

Nurton Developments Ltd

Land at Junction 11, M6, Hilton Park

Representations to South Staffordshire Local Plan Pre-Submission Draft (Regulation 19), April 2024.

Paragraphs 5.50 – 5.60

Policy DS4: Development Needs

Summary

1. *These representations relate to the assessment of the need and supply of employment land in South Staffordshire, as set out in paragraph b) of Policy DS4. Paragraph b) sets out a provision of 107.45 ha of employment land, against an identified objectively assessed need of 62.4 ha (covering the period 2023 – 2041), supposedly leading to a potential contribution of 45.2ha to help meet the unmet employment land needs of the Black Country. The respective figures for the 2022 Regulation 19 draft Local Plan were 99.0 ha, 63.6 ha and 36.6 ha.*
2. *Through JLL, Nurton Developments Ltd (NDL) made representations in December 2022 to the 2022 Regulation 19 draft Local Plan. In summary, these representations argued that the assessment of the need and supply of employment land in South Staffordshire was deeply flawed for the following reasons: -*
 - *The assessment of local need is significantly understated and, if it founds the basis of the plan, then it will result in a substantial reduction in the recent pace of development of industrial and warehouse premises in the district, with a consequent negative impact on the future economic growth of the area.*
 - *The assessment of local supply is substantially overstated. It includes sites that have already been allocated to meet wider than local needs and which should not be counted again in meeting local need.*
 - *The balance between local need and supply is wholly distorted. In reality, there is a substantial shortfall.*
 - *The plan provides an inadequate contribution to meet wider employment land needs, with particular respect to the Black Country, as well as the wider region, and does not engage properly with the Duty to Co-operate.*
 - *The plan is not justified in that it pays insufficient regard to other key elements of the evidence base (e.g. West Midlands Strategic Employment Sites Study (2021)), relevant planning policy guidance issued by Central Government and planned infrastructure improvements (e.g. the M54 M6 link road).*

3. *The new Regulation 19 draft Local Plan allocates just a single new site (17.6 ha at Dunston, J13, M6). In addition, the principal supporting evidence – EDNA – has been updated. However, the principal flaws identified previously in the approach of the draft plan and methodology of the EDNA have not been remedied. Specifically, there remains an inconsistency in the approach taken between the assessment of local need and supply. The latter includes two major strategic sites – i54 Western Extension and ROF Featherstone (76 ha in total) – which were expressly removed from the Green Belt and allocated in order to meet the needs of the Black Country but are now being erroneously counted to meet local needs.*
4. *Some of the arithmetic, in terms of the need and supply of land of both South Staffordshire and the Black Country, may have changed due to the updated evidence base and effluxion of time. However, the essential points made by the previous representations (as summarised above) remain unresolved, with NDL placing reliance on them for the purposes of making representations to this most recent iteration of the draft Local Plan. A full copy of the representations made in December 2022 are appended to this statement (**Appendix 1**).*
5. *Essentially, NDL contends that the need for employment land has been significantly understated by the Council and that the supply to meet this need has been substantially overstated. This has led to a wholly distorted picture of the balance between local need and supply on a quantitative basis. Instead of a surplus, NDL considers there will be a **shortfall of at least 86.6 ha**.*
6. *This represents a significant gap between local need and supply. It also changes completely the dynamic of the relationship between South Staffordshire and the Black Country and other parts of the FEMA (i.e. Cannock) in respect of employment land provision.*
7. *Qualitatively, there is also an urgent need to bring forward new strategic employment sites to meet the wider needs of the Black Country and South Staffordshire. This need has been identified by the West Midlands Strategic Employment Sites Study (WMSESS) of 2021 (which is in the process of being updated). This study sets out selection criteria for strategic sites, which includes access to the motorway and strategic road network and a sufficiency of scale (a minimum of 25 ha), as well as grading potential sites for their suitability. The opportunity NDL is promoting at Junction 11, M6, Hilton Park, was graded by this study and performed well against these criteria.*
8. *The remainder of this statement focuses on some specific elements where the evidence base has been updated or where NDL considers particular attention should be drawn. These cover: -*
 - *The pace of development.*
 - *Principal elements of supply.*
 - *The balance between need and supply.*
 - *The latest evidence on the need and supply for the Black Country and Cannock.*
 - *The relevance of wider employment land studies.*
 - *The importance of infrastructure led development.*

