In this context the contribution which will be made to the Black Country overspill would only be 16.6 hectares which is only 7.9% of the total of the overspill. Given the acknowledged economic relationship between South Staffordshire and the Black Country area and the lack of opportunity to release land in sustainable locations in other Shire authorities, this represents an unacceptably low level which would hinder economic growth in the Black Country.

When proper consideration is given to the actual supply of land available to meet both South Staffordshire's own needs and those from the Black Country, the supply figure identified is extremely low and needs to be addressed by the allocation of more employment sites for development to meet both South Staffordshire's needs and the needs of the Black Country. The Objector has submitted separate representations putting forward a site at Wall Heath which by its size, location and connectivity with the local road network is highly suitable to meet the needs of local businesses, a point acknowledged in the Council's own site assessment (see Site E56 from the South Staffordshire Local Plan review – Economy Strategy and Employment Site Assessment Topic Paper November 2022).

Overall, to allow for Black Country needs we suggest a figure of 100 ha for Black Country overspill creating an overall figure of 166.8 ha plus 10% fallout figure (none appear to have been included in netting the employment land requirement) giving a total of 183.6 hectares.

Duty to Cooperate

The failure of the Council to identify appropriate levels of land to meet the Black Country overspill means that it cannot be said to address the Duty to Cooperate in a meaningful way such that there will be an unmet need from a neighbouring authority area.

Turning to the test of soundness, the Objector's position is as follows:

- 1) *Positively Prepared*; The strategy does not meet the areas objectively assessed needs because it fails to identify sufficient employment land to meet the overspill requirements of the Black Country. There is insufficient evidence to demonstrate that, with the close socio economic ties between South Staffordshire and the Black Country, the employment land requirement meets the objectively assessed needs and, given the extremely low vacancy rates on existing employment areas in the Black Country, more land needs to be released to meet the employment needs of the Black Country.
- 2) *Justified*; The strategy cannot be appropriate because it fails to meet the objectively assessed needs and fails to release sufficient Green Belt land to allow allocations to be made to meet these needs. Furthermore, the Objector has pointed out that some of the assumptions regarding employment land requirements are unjustified with reductions being made in certain sectors of the economy which are unlikely to be affected by Covid in terms of floorspace. Thus the employment land requirement has been set at an artificially low level.



- 3) *Effective*; The strategy would not be effective. It does not provide for employment needs over the plan period. Simply deferring the issue to a further Local Plan review is inappropriate and would mean that the economic benefits of development in terms of delivering the three elements of sustainability set out at paragraph 8 of the Framework cannot be delivered. It is clear from an examination of the draft Statement of Common Ground that agreement has not yet been reached in respect of employment needs and that once these are considered on a proper, objective basis, sufficient land has been released in a plan area which is based suited to meet those needs.
- 4) *Consistent with National Policy*; As noted above, the failure to provide sufficient land to meet the reasonable overspill requirements of the Black Country means that the plan is not in alignment with the economic objectives of sustainability and the provision of economic opportunities as set out at paragraphs 8a and 81 of the Framework.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The employment figure set out in policy DS4 is not sound and the amount of land which needs to be found for development needs to be increased significantly. The policy should be amended by removal of references to contributions from WMI (which would otherwise be regarded as windfalls if they do meet the requirements for local businesses); this would mean that the amount of land to be developed to meet local needs should be increased by 18.8 hectares, the figure of 1.2 hectares to be discounted from surplus office floorspace should be removed from the figures and the contribution which will meet the Black Country overspill should be reduced to 16.6 hectares in terms of the surplus element in the South Staffordshire supply.

Given the strong economic connections between South Staffordshire and the Black Country area, it is submitted that a further 84.6 hectares of land should be allocated in addition to 99 hectares identified in DS4 and with an appropriate amendment made to the proposals map. This gives a total of 183.6 ha to be allocated.

Such an approach would address the Objector's concerns regarding the Duty to Cooperate and meeting the needs of adjoining authorities and would also ensure compliance with the tests of soundness identified above for the following reasons:

- a) The plan would then be positively prepared providing a strategy which meets the objectively assessed needs of both South Staffordshire and unmet need from neighbouring areas.
- b) The plan would be justified, providing an appropriate strategy. Alternative strategies, which fail to meet objectively assessed needs and overspill needs cannot be regarded as being reasonable.
- c) The plan would be effective making sure that land is allocated to meet local needs instead of relying upon West Midlands Interchange, to a large degree,



which is designed to meet the needs of regional/national businesses and does not meet the needs of businesses which so far have made up employment land provision and which form the basis of calculation of the employment requirement for South Staffordshire and which have been identified in the paper produced by Messrs Harris Lamb/Sellers, identifying the severe shortfall of available floorspace on estates which provide for local needs.

The plan will therefore be consistent with national policy ensuring that the economic objectives of paragraphs 8a and 81 are met.

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The emerging plan will fail to deliver enough employment land to meet the overspill requirements of the Black Country. One of the fundamental roles of the plan is to deliver a sufficient amount of employment land to meet economic needs and the plan fails to do this. Given the magnitude of this issue we request the opportunity to address the Inspector to outline our concerns.

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.

Data Protection

Your details will be added to our Local Plans Consultation database so that we can contact you as the review progresses. South Staffordshire Council will process your personal data in accordance with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Our Privacy Notice can be viewed at <https://www.sstaffs.gov.uk/planning/strategic-planning--data-protection.cfm>

Please return the form via email to localplans@sstaffs.gov.uk or by post to South Staffordshire Council, Community Hub, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX