

**South Staffordshire Local Plan Review – Preferred Options
Response by JLL to Question 1 on behalf of Nurton Developments Limited**

Question 1:

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

Please provide comments on the content or use of the evidence base set out in Appendix A, referencing the document you are referring to.

Summary to Response

1. No. JLL disagrees that the evidence base is appropriate because: -
 - The evidence base is insufficient in terms of its scope and inadequate in terms of accuracy and detail.
 - This is particularly apparent in respect of the Employment sections of the Plan and the assessment of potential employment sites.
 - The evidence base, as set out in Appendix 1, does not include or rely upon: -
 - West Midlands Strategic Rail Freight Interchange – Employment Issues Response Paper - Whose need will the SRFI serve?
 - West Midlands Strategic Employment Sites Study, 2021
 - Black Country Economic Development Needs Assessment (EDNA) Update, 2021.
 - All of these inform the assessment of the wider need and supply of employment land for South Staffordshire, the Black Country and Cannock, which make up the same Functional Economic Market Area (FEMA).
 - Their omission demonstrates that the Preferred