9. *These are dealt with in turn below.*

The Pace of Development

10. The previous representations argued that a Labour Demand model was no longer reliable and demonstrated that the pace of development in South Staffordshire would reduce considerably if the land requirement was restricted to 64.6 ha, as projected by the preferred Labour Demand model.
11. In brief, the Labour Demand model is rarely relied upon by Local Planning Authorities or consultants who advise upon the need for employment land. This is because the direct link between employment and industrial and warehouse floorspace is not a sensible principal determining factor. Instead, increasingly a stronger relationship between growth in GVA and floorspace has been identified. This is considered as a far more accurate gauge, particularly as productivity improvements in the industrial and warehouse sectors are more likely to be driven by automation and better efficiency and scale of economics. The Labour Demand model will tend to suppress projections of need and that this has been demonstrated by other factors, such as market signals (e.g. increased rents), which point to strong demand for industrial land.
12. For these reasons, NDL considers that a past trends model is far more likely to provide a more accurate and reliable projection (subject to some caveats referred to later). The previous EDNA (2022), and the latest iteration (EDNA 2024), do provide projections on past trends. However, they are not then relied upon and would appear to have been heavily manipulated to justify the projection based on a Labour Demand model. This approach is strongly deprecated.
13. Using the data compiled by the Council on completed development from 2012/13 to 2019/20, the 2022 EDNA projected that a continuation of past trends would generate a land requirement of 63.7 ha. This was very similar to the requirement projected by the Labour Demand model. As such, it was considered by DLP (the authors of the EDNA) to be a reliable sense test. However, closer analysis demonstrated that this assessment had been inappropriately and heavily adjusted through the exclusion of what is wrongly said to be 'atypical' development from the completed development analysis. This produced a highly skewed outcome and was statistically misguided.
14. The development perceived by DLP to be 'atypical' development was the new engine factory of JLR at i54 (174,571 sqm) and two industrial/warehouse units for Amazon and Gestamp at Four Ashes (101,305 sqm in total), and associated offices at these two sites (8,009 sqm). NDL's representations demonstrated how inclusion of these 'atypical' developments would change significantly any projection based on a past trends methodology, as follows: -
 - No exclusion of 'atypical' development – 241 ha.
 - Exclusion of JLR engine factory at i54 and associated offices – 127 ha.
15. NDL argued that the exclusion of the Amazon and Gestamp development of Four Ashes was especially unjustified. Amazon took a speculatively built unit of 450,000 sq ft (42,000 sqm), whilst Gestamp relocated locally from Cannock to a unit of 550,000 sq ft (50,000sqm).

