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South Staffs Preferred Options 131221



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Dear Sir / Madam

### Local Plan Review - Preferred Options

We are instructed by Bradford Estates to submit representations to the Preferred Options consultation of the Local Plan review. These representations deal with matters of need at a wider than local, strategic and cross boundary level and matters of cross boundary provision further to the requirements of the statutory duty to cooperate. These representations are in addition to those submitted on behalf of Bradford Estates by Berry's, which deal with matters of need, spatial strategy and the assessment of sites for allocation within the administrative area of South Staffordshire.

A completed representation form is attached for the purposes of providing the objector and agent details, but as stated on that form, the strategic representations of Bradford Estates are set out in this letter.

The majority of these representations do not specifically fall within the scope of particular questions posed within the draft plan, as the scope is higher level, but we do identify two questions to which the matters raised are relevant. We have also responded to a specific question regarding aspirations for a new settlement.

### Statutory Requirements

The following statutory requirements are relevant to the matters we raise in these representations.

The Planning and Compulsory Purchase Act 2004 (PCPA) s19 requires that each local planning authority (LPA) must identify the strategic priorities for the development and use of land within its area, and the development plan documents as a whole must set out policies to address those priorities.

PCPA s19(2)(a) requires the LPA to have regard to national policies and guidance issued by the Secretary of State.

PCPA s19(2)(b) requires the LPA to have regard to the resources likely to be available for implementing the proposals in the development plan document.

PCPA s19(2)(5) requires sustainability appraisal of the proposals in the development plan document.

PCPA s33A sets the requirements of the duty to co-operate. In particular the duty applies to each LPA which must co-operate with every other LPA in maximising the effectiveness of the preparation of the plan review and in maximising the effectiveness of the activities which prepare the way and support the preparation of the plan review, so far as they relate to strategic matters. Sustainable development or use of land that would have a significant impact on at least two planning areas is a strategic matter for the purposes of the duty to co-operate. The Explanatory Memorandum to the Town and Country Planning (Local Planning) (England)

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(Amendment) Regulations 2017 (SI 2017:1244) confirms that the duty in relation to strategic priorities applies to working across local authority boundaries to meet development needs which cannot wholly be met within an LPA's own area.

The duty upon each LPA is to engage constructively, actively and on an ongoing basis in any process by which development plan preparation is undertaken. Each LPA must have regard to any guidance given by the Secretary of State about how the duty to co-operate is to be complied with.

The NPPF requires that strategic policies make sufficient provision for employment and housing over a minimum 15 year period from adoption. That provision must anticipate and respond to long term requirements and opportunities<sup>1</sup>. Strategic policies are required to provide a clear strategy for bringing forward sufficient land and at sufficient rate to address objectively assessed needs over the plan period. This includes identifying and allocating sufficient sites to deliver the strategic priorities of the plan area<sup>2</sup>.

Both the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) requires LPAs to produce, maintain and update one or more statements of common ground throughout the plan making process. A statement of common ground is a record of the progress made by LPA's during the process of planning for strategic cross-boundary matters. The requirements of the Statement of Common Ground include: the governance arrangements for the cooperation process, the process of agreeing the distribution of need (including unmet need) across the area, and the process for reaching agreement on key strategic matters including where agreement has not yet been reached<sup>3</sup>. The information about the distribution of identified development needs which is required in the statement, includes the capacity within the strategic policy area(s) covered by the statement (i.e. the areas of all LPA who are party to the statement), the extent of unmet need, and the agreements and disagreements about the extent to which those unmet needs are capable of being redistributed within the wider area covered by the statement<sup>4</sup>.

PPG states that wherever possible, co-operation should be set out in a single statement of common ground, or if necessary to have more than one, a statement relevant to the grouping to address the specific strategic matter<sup>5</sup>.

The matters raised in these representations are most closely connected with:

**Q1 Do you agree that the evidence base set out in Appendix A is appropriate to inform the new Local Plan? Yes/No**

No

**Q5 Do you support the policy approach in Policy DS3 – The Spatial Strategy to 2038? Yes/No**

No

The evidence base includes a duty to cooperate (DTC) topic paper but not a statement of common ground of progress to date with an agreed strategy going forward. The plan does not currently comply with the duty to cooperate as a result and there is evidence within the Preferred Options Plan (POP) and the DTC Topic Paper, that cross boundary needs have not been adequately defined, and the proposed contribution from provision within the South Staffordshire Local Plan Review (SSLPR) has not been adequately defined.

