



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*

2. Agent's Details (if applicable)

**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.*

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	<input type="text"/>	Policy	<input type="text" value="DS1"/>	Policies Map	<input type="text" value="Green Belt Boundary Amendment"/>
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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 submitted separate representations seeking the allocation of land at Wall Heath off the B1476 and A449 for employment. This is intended primarily to meet the overspill needs of the Black Country although will, of course, be able to accommodate needs of businesses in the South Staffordshire area seeking new floorspace.

The justification for this proposed allocation is contained in a separate, site specific representation.

In terms of Green Belt considerations the Objector notes the content of paragraphs 5.1 to 5.3 of the Local Plan Review ("LPR"). It is pertinent to note that some 80% of the district is Green Belt and that all of the district adjoining the Black Country urban area is within the Green Belt.

Further, as is explained in paragraph 5.3, the plan area has very limited amounts of previously developed land within the Green Belt which, in terms of both availability and location, could be released to meet employment needs of both the plan area itself and also any overspill needs from the Black Country.

It is inevitable, therefore, that any land identified for employment land overspill will have to take place on greenfield sites within the Green Belt where they are in a sustainable location to meet the reasonable overspill needs and to create sustainable patterns of development. We contend that any decision to allocate overspill land beyond the Green Belt i.e. in the small portion of South Staffordshire



which is not within Green Belt, would not be in a sustainable location and would lead to unsustainable patterns of transport and commuting and would not meet the needs of the businesses seeking new development opportunities which are best accommodated on the edge of the urban area.

We have explained the locational benefits of the land at Wall Heath in the site specific representation in terms of its size, containment and ability to meet employment floorspace needs for local businesses. That note explains that insufficient land has been made available for overspill requirements and that further land needs to be released from the Green Belt.

These arguments form the basis of an exceptional circumstances case for redrawing the Green Belt boundary to exclude the omission site from the Green Belt and to allow its allocation for employment development.

In this representation we consider the implications of the release of land from the Green Belt in terms of the Green Belt objectives identified at paragraph 138 of the Framework and also the approach which should be taken when identifying new boundaries as per paragraph 143 of the Framework.

We comment as follows:

Green Belt Purposes

- a) *To check the unrestricted sprawl of large built up areas;* By allocating the site through the Local Plan process, the release of the site would form part of a planned review of the Green Belt as per the advice in paragraphs 5.1 to 5.3 of the LPR. The site benefits from having readily identifiable boundaries which ensure that, once released, formal boundaries will be identified and this will again help to ensure the site is contained and there is no "unrestricted" sprawl of a large built up area.
- b) *To prevent neighbouring towns merging into one another;* The site lies to the north of Wall Heath and to the south of the settlement of Himley. Neither settlements are classed as towns and so there is no conflict with this objective of Green Belt purposes.
- c) *To assist in safeguarding the countryside from encroachment;* As is explained at paragraphs 5.1 to 5.3 of the LPR, the Local Plan area does not benefit from large areas of non-Green Belt land adjoining the conurbation nor does it have large areas of previously developed sites which could be reallocated for employment purposes. It is inevitable, therefore, that to accommodate both the housing and employment needs of both South Staffordshire, and the overspill requirements of the conurbation, that open countryside will need to be released for development. This cannot, therefore, be a factor which counts against the release of the Objector's site.
- d) *To preserve the setting and special character of historic towns;* The objection site does not form part of the setting or special character of a historic town and, therefore, no conflict arises in respect of this purpose.
- e) *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land;* Again, we refer to paragraph 5.3 of the LPR. It is clearly acknowledged by the Council that the plan area does not have significant parcels of derelict and other urban land which could be used for development. Similarly, the adjoining Black Country conurbation is deficient in land supply to



meet its housing and employment needs with the consequence that land outside of the urban area will have to be released for development. There is, therefore, no reasonable prospect of the development needs of the plan area or the overspill needs of the Black Country conurbation being met on recycled derelict or other urban land and, therefore, the release of the objection site would not have an implication for urban regeneration. Indeed the benefits are likely to be in the positive as, by releasing land to create new floorspace, there will be an opportunity for existing businesses in the area, including the Black Country, to grow and expand thereby freeing up existing floorspace for other businesses to start up and grow. Therefore it is likely that there will be a positive benefit in terms of urban regeneration.

We have had regard to the Council's assessment of the site in Green Belt terms and note that it is stated that the site performs an important Green Belt function. That, of course, must, in effect, be a truism since if the site did not form such a function it should not have been included in the Green Belt in the first place. However, an objective assessment of Green Belt purposes, as has been carried out above, demonstrates that there is no significant impact caused by the release of the site in terms of Green Belt objectives and it is clear that Green Belt land has to be released to meet development needs for both South Staffordshire and the Black Country conurbation.

Turning to the requirements of paragraph 143 of the Framework, we note that the Green Belt boundary, once redrawn to accommodate the omission site, would help to meet requirements for sustainable development. It provides an opportunity for close links with the Black Country and the Council's assessment sheet for the objection site, notes that the site is in a location "*in close proximity to Dudley urban area there is a strong employment population catchment, whilst public transport networks operate around the site*". Clearly the sustainability credentials of the site have been established by the Council itself; it makes sense to release land which has close links to the conurbation rather than land which is further away and which will increase length of journeys.

In line with paragraph 143e of the Framework, the Green Belt boundaries will not need to be altered at the end of the plan period and, in accordance with 143f, the boundaries use physical features that are readily recognisable and will be permanent. To confirm, these comprise, on the eastern boundary the A449, on the northern boundary the B4176, on the north western boundary a strong buffer area and the curtilages of other land uses to the north, to the south west again the curtilages of other properties and a strong buffer area whilst to the south east the site is bordered by residential properties of Wall Heath which will be separated from the site and built development by a strong boundary and amenity buffer. These boundaries will be identifiable and enduring. These features are readily evident on the site plan attached at Appendix A.

The Objector considers that the failure of the Council to allocate the site for employment development is not in accordance with the principles of the Duty to Cooperate process and also renders the plan unsound. In the context of the Duty to Cooperate, whilst it is acknowledged that the Council has been in discussions with neighbouring authorities, the extent of the employment land overspill has not been finalised and based on representations made by the Objector in respect of overall employment land requirements it is clear that South Staffordshire should be making a much greater contribution to the Black Country overspill and should be placing lesser reliance on contributions for the West Midlands Interchange, a development which is not geared to provide for the needs of local businesses.



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

- 1) *Positively Prepared*; The strategy does not meet the area's 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 will need to be released in the plan area which is better 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 proposals map needs to be amended by the removal of the objection site from the Green Belt. Green Belt boundaries will be redrawn to the extent of the site. The plan attached at **Annex A** shows the extent of the land to be withdrawn. Such an action would help to address the Objector's concerns regarding non-compliance with the duty to cooperate and the matter of soundness identified at Section 5 above and would mean that the plan will have been prepared on the basis of an appropriate strategy providing an effective plan capable of delivering land for employment purposes to meet overspill needs.



The strategy will be justified, meeting known requirements and would be preferable to the alternative of not meeting these.

Finally the plan, as modified, would then be in line with national policy regarding economic development and the economic strand of sustainability.

(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