16. Such sized units are not ‘atypical’ or ‘one-off’, as described in paragraph 6.24 of the latest EDNA, in today’s market for industrial and warehouse buildings. They are rather evidence of structural changes in the UK economy and excluding this information creates a wholly incomplete view. There are numerous examples in Staffordshire of similar sized or larger units. These include: -
- Pets at Home – 670,000 sq ft at Redhill, Stafford.
 - Dunelm – 525,000 sq ft at Sideway, Stoke-on-Trent.
 - Screwfix – 562,000 sq ft at Fradley Park, Lichfield.
 - Amazon – 700,000 sq ft at Rugeley, Cannock.
 - XPO Logistics – 645,000 sq ft at Tamworth.
17. These are all dwarfed by Amazon’s new multi-storey warehouse of 2.3 million sq ft at Peddimore, Birmingham.
18. It is to be noted also that Four Ashes was allocated in a previously adopted Local Plan to meet local need, whereas i54 was allocated to meet the needs of the Black Country. As such, there is an issue of consistency. We return to this point when considering supply.
19. The updated EDNA has not changed its overall methodology and stills relies on an outdated Labour Demand model to project an overall land requirement of 62.4 ha. However, it has undertaken further analysis of past trends as a sense check.
20. As with the original EDNA, the analysis is multi-layered, overly complex and difficult to interpret. However, the headline projections for 2023 – 2041 (taken from paragraphs 6.22 – 6.25 and Tables 32 – 35 of the updated EDNA) are as follows: -
- Mean total requirement analysing completions from 2012/13 to 2019/20 – 241 ha.
 - Mean total requirement analysing completions from 2012/13 to 2022/23 – 175 ha.
 - Mean total requirement analysing completions from 2018/19 to 2022/23 – 148.0 ha.
 - Median total requirement analysing completions from 2012/13 to 2022/23 – 105.7 ha.
 - Mean requirement analysing completions but excluding ‘atypical’ schemes from 2018/19 to 2022/23 – 53.1 ha.
 - Median requirement analysing completions but excluding ‘atypical’ schemes from 2012/13 to 2022/23 – 41.8 ha.
21. The Economic Strategy and Employment Site Assessment Topic Paper (April 2024) refers also to 116 ha as a median based projection based on past trends (paragraph 3.11). It is unclear how this figure has been derived and how it relates to the EDNA and the draft Plan itself. Both use the Labour Demand model’s projection of 62.4 ha as its objectively assessed need against which land supply (and the resulting contribution to help meet the Black Country’s overspill need) is measured. However, it is given some significance in justifying the new allocation of 17.6 ha at Dunston, Junction 13 M6. In paragraph 5.6 of the Economic Strategy and Employment Site Assessment Topic Paper (April 2024) it states:

“Although the Council can meet its objectively assessed need (62.4 ha) through the current pipeline of sites the EDNA update does consider alternative approaches for determining need and **demonstrating that need could be circa 116 ha** between 2023–41 based on (median based) past trends between 2023–41, based on this alternative method. Equally, market demand for strategic scale employment has been evidenced through the 2021 West Midlands Strategic Employment Sites Study. These strategic considerations have informed the decision to propose a further allocation at M6 Junction 13, Dunston.” (NDL’s emphasis).

22. The projections computed by the latest EDNA now include take-up analysis of the last three complete years (2020 to 2023). Take-up over the last three years has slowed down, totalling 41,493 sqm, requiring 10.4 ha of developable land at 40% site cover. The overall effect has been to reduce the projected rate of development. It is to be noted that the statistics for the next full year – 2023/24 – will be significantly greater following the completion of a new 35,795 sqm factory for GPG on a 10.76 ha site at the i54 Western Extension. This will act to increase the mean annual requirement once the analysis is extended over future years.
23. Table 33, which sets out the calculations for the median total requirement analysing completions from 2012/13 to 2022/23, also appears to contain an arithmetic error. The columns have not been summed correctly. The table is cut and pasted below for ease of reference.

Table 33 Completions Trend Forecast / Past Take-up Scenario based on Average (Median) Completions

	Average (median) annual completions (excl. losses), sqm (2012/13-2022/2023)	Forecast completions 2023-2041, sqm	Land requirement, Ha (based on 40% plot ratio)
Office (B1a, B1b)	1,980	35,640	8.9
Industrial (B1c, B2)	10,929	196,722	49.2
Industrial (B8)	540	9,718	2.4
B1c / B2 / B8 Total	21,517	387,306	97
Total	23,497	422,946	105.7

Source: SPRU analysis of Local Authority monitoring data

24. For example, the 2nd column (Average Median Annual Completions) adds the various elements of 1,980 sqm, 10,929 sqm, 540 sqm and 21,517 sqm as 23,497 sqm. Correct summation should be 34,966 sqm. Similarly, the 3rd and 4th columns (Forecast Completions for 2023 – 2041 and Land Requirement respectively) should be 629,386 sqm and 157.5 ha rather than 422,946 sqm and 105.7 ha respectively.
25. Tables 34 and 35 of the EDNA are then wrongly adjusted to exclude ‘atypical’ development. We do not consider this to be a sensible adjustment for the reasons referred to above. In addition, they do not breakdown the figures for i54 and Amazon/Gestamp at Four Ashes. We have provided below, in Table 1, a simpler analysis showing the potential effect of excluding the JLR development at i54 but retaining the Amazon/Gestamp development at Four Ashes. This is consistent with JLL’s representations to the 2022 draft Local Plan.

