

Nurton Developments Ltd

Land at Junction 11, M6, Hilton Park

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

Paragraphs 6.43 – 6.48

Policy SA5: Employment Allocations

Summary

- 1. Policy SA5 allocates only one new site – land at M6 Junction 13, Dunston - which provides 17.6 ha. The remainder of the sites referred to by Policy SA5 are not new but form part of the existing land supply (i.e. those which are already allocated or consented in outline). This is claimed to be justified on the basis that there is a surplus of employment land to meet local needs (45.2 ha), with this surplus comprising an appropriate contribution to meet wider unmet needs, i.e. those from the Black Country.*
- 2. Nurton Development Ltd (NDL) has made representations in respect of Policy DS4: Development Needs. They should be read together with these representations. Those representations contend that the local 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 that, even with the allocation of the Dunston site, there will be a **shortfall of at least 86.6 ha**.*
- 3. This represents a substantial 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.*
- 4. 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, as well as the wider region. This need has been identified by the West Midlands Strategic Employment Sites Study of 2021 (which is in the process of being updated). This study sets out selection criteria for strategic sites, which includes easy access to the motorway and strategic road network and 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 the set criteria.*
- 5. An update to this regional study has been commissioned on the basis that the contents of the original report have been largely ignored by a number of local authorities. The production of this study is well advanced with publication due this summer. However, the draft plan inexplicably makes no reference to it. The plan also has had no regard to the planned M54 M6 Link Road. This is consented and the link road will improve considerably congestion on the strategic road network (particularly the A460) and open up development opportunities, especially at Junction 11.*

6. *The plan is presently unsound on this basis. In this context, Policy SA5 needs to identify new sites which will fill the gap across the FEMA, both quantitatively and qualitatively.*
7. *NDL considers that the potential strategic employment site at Hilton Park at Junction 11, M6, is best placed to help fill this gap. It is an obvious and reasonable alternative and/or is an additional freestanding strategic employment site in terms of its location, its relationship to planned infrastructure improvements (i.e. the M54/M6 link road), its achievability in market terms, and its ability to meet the criteria set out by the West Midlands Strategic Employment Sites Study.*
8. *Unfortunately, this opportunity has still yet again not been recognised by the Council. NDL considers its assessment of the site (Ref No: E43) to be seriously flawed, with this being a failure of both process and judgement.*

The Opportunity at Hilton Park, Junction 11, M6

9. The site has a gross area of 99.23 hectares (245 acres). This reduces to 75.69 hectares (187 acres) once land acquired by the Secretary of State for construction of the DCO approved M54/M6 link road is taken into account. The actual developable area comprises 43.10 hectares on a 'net developable area basis' (106.5 acres) so as to ensure sufficient land is provided for blue and green infrastructure following detailed consideration of the constraints and opportunities the site affords and taking account of statutory requirements.
10. In market terms, the site enjoys many significant advantages. These include: -
 - Located directly to the southwest of Junction 11 of the M6 motorway.
 - Direct access to the A460, which connects to the M6 at Junction 11.
 - Easy access via the A460 to the Pentalver Rail Freight Interchange at Cannock and to the proposed West Midlands Interchange at Gailey (Junction 12, M6).
 - Very easy access to the approved M54/M6 link road via Junction 11 M6, leading to J1 M54.
 - A location accessible to the principal settlements in the area (i.e. the Black Country, Cannock, Stafford and Lichfield), giving good reach to the local labour supply.
 - A regular shaped site with good prominence to the M6.
 - A large sized site that can readily accommodate a critical mass of buildings, ranging from 5,000 sq ft to 250,000 sq ft, totalling up to 175,000 sq m (1.9 million sq ft) across E(g), B2 & B8 uses.

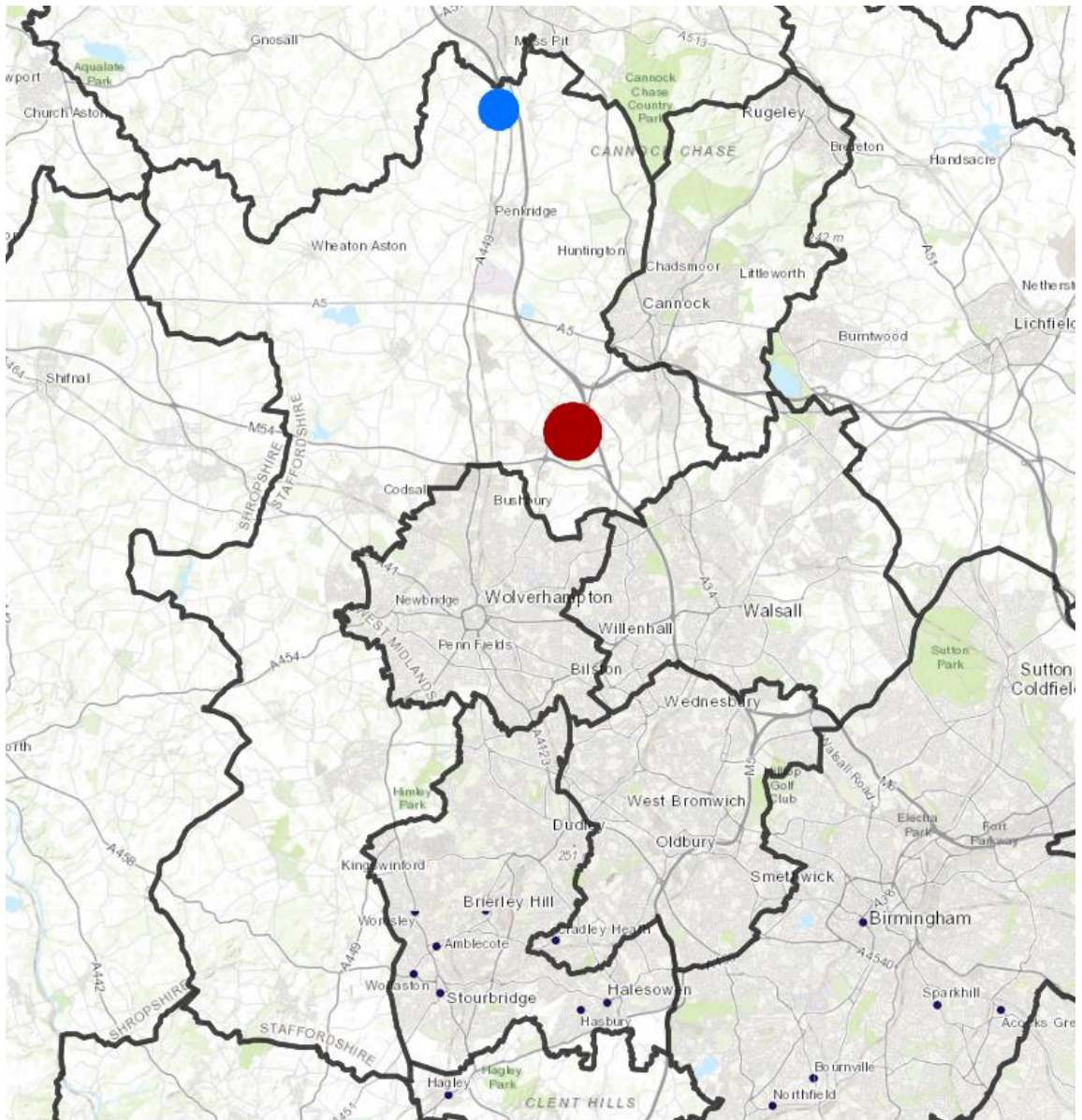
11. The locational advantages of the site will be further improved when the proposed M54/M6 link road is built and operational. Indeed, it will probably become the best located industrial and logistics sites to the north of the Birmingham conurbation. Construction of the road is due to start this year and it should be operational from 2026. This link road will significantly increase road capacity on the A460 and will make Junction 11 a strong nodal point on the national and regional motorway network, providing a crossroads connection to the M54, M6 and M6 (Toll).
12. The site is free of major constraints. There are no obvious physical limitations or issues such as access that cannot be mitigated satisfactorily. Aside from the significant policy constraint of Green Belt, which restricts any development outside the built-up area of the Black Country, including most of South Staffordshire, the site is not designated by the adopted Local Plan for any landscape or conservation purposes.
13. It is strongly submitted that exceptional circumstances exist to bring the site forward notwithstanding its current Green Belt status.
14. As set out below, what is inexplicable is that the Council, despite the regular representations we have made, has consistently and repeatedly refused to update its Green Belt evidence base to take account of this very significant changed status in this site as a result of the DCO.
15. In August 2020, JLL (then agents for NDL) produced a Technical Note on Deliverability of the site. This was submitted to the Council. A copy of this Technical Note, and associated appendix (masterplan) and annexes (reports on ecology, transportation and infrastructure), is provided as an enclosure to this representation (**Enclosures No. 1 to 1d**).
16. The Technical Note illustrates the opportunity for development of the site and demonstrates that the proposed scheme is exceptionally well placed in market terms and is readily deliverable. The Technical Note is supported by detailed assessment and analysis from a number of expert consultants covering transportation, drainage, ecology, utilities and services, topography, and master planning. Specifically, it addresses:-
 - The impact of the M54/M6 link road on the development of the site.
 - How to retain the more valuable ecological features of the site, mitigate for any loss, and manage a net gain in terms of biodiversity.
 - How best to drain the site using SUDs.
 - The creation of development plateaus, following a detailed cut and fill assessment.
 - Transportation and highways issues.
 - The capacity for development, with reference to an illustrative masterplan.