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<sup>1</sup> National Planning Policy Framework July 2021 paragraph 22

<sup>2</sup> Ibid paragraph 23

<sup>3</sup> Planning Practice Guidance Paragraph: 011 Reference ID: 61-011-20190315 Revision date: 15 03 2019

<sup>4</sup> Ibid Paragraph: 012 Reference ID: 61-012-20190315 Revision date: 15 03 2019

<sup>5</sup> Ibid Paragraph: 013 Reference ID: 61-013-20190315 Revision date: 15 03 2019

The problems with the DTC stem from the lack of up to date assessment of employment land needs. The out of date nature of the Economic Development Needs Assessment (EDNA), dating from August 2018 is acknowledged in the Employment Topic Paper and the POP at 4.57-4.58. There is clearly a need for the SSLPR to be informed by an up to date and reliable evidence base on employment land need which is a fundamental strategic requirement for the SSLPR to plan for. At present it is ambiguous what level of employment provision the SSLPR is planning for, whether the low growth or high growth scenario or something else.

As the Employment Topic Paper acknowledges, the employment land market has changed considerably in the period since the EDNA was produced. Both nationally and within the West Midlands region, demand for and take-up of warehouse and industrial accommodation and sites has been at record high levels. Correspondingly, accommodation and land supply within the West Midlands is at record low levels. There is an urgent requirement to reconsider the land needs for employment development for both locally generated and regionally generated needs.

The DTC topic paper acknowledges the West Midlands Strategic Employment Sites Study (WMSESS) which was published in its phase 2 update form in May 2021. Clearly this post-dates the EDNA and does not therefore currently feature in the identified need which is being planned for. The Council is aware of the need for strategic sites to serve the wider region as that need was acknowledged by the Inspector and Secretary of State in the approval of the West Midlands Interchange strategic rail freight site. Whilst regional needs for strategic sites exist because of the strategic location of the West Midlands, its transport connections, its economic markets, and the businesses already located within the region which need to be serviced, part of that regional need should be accepted as being attributable to South Staffordshire.

WMSESS identifies strong demand for buildings >100,000sqft with supply across the West Midlands equating to less than 1 year's requirement. The study concludes that the supply of strategic sites across the region needs to be increased<sup>6</sup> and that a proactive approach should be taken to identify a deliverable portfolio of strategic sites. The study recommends that the focus for identifying strategic employment sites should be in four locations (Areas 1, 2, 4 and 5) of the plan at Fig6.4 and Appendix 1 of the study. WMSESS notes at 6.58 that there are no sites on the M5 and M6 corridor within the Black Country, which is due to its dense urban nature. That factor together with the fact that 70% of industry promoted sites are within green belt leads to the conclusion that the supply of strategic scale sites needs to be considered and that should be done alongside a green belt review.

The potential contribution of land at M54 J3 in Shropshire is specifically referenced in this regard. WMSESS 6.54 states that the M54 corridor is likely to have a future role [in meeting demand for strategic sites] and recognises that land at M54 J3 whilst on the edge of the study area could meet needs arising from within the study area.

It is necessary therefore for the SSLPR to identify the strategic needs in addition to its locally generated needs, and to plan to meet both. Cross boundary needs from other LPA (both their local and share of strategic needs) must also be taken into account. It is only when all of these elements of need are known that the requirements for land provision within the SSLPR can be properly assessed. The land supply to meet that need must then be considered on both a quantitative and qualitative basis. At present the identified supply which is exclusively existing sites with the exception of the West Midlands Interchange, is not necessarily matched to needs in qualitative terms.

The SSLPR should identify the amount of need for strategic sites attributable to South Staffordshire and be providing for that need from strategic site allocations within South Staffordshire. This would be expected to draw upon the identified development capacity of West Midlands Interchange, with some of that site required for South Staffordshire needs. Any balance of WMI remaining, may be available to count towards Black Country generated needs, Birmingham needs or other LPA generated needs, or the regional needs for

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<sup>6</sup> West Midlands Strategic Employment Sites Study (May 2021) para 7.18

strategic sites which are wider than local. At present the draft plan and duty to cooperate information which has been published do not provide a breakdown of how the development capacity of the asserted surplus of employment land is distributed across these multiple sources of need.

The DTC topic paper identifies those LPA with which South Staffordshire Council propose to cooperate regarding unmet needs from the Black Country functional economic market area (FEMA). Shropshire is not included within the LPA identified and should be as it is within the Black Country FEMA and has an important role to play in making provision for Black Country needs for both local and strategic needs.