Table 1 – Projection based on Mean Annual Completions from 2012/13 to 2022/23, excluding JLR at i54.

Completions	427,245 sqm
Less JLR development at i54 ¹	182,760 sqm
Net completions	244,485 sqm
Net completions per annum	22,225 sqm
Projected development for 2023 – 2041	400,066 sqm
Developable land requirement at 40% site cover	100.0 ha

26. This figure represents a more realistic baseline projection for local employment land need, and an initial comparator against local supply, than the projections recommended by the updated EDNA of 62.4 ha (Labour Demand) and between 41.8 ha and 53.1 ha (Past Trends adjusted to exclude ‘atypical’ development). It is also much closer to the 116 ha projection based on past trends (median based) referenced by the Economic Strategy and Employment Site Assessment Topic Paper (2024). In short, if one sense checks the figure being used by the Council it is no more than half the figure that it should be using a more appropriate metric.
27. As set out in our previous representations, we contend that our projection based on mean annual completions (i.e. 100 ha) over the longest possible period (i.e. 2012/13 to 2022/23) should be an absolute minimum figure This is for two related reasons: -
- There is clear evidence of suppressed demand.
 - The location of South Staffordshire will continue to attract investment if there is a sufficient pipeline of sites.
28. The representations made in 2022 referred to analysis undertaken on suppressed demand by Savills and St Modwen. This analysis looked at a number of key markets, including Greater Birmingham (which takes in the Black Country) and Stoke/Staffordshire. In both cases, it considered that demand for industry and logistics would be at least 29% higher than historic levels. Applied to the baseline figure generated by our analysis, this would increase that basic projected need, based on a completions model, from 100 ha to **129 ha**.
29. The supply of deliverable sites is considered in greater detail below. However, suffice to say at this point, the range and depth of what is said to be currently available and deliverable employment land in South Staffordshire is very restricted. For example, one of the main allocated sites – ROF Featherstone (36ha) – has not come forward so far because it has not been able to attract funding for key infrastructure (a new access road from the A449 and a bridge crossing over the West Coast Mainline). The de-allocation of the housing site on land at Cross Green could act as a further impediment to development of ROF Featherstone as the housebuilder promoting this site controls the land over which the access road from the A449 to the ROF Featherstone site runs.

¹ includes 8,009 sqm of associated offices.

30. Despite this, it should be noted that South Staffordshire is in an enviable location for industry and warehousing, particularly its central and eastern parts. It is served by three motorways (M6, M6 Toll and M54), with five junctions with the strategic road network, including the A5 trunk road. It is also well related to strong labour markets in the Black Country, Birmingham, and other parts of Staffordshire (including Cannock and Stafford).

Principal Elements of Supply

31. The new draft Local Plan makes provision for 107.45 ha of employment land supply. This is made up principally of identified sites of 102.7 ha, as set out in Table 9 (pg. 70) of the draft Local Plan, with a small allowance for windfall sites.
32. It is to be noted that this is a gross figure, whilst the projections for need are based on a developable area (i.e. the area required to accommodate the projected floorspace at 40% site cover). This is confirmed in paragraph 3.15 of the Economic Strategy and Employment Site Assessment Topic Paper (April 2024). This is therefore using a gross figure to set against a net need. It is NDL's experience that no more than 75% of a gross site area will be developable once allowance is made for site constraints, principal infrastructure (e.g. SuDS) and BNG. Indeed, this is generally considered by the development industry to be a high site cover, particularly following the introduction of legislation on BNG, and therefore robust for the purposes of our analysis.
33. On the face of it, this might seem to be a reasonably plentiful supply to meet identified local need of 62.5 ha. However, even some fairly basic analysis demonstrates that this is not the case. Table 2 below identifies the sites from Table 9 which make up the 102.7 ha of supply to meet local need.