- The feasibility of the development, with an assessment of the costs associated with necessary infrastructure, including the cost of a bridge to span the M54/M6 Link Road.
17. In addition, an independent appraisal of the site is provided by the West Midlands Strategic Employment Sites Study. This study provides a high-level assessment of all sites being promoted by developers as potential strategic employment sites through a call for sites exercise. This assessment looked at 31 sites greater than 25 hectares (gross) and considered criteria such as motorway/trunk road access, statutory designations, public transport, flood risk, ecology, topography and proximity to existing settlements.
18. This assessment is summarised by Table 6.3 of the study. For ease of reference, it is produced below.

Site Name/Location	Site Area (Ha)	Planning Status	Score
1. Corridor 42 Business Park, J10, M42	73	Promoted for Allocation	11
2. Land at J13, M6	60	Promoted for Allocation	12
3. Birmingham International Gateway, J9, M42	129	Promoted for Allocation	11
4. Confidential	25	Opportunity	11
5. Solihull Gateway, J5/6, M42	283	Promoted for Allocation	12
6. Hilton Park, J11, M6	89	Promoted for Allocation	12
7. Confidential	127	Opportunity	12
8. Land at Great Coton, J1, M6	67	Promoted for Allocation	13
9. Land at Walsgrave J2, M6	61	Opportunity	12
10. Confidential	45	Promoted for Allocation	13
11. Land at Hinckley, A5	58	Opportunity	16
12. Confidential	100	Opportunity	13
13. Land at Gaydon, J12, M40	100	Opportunity	14
14. Confidential	36	Opportunity	13
15. Land at Brandon lane, Toll Bar End A45/46	27	Promoted for Allocation	15
16. Confidential	26	Opportunity	13
17. Land at Brickhill Farm/Stonebridge Road, J4, M6	70	Promoted for Allocation	14
18. Confidential	25	Opportunity	15
19. Confidential	51	Opportunity	15
20. Land at Acanthus Road, A435	43	Promoted for Allocation	14
21. Confidential	43	Opportunity	17
22. Land at J16, M6	70	Promoted for Allocation	15
23. Land at Curdworth, J9, M42	28	Opportunity	15
24. Confidential	100	Opportunity	18
25. Land at Ryton-on-Dunsmore, A45	50	Opportunity	17
26. Confidential	92	Opportunity	16
27. Land north and east of Ansty Park, J2, M6	57	Promoted for Allocation	18
28. Land at Hartshill Quarry	77	Opportunity	19
29. Confidential	300	Opportunity	19
30. Confidential	58	Opportunity	15