Similarly Shropshire is not included in the list of LPA to be cooperated with to meet regional employment demand within the wider West Midlands. Shropshire has a potentially significant role to play in meeting that wider regional employment demand through sites in the M54 corridor, particularly at J3 which was specifically identified as a suitable location to provide for West Midlands strategic site needs within the WMSESS.

The requirements of the DTC should be being undertaken through constructive dialogue with all LPA which have a role to play in meeting the identified needs. Shropshire has a significant role to play and should be included within the DTC process and statement of common ground. The most appropriate location(s) to meet cross boundary needs which the SSLPR is proposing to contribute to can then be assessed.

The lack of evidence of South Staffordshire's employment land needs and lack of proper engagement with all neighbouring authorities who could have a role to play in meeting cross boundary requirements from the Black Country and we expect Birmingham, and the lack of consideration of the qualitative aspects of supply, currently prevents clear understanding of the adequacy of employment land supply as identified by the POP and prevent understanding of the amount and quality of land that may be available to contribute to meeting cross boundary unmet needs.

Once needs are properly understood, the proposed location for development should be informed by appropriate evidence. At present the POP simply carries forward allocations that were made in the South Staffordshire Site Allocations Document (SAD) September 2018. The Inspectors Report to the SAD dated May 2018, stated that the Inspector did not consider it appropriate to update the need assessments at the time of the SAD from those which had informed the South Staffordshire Core Strategy. Those assessments date from 2011 and earlier. It appears that the proposed allocations of the POP have not been adequately assessed to determine if they are suitable to meet needs (also yet not adequately assessed).

SAD Inspector's report paragraph 20 states that that through the DTC process associated with the SAD, a need for further cross-authority strategic green belt review was highlighted to support the reviews of plans for South Staffordshire and the Black Country. SAD Inspector's Report paragraph 38 states that South Staffordshire Council has committed to a review of its plan that will consider South Staffordshire's housing and employment needs and needs for cross boundary provision for housing and employment needs, and a strategic review of green belt jointly with the Black Country Authorities. Inspector's Report para 38 states that it was on this basis of commitment to plan review that the SAD was found sound.

There is no evidence of a cross authority strategic green belt review having been carried out. Separate green studies of green belt quality have been carried out by the same consultant for both South Staffordshire and the Black Country Authorities, but there does not appear to be assessment of the findings of both studies being brought together in a single review. The evidence base to the SSLPR includes only the South Staffordshire Study and not that for the Black Country.

In accordance with the DTC the strategic green belt review should include all LPA areas which could be expected to make a contribution to meeting unmet needs arising from South Staffordshire and the Black Country. In view of the close relationship of Shropshire to both South Staffordshire and the Black Country, including being within the Black Country FEMA identified in the Black Country EDNA, and taking account of the intertwined boundaries of the local plan areas particularly along the key economic corridor of the M54, a strategic green belt review should include Shropshire along with the Black Country and South Staffordshire.

The evidence of housing need is similarly incomplete and the required single statement of common ground on housing matters is also missing. The SAD inspector's report acknowledged that at that time in 2018 the unmet need from Birmingham was 37,900 and from the Black Country was 22,000 homes. Inspectors Report paragraph 22 states that the South Staffordshire Local Plan review will need to address both of these matters.

The shortfall of 37,900 arising from Birmingham which was crystalised with adoption of the Birmingham Plan in February 2017 has been much discussed through studies across the housing market area, but so far without substantive provision being made to address the shortfall. Whilst studies have indicated that the shortfall was being eroded by higher than expected rates of planning permission approvals in Birmingham, those permissions are not translating into delivery and it can be expected that the shortfall will rise again as permissions expire and updated needs are assessed. Further upward pressure on the Birmingham shortfall will come as a result of the standard methodology requirement for a 35% increase in provision which is not reflected in the currently accepted shortfall figures.

It is also relevant to note that the currently identified Birmingham shortfall covers the period to 2031 only, whilst the plan period for the SSLPR is to 2038. There is therefore likely to be additional shortfall arising from Birmingham to be considered through the SSLPR.

The housing shortfall arising from the Black Country is stated in the recently published draft Black Country Plan Review to be 28,239.