Table 2 – Identified available land in South Staffordshire to meet local needs

Site	Area (ha)
Four Ashes Industrial Estate	0.6
ROF Featherstone	36.0
I54, Wobaston Road	4.8
I54 Western Extension	40.0
M6, Junction 13, Dunston	17.6
Dunston Business Village	0.5
Vernon Park	2.8
Wombourne Enterprise Park	0.8
Total	102.7

34. As set out clearly in our previous representations, both ROF Featherstone and i54 Western Extension were already expressly allocated by the South Staffordshire Site Allocations Document (SAD) of 2018 to meet the needs of the Black Country and the wider region. It was these needs which amounted to the exceptional circumstances required to justify their release from the Green Belt.
35. No evidence has been presented with either the previous draft Local Plan or this iteration to demonstrate that these two sites are now able to meet local need first and foremost. Instead, in paragraph 3.6 of the draft Local Plan, under the heading of Cross Boundary Issues and Duty to Co-operate, it states: -
- “The Council has been working collaboratively with neighbouring authorities on cross boundary issues for a number of years. A clear example of this is how unmet employment needs from the Black Country helped support new employment allocations at i54 and ROF Featherstone in the adopted SAD (2018).”*
36. This seems to be unequivocal, and yet the draft Local Plan persists in counting these two sites in its own supply to meet local need.
37. Once these two sites are excluded, the total supply to meet local need **reduces from 107.45 ha to 31.45 ha**. This represents a significant difference quantitatively.
38. As referred to above, these are gross areas. Assuming a simple assessment that 75% of the gross site areas are **developable**, the respective totals are 80.6 ha and **23.6 ha**. These should be considered to be maximum figures.
39. The remaining sites also present a **thin range and choice qualitatively** and this has been a clear factor in reduced levels of take-up over the last few years. There are only six sites, with four of these being less than 3 ha. The other two are the remaining plots of the original i54 site (which is restricted to Class B2 use) and a new proposed allocation at Junction 13, M6 at Dunston. The latter is located at the very northern end of the district.

Balance between Local Need and Supply

40. Our analysis of local need and supply presents a very different picture than that painted by the draft Local Plan. This is illustrated by Table 3.

Table 3 – Comparison between SSC/DLP and NDL analysis on local need and supply.

	SSC/DLP (ha)	NDL (ha)
Need	62.4	129.0
Supply²	107.45	23.6
Surplus/Shortfall	45.2	105.4

² Includes assumption on windfalls.

41. We have projected a minimum need of 129 ha of developable land based on our analysis of past trends. This should be treated as a **minimum figure** for the reasons referred to above.
42. As with the previous EDNA, the updated EDNA refers to a contribution from the West Midlands Interchange (WMI) development of 18.8 ha to help meet South Staffordshire’s needs. This does not correspond with the Stantec Report – “West Midlands SRFI – Employment Issues Response Paper – whose need will the SRFI serve”.
43. This report was commissioned by the Black Country Local Authorities, produced in February 2021, and forms part of the evidence base to the draft Local Plan. It has also been relied upon by other Local Planning Authorities in the development plan-making process. Table 5 of this report provides a summary of how the WMI development should be distributed amongst relevant local planning authorities. This is cut and pasted below.

Table 5 Distribution of total land share (net additional plus displacement)

	Net additional Share ha	Displacement Share ha	Total Share ha
South Staffordshire	3	1	5
Dudley	13	0	14
Sandwell	17	2	18
Walsall	17	2	19
Wolverhampton	14	2	16
Black Country market total	65	7	72
Birmingham	45	8	53
Cannock Chase	6	4	10
Lichfield	4	4	8
Solihull	13	1	13
Bromsgrove	8	0	8
Redditch	0	1	1
Wyre Forest	5	0	5
Birmingham market total	80	18	98
Newcastle-under-Lyme	0	4	4
Stoke-on-Trent	0	7	7
East Staffordshire	0	8	8
Stafford	0	3	3
Staffordshire Moorlands	0	0	0
	145	48	193