19. Scores for the assessed sites range from 11-19. The lower the score, the better the site. Hilton Park (Site No.6 and highlighted in yellow) achieves a score of 12 – one of the very best scores out of the 31 sites assessed. It achieves the same score as land at Junction 13, M6, Dunston (No.2 and highlighted in green), part of which has now been allocated by the draft plan. Notably, all of the sites, save the first at J10 M42, are located within the Green Belt.

20. In NDL’s view, Hilton Park represents a far better development opportunity than the proposed allocation because of its location and scale. The map below marks Hilton Park with a red dot and Dunston with a blue dot on a base showing the Local Authority boundaries.



21. Hilton Park is located closer to the main centres of population and established employment areas of South Staffordshire and holds a much more obvious relationship with the Black Country and Cannock. Dunston is located on the periphery of South Staffordshire.
22. Hilton Park also comfortably meets the criteria of the WMSESS in terms of scale, having a developable area of 43 ha. By contrast, Dunston has a gross area of 17.6 ha – less than the threshold of 25 ha set by the study and considerably less than the size of the site assessed by the study (60 ha).

Assessment of Hilton Park by the Council

23. All sites were assessed prior to the production and consultation of the Preferred Options in November 2021. The assessments were principally carried out by the Employment Sites: Sites Assessment Topic Paper 2021 and an undated South Staffordshire EDNA Part 2: Employment Land Availability Assessment.
24. In making representations to the Local Plan Preferred Options, JLL (on behalf of NDL) considered the assessment of the obvious development opportunity at Hilton Park (Site Ref No. 43) to be superficial and contained many inaccuracies. In addition, JLL was concerned that the assessments had not taken into account information supplied by JLL about the site's capacity for development (with reference to the Technical Note on Deliverability) or the separate assessment covered by the West Midlands Strategic Employments Sites Study.
25. A copy of the representations made at the Preferred Options stage, in the form of a response to Question 1 of the Preferred Options, is also provided as an enclosure (**Enclosure No. 2**). Particular reference should be had to the bullet points covered by Paragraph 27 of the representations. These cover aspects including:-
 - Size of site.
 - Green Belt harm.
 - Constraint of M54/M6 road link.
 - Ecology.
 - Flooding.
 - TPOs.
 - Highways impact on the A460.
 - Market activity and developer interest.
 - Development constraints.
 - Accessibility.
 - Location.