It is clear that the SSLPR is required to consider the contribution it can make to meeting unmet needs arising from both Birmingham and the Black Country. The current proposal to offer 4,000 dwellings to the collective unmet needs of other LPA appears to be an arbitrary figure, which has been carried forward from the Issues and Options Consultation of 2018. The proposed cross boundary provision not been sub-divided to enable the contribution to each element of unmet need to be determined. There is a large requirement which is expected to increase arising from Birmingham, and a significant requirement arising from the Black Country. These are matters which should be agreed through the DTC and recorded in the statement of common ground.

**Q6 Do you support the policy approach in and Policy DS4 – Longer Term Growth Aspirations for a New Settlement? Yes/No**

No

The principle of giving consideration to the need for a new settlement is supported, but the process by which that consideration is undertaken should be wider than just to South Staffordshire's administrative area only and should also have regard to wider cross boundary strategic objectives and needs.

As noted above, the SAD Inspector identified the need for strategic review of green belt in South Staffordshire to be undertaken jointly with the Black Country. It appears that parallel green belt reviews have been undertaken without the exercise being truly joined up. As also noted above, the statutory requirements of the duty to cooperate require a single statement of common ground to be maintained throughout the plan making process by all those LPA which have a role to play in responding to a particular strategic matter.

It would be consistent with the acknowledged requirement for strategic green belt review in combination with the Black Country and consistent with the requirements of the duty to cooperate, for any requirement for a new settlement in this region which would have the potential to provide housing and employment to meet needs arising from South Staffordshire, Black Country, Shropshire, Birmingham and other Greater Birmingham Housing Market Area Authorities, to be considered through the duty to cooperate together with all of those other LPA that have an interest in such a new settlement coming forward. Dudley and Walsall Councils have already shown their support through representations to the Shropshire Plan for a new settlement at M54 J3. Any consideration of a new settlement which has potential to meet existing or future needs arising from the Black Country should therefore involve the Black Country Authorities and Shropshire Council.

A strategic green belt review as proposed would enable the relative merits of sites in different LPA to be assessed on a consistent basis. Land at J3 of the M54 in Shropshire is proposed by Bradford Estates for an employment, technology and skills led new settlement with the potential to create significant jobs and provide sustainable new housing in a location with benefits for the planning objectives of Shropshire, Black Country and South Staffordshire. We therefore urge South Staffordshire Council to engage with Shropshire Council and the Black Country Authorities to consider the merits of a new settlement allocation in the M54 corridor at J3 to meet the needs which the POP identifies for a new settlement.

## Conclusions

In view of the above comments, we suggest that South Staffordshire Council should do the following before consulting through a further Regulation 18 consultation:

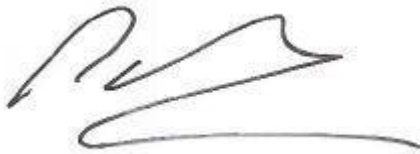
- Update the employment land needs attributable to South Staffordshire including local and strategic needs and accurately identify the cross boundary unmet needs which the SSLPR has a role to play in providing for.
- Update the understanding of the unmet housing needs both quantitatively and qualitatively, arising from the Black Country, Birmingham and other LPA within the housing market area.
- Consider the Green Belt Review alongside the green belt review for the Black Country and the green belt review for Shropshire to enable appropriate assessment of the land most beneficial to release from green belt to meet identified needs arising across the LPA areas for unmet needs.
- Identify the land supply which will meet South Staffordshire needs both quantitatively and qualitatively and identify the residual land supply available to meet cross boundary unmet needs for both employment and housing. The surplus land to be appraised qualitatively and quantitatively to determine which cross boundary needs are proposed to be satisfied by its provision.
- Joint working with Shropshire and Black Country to consider the merits of a new settlement in the M54 corridor at J3 which has the potential to meet existing and future needs arising from all three Local Plan review areas.
- Review the DTC process and include Shropshire in relation to employment and housing provision.
- Prepare a statement of common ground with those LPA with which South Staffordshire is already working and any additional LPA including Shropshire which have a shared role in meeting cross boundary unmet needs.

A further round of consultation is considered necessary to enable review of an appropriate evidence base and to consider the most appropriate way for the SSLPR to respond to those needs before moving to a Regulation 19 submission draft.

We trust these comments are helpful in identifying areas of concern that we consider should be addressed in order to ensure that the SSLPR is progressed in a manner which is capable of being found sound and legally compliant. We would be pleased to discuss the matters raised in this letter and to provide such further information as may be required.

Would you please acknowledge receipt of these representations and continue to keep us informed of progress with the SSLPR.

Yours faithfully

A handwritten signature in black ink, appearing to be "Paul Rouse", written in a cursive style.

Paul Rouse  
Director