Source: VOA, ONS and Stantec analysis

44. The share for the Black Country FEMA, which includes South Staffordshire, is 72 ha. Of this, just 5ha is apportioned to South Staffordshire.
45. Once this is factored in, our analysis shows that the **shortfall between local need and supply lies between 86.6 ha and 100.4 ha**, with the latter underpinned by the universally used Stantec report. This represents a significant gap and completely changes the dynamic of the relationship with the Black Country and other parts of the FEMA (i.e. Cannock). This is now considered.

The Black Country and Cannock

46. Paragraph 5.57 of the draft Local Plan makes reference to the latest EDNA (2023) commissioned by the Black Country Local Planning Authorities to inform and support the production of development plans by the four constituent local authorities – Dudley, Sandwell, Walsall, and Wolverhampton. Specific reference is made to the identification by the Black Country EDNA of a shortfall of 153 ha between need and supply.
47. NDL has analysed the Black Country EDNA 2023 and made representations to the Dudley Local Plan (Regulation 18) in December 2023 and to the Wolverhampton Local Plan (Issues and Preferred Options) in April 2024. These are appended to this statement (**Appendices Nos. 2a** and **2b** respectively).
48. NDL’s representations to the Wolverhampton Local Plan Issues and Preferred Options conclude that: -
- the figures for employment land need for the Black Country have been under-estimated;
 - the assessment of deliverable supply has been over-estimated;
 - thus, the shortfall between need and supply has been significantly under-estimated; and
 - there is a clear mismatch between the quality and type of site demanded by occupiers and developers and those being supplied through the development plan-making process.
49. For the reasons set out above, NDL contends that there is a minimum need of 672 ha in the Black Country against a maximum supply of 302ha. This leaves a **minimum shortfall of 370 ha which has yet to be addressed**. Overall, there is a much larger shortfall in quantitative terms, between need and supply, than the Black Country EDNA is articulating.
50. It is to be noted that the Walsall Local Plan review process has yet to start in earnest. The Black Country EDNA 2023 assumes that the Walsall Local Plan will re-allocate the same sites identified in the draft Black Country Development Plan, which was abandoned in October 2022. This allocated 171.1 ha of employment land in Walsall, including 47.3 ha released from the Green Belt. There is no certainty that Walsall Council will choose to do this.
51. Secondly, the Black Country EDNA 2023 has not been tested yet at examination. As such, only limited reliance can be placed on its findings.

52. To date, there are two contributions to meet the shortfall in the Black Country between need and supply which have relative certainty. These are: -
- 67 ha apportionment from WMI.
 - 30 ha from Shropshire (whose development plan is currently at examination).
53. By NDL's estimations, this still leaves a minimum shortfall of 273 ha (i.e. 370 ha less 97 ha). Part of this should be taken up by land at i54 Western Extension (40 ha) and ROF Featherstone (36 ha), given that they were allocated expressly to meet the needs of the Black Country and the wider region (see above), although caution should be had about the deliverability of the latter (for the reasons set out above).
54. The addition of these two sites would reduce the shortfall, but still leave a net need of 197 ha (i.e. 273 ha less 76 ha). To date, no other Local Planning Authorities that neighbour or are in the vicinity of the Black Country have shown much, if any, inclination to contribute land to help the Black Country Local Authorities to meet its needs.
55. Qualitatively, there is a real absence of any sites in the Black Country which are of any significant scale. Only three sites are greater than 10 ha and none greater than 25 ha, the threshold employed by the West Midlands Employment Strategic Sites Study (2021). The relevance of this study is considered below. The principal reason for the dearth of larger sites is the densely built-up, urban and congested nature of the Black Country. In NDL's view, this shortcoming is as pressing, if not more so, as the quantitative gap between need and supply. It places a further onus on Local Planning Authorities, such as South Staffordshire, which do not suffer from the same constraints.
56. With regards to Cannock, the draft Local Plan (Regulation 19) was published for consultation by the Council in February 2024. It purported to show a balanced need and supply of employment land, with a provision of 73.4 ha against an identified need of 74 ha.
57. NDL considers that the Council has misinterpreted the evidence contained in the supporting EDNA which has distorted the identified need so that it matches the identified supply. NDL has also identified accountancy errors in the EDNA and the land supply. A copy of the representations made by NDL in March 2024 is appended (**Appendix 3**).
58. NDL concludes that the need for Cannock should be a minimum of 129 ha, whilst supply is no greater than 69 ha. This leaves a potential **shortfall of 60 ha**. As with the Black Country, there is also a qualitative shortage with no sites greater than 10 ha.
59. Because of its geography, South Staffordshire has a very close economic relationship with both the Black Country and Cannock. As referred to above, it also enjoys characteristics (e.g. access to the principal motorways and availability of plentiful labour from the Black Country, Birmingham and Cannock) which are attractive to investors, developers, and occupiers.