26. The representations sought to provide clear information to correct obvious inaccuracies in the Council's assessment of the site and to enable a reassessment of the opportunity that JLL (and the authors of the West Midlands Strategic Employment Sites Study) believe exists. JLL argued that, like all sites, Hilton Park has some constraints – most notably its Green Belt policy designation. However, these constraints are very substantially outweighed by the opportunities (particularly its location and scale). The extent of the need, both quantitatively and qualitatively, comprises exceptional circumstances to warrant the site's release from the Green Belt. Moreover, NDL has demonstrated through the submission of a Technical Note on Deliverability that the constraints can be overcome through recognisable and realistic mitigation strategies.
27. On this basis, JLL concluded that the Council's assessment, as set out by the **manifestly inadequate evidence base**, was flawed. Indeed, it appears to have ignored clear evidence of unmet demand for large scale industrial and logistics schemes. It represented an obvious failure of both process and judgement and to proceed further on this basis would be patently an unsound approach. It would mean that the plan failed the test of being justified and, for this reason, is not sound. By way of remedy, JLL asked for the opportunity that exists at Hilton Park to be properly reassessed in light of the technical information supplied by NDL and the assessment of the site made by the West Midlands Strategic Employment Sites Study of 2021. The Council did not do this.
28. Following consultation of the Preferred Options, the Council updated its evidence base on the assessment of potential employment sites, with the production and publication of the Economic Strategy and Employment Site Assessment Topic Paper (November 2022), to support the submission of the first Regulation 19 draft plan in November 2022. Once again, the assessment of the site was unchanged, apart from minor changes to the County Highways assessment and the conclusion, which confirms that the site is not proposed for allocation.
29. Full representations were made by JLL on behalf of NDL to the Regulation 19 draft plan in December 2022. A copy of the representations made in respect of Employment Allocations (then Policy SA7) form **Enclosure No.3**. An updated Economic Strategy and Employment Site Assessment Topic Paper (April 2024) supports the new Regulation 19 draft plan. Unfortunately, with the exception of correcting the boundary of the site on the associated map, no heed appears to have been taken by the Council of the information supplied by NDL on the suitability and deliverability of the site, including proposed mitigation of known site constraints. Its assessment remains unaltered.
30. Given the amount of information provided on the capacity and deliverability of the site for development, and particularly specific responses to site selection criteria used by the site assessment proforma, this is very disappointing. It is to be noted also that at no point has the Council sought from either JLL or NDL any clarification on any information provided or engaged in discussion on the constraints and opportunities that the site presents. In addition, at no stage has the Council given the remotest indication that it has had regard to the information provided by JLL and NDL or reassessed the site's potential in light of the information provided and representations made.

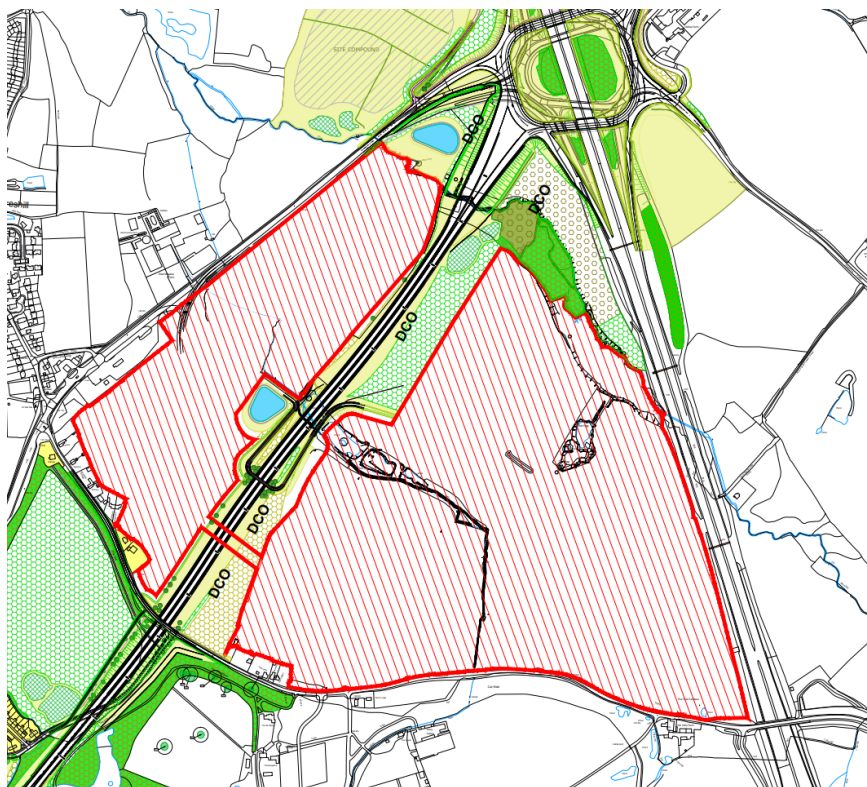
31. This is illustrated by the assessment of potential Green Belt harm. The conclusions to the site assessment for Site E43 in both the 2022 and 2024 Topic Papers note that:

“The site performs relatively well and has a clear advantage for distribution/logistics of being close to the M6 (Junction 11). However, major negative effects are also predicted in the Sustainability Appraisal, due to the site being in one of the more harmful Green Belt areas within the district”.

32. The assessment to the site selection criteria of Green Belt harm is “high”.

33. This rating inexplicably ignores the substantial effect of the approved M54/M6 link road on the site. The South Staffordshire Green Belt Study (conducted in 2019) did not take this into account, not least, since the scheme was not yet consented at that time. As part of the consultation response to the South Staffordshire Spatial Housing Strategy and Infrastructure Delivery (in December 2019), JLL submitted an assessment by independent consultants, Tyler Grange, on the contribution the site would make to the Green Belt. This response is included as **Enclosure Nos. 4 and 4a**. This assessment downgraded the land between the A460 and the link road as “moderate-high” and between the link road and the M6 motorway as “moderate”.

34. The impact of the link road on the contribution the site makes to the Green Belt can be gauged by the plan below, which shows the routing of the proposed link road (annotated by DCO) straight through the site (edged in red and hatched). It will clearly compromise the openness of this part of the Green Belt and warrants a reassessment of this parcel of land.



35. An addendum to the Green Belt Study was produced in 2022. However, despite JLL's representations to the Preferred Options pointing to this obvious omission, it simply did not address this point. Instead, it just concentrated on assessing a new housing site. This egregious omission was referred to again by JLL to the Council in making representations to the November 2022 Regulation 19 draft plan. However, the Council has also ignored these representations and no further addendum or update has been made to the Green Belt Study.
36. In conclusion, the site has not been properly assessed by the Council. This may be because the Council considers, erroneously in NDL's view, that it is not needed (despite substantial evidence to the contrary). It has also not reassessed the site – despite the major change of circumstances in Green Belt terms. This is a deeply flawed approach. Had it been properly assessed then its merits would be clear.

Suggested Modifications

37. The plan needs to identify and allocate new sites to meet the shortfall of available development land to meet local needs. This shortfall has been identified by NDL to be at least 86.6 hectares.
38. In addition, South Staffordshire needs to work collaboratively with the Black Country local planning authorities and Cannock Chase Council to ensure a sufficient quantity and quality of employment development is brought forward to meet wider employment needs of its FEMA. This should include freestanding strategic employment sites, given the lack of such sites serving the Black Country and following the recommendations of the West Midlands Strategic Employment Sites Study of 2021.
39. Hilton Park, at Junction 11, M6, is an obvious candidate for a new freestanding strategic employment site to be allocated. It is well located, is closely related to planned infrastructure improvements (i.e the M54/M6 link road) and has scale. It provides a developable area of 43 hectares and could be delivering new industrial and warehouse units by 2026. It is well suited to meet both local and wider market needs and was ranked very highly by the West Midlands Strategic Employment Site Study of 2021 as a potential new strategic development opportunity.
40. This development opportunity should be reassessed by the Council prior to allocating additional sites, through Policy SA5, to meet fully the needs for new employment development land for the district.

PJL

23rd May 2024

Enclosure Nos. 1 to 1d – Technical Note on Deliverability of land at Junction 11, M6, Hilton Park, JLL on behalf of NDL, August 2020, including a masterplan as an appendix and reports on ecology, transportation and infrastructure as annexes.

Enclosure No. 2 – Representations made by JLL on behalf of NDL to the South Staffordshire Preferred Options, December 2021.

Enclosure No. 3 – Representations made by JLL on behalf of NDL to Policy SA7 of the draft South Staffordshire Local Plan (Regulation 19) in December 2022.

Enclosure Nos. 4 and 4a – Representations made by JLL on behalf of NDL to the South Staffordshire Spatial Housing Strategy, in December 2019, including a report on Green Belt harm by Tyler Grange.