60. The site at Jn 11, M6, Hilton Park, which NDL is promoting, is an obvious location to accommodate overspill employment land need from the Black Country and Cannock, particularly large-scale sites, and support badly needed growth of the Black Country's economy.

Wider Employment Land Studies

61. As with the 2022 draft South Staffordshire Local Plan, insufficient regard has been had to the West Midlands Strategic Employment Sites Study of May 2021. This is despite it forming a key part of the evidence base of the draft Local Plan and recognition on page 16 that there is a:

“Regional need for more strategic employment identified through the West Midlands Strategic Employment Sites Study (2021).”

62. This acknowledgement forms part of the explanation (5th bullet point) to the Issue/Challenge of *“Levels and types of growth needed to meet South Staffordshire’s employment land needs and ensuring that local people have good access to a range of employment opportunities”*.
63. Paragraph 5.59 of the draft Local Plan makes reference to the Study but downplays its importance. It refers to its primary focus being around engagement with the private sector to gauge demand and not providing a full assessment of need. It does refer to the Study’s conclusions that there is *“considerable demand for strategic employment site opportunities”* and the identification of *“a number of broad locations around key junctions, including junctions on the M6 and M54 in South Staffordshire.”* An identical paragraph is included in the Economic Strategy and Employment Site Assessment Topic Paper (paragraph 3.15). However, neither properly address its conclusions and recommendations.
64. It is to be noted that this Study was not commissioned by the private sector, but by the principal LEPs of the region, with the relevant Local Planning Authorities (including South Staffordshire), consulted. The Study concludes that there is a limited supply of available, allocated and/or committed strategic employment sites across the West Midlands and **‘urgent’** need for additional sites to be brought forward. It is emphatically not an advocacy document. It forms a key part of the evidence base and should be properly regarded to inform the plan-making process.
65. The Study identifies four key locations for future strategic employment sites. This includes Area 4 - Black Country and South Staffordshire. The study also appraises a number of potential new sites as to their capability of meeting requirements for strategic employment sites (generally defined as being greater than 25ha and being located on motorway or strategic road junctions). This includes sites within South Staffordshire. This is considered further in the separate representations by NDL in respect of Policy SA5: Employment Allocations.

66. National Planning Policy Guidance (PPG) emphasises the importance of considering market signals, including patterns of market demand, in assessing the quantum and type of employment land required to fulfil wider economic need (paragraphs 25 – 29 of the PPG under the heading of Economic Need). The Council accepts that the Study is a material consideration in the development plan-making process in market terms. However, it still chooses to entirely disregard its findings and has made no effort to identify new strategic employment sites or collaborate with the Black Country Local Planning Authorities to assess what opportunities exist.
67. In NDL’s view, this approach fails the basic requirements on Local Planning Authorities to identify gaps in the market and then act to fill them (paragraph 29 of the PPG). It also goes against the grain of recent Government advice, particularly in respect of increasing support and recognition of the logistics and freight sectors (e.g. the Future of freight – a long term plan, published by the DfT in June 2022).
68. A further iteration of the West Midlands Strategic Employment Sites Study has been commissioned and is at an advanced stage of production. We understand a draft has been circulated amongst relevant local planning authorities (including South Staffordshire) for consultation with comments fed back to the consultants (Iceni). The new study is reported to be scheduled for publication this summer. Unlike the previous iteration, we understand the scope of this study does provide an assessment of need.
69. The 2022 draft Local Plan did make reference to the intention of Local Planning Authorities to commission this follow-on study. In paragraph 5.63 it stated that this follow-on study: -
- “... will allow the need issue to be explored in more detail and examine how evidenced need for strategic employment sites interacts with need identified through individual Local Planning Authority’s EDNAs and should provide a clearer picture of the need for strategic employment land across the region. The Council is committed to being an active member of this commission and taking forward its recommendations for further consideration at the appropriate stage.”*
70. Given this, and the advanced stage reached with the follow-on study’s production, it is curious that the current draft Local Plan no longer makes any reference to it. This would appear to be a clear omission.

Infrastructure Led Development

71. In a similar vein, and for reasons that are also not clear, the sections of the draft Local Plan on the economy and employment land make no reference at all to the proposed M54/M6 link road. In addition, the Sustainability Appraisal makes no reference to it either in its analysis of employment growth options or its appraisals of employment distribution options. This seems odd given that it has been long in preparation.

72. This key element of national important infrastructure received a Development Consent Order from the Secretary of State in April 2022. Construction is due to start this year. The link road will greatly improve road communications for the district. The West Midlands Strategic Employment Sites Study (2021) draws specific references to it being an opportunity that should be exploited, through unlocking development potential for strategic employment sites.
73. Its omission is illustrative of the Council's overall approach to employment land provision. It has sought to downplay the need and demand for land and any external influences which will help to attract investment to the district and the wider sub-region. This goes against the requirement set out in the NPPF for development plans to being positively prepared and is manifestly unsound.

Suggested Modifications

74. Part b) of Policy DS4 makes reference to a need of 62.4ha and a supply of 107.45 ha (excluding WMI). Neither figure is reliable for the reasons provided above and should be the subject of an absolute reassessment, both quantitatively and qualitatively.
75. NDL's quantitative assessment is that the **local need should be a minimum of 129 ha of developable land**. This reflects a more realistic position and responds better to current market signals.
76. NDL's quantitative assessment of **supply, to meet local needs**, is that there is **no greater than 23.6 ha** (excluding WMI) of developable land. The sites at i54 Western Extension (40 ha) and ROF Featherstone (36 ha) are allocated by the Site Allocations Document 2018 to expressly meet the needs of the Black Country and do not form part of the land supply to meet local need. They should count instead as part of a minimum contribution of 76 ha to help meet the unmet needs of the Black Country.
77. The equation of need and supply is wholly distorted by the flawed assessment of both. Instead of a surplus, NDL has identified a **quantitative shortfall of at least 86.6 ha** (with this taking into account the maximum contribution from WMI of 18.8ha). This shortfall is substantial, quantitatively, and requires the immediate identification of new sites to ensure that the development land needs of the district are met. Almost certainly, given the preponderance of the Green Belt in South Staffordshire, this will require the consideration of the release of Green Belt land.
78. Qualitatively, the West Midlands Strategic Employment Sites Study identifies the **need for a new strategic employment site(s)** to be located within the Black Country and South Staffordshire. This need has not been fulfilled and **should be referred to expressly by Policy DS4**. This reference **underscores the opportunity provided by the M54/M6 link road** for unlocking development potential for strategic employment sites.

PJL

22nd May 2024

Appendix 1 – Representations made by JLL on behalf of NDL to the draft South Staffordshire Local Plan (Regulation 19) in December 2022.

Appendix 2 – Representations made by NDL to the draft Dudley Local Plan (Reg 18) and draft Wolverhampton Local Plan (Issues and Preferred Options) in April 2024 in respect of the Black Country EDNA 2023.

Appendix 3 – Representations made by NDL to the draft Cannock Local Plan (Regulation 19) in March 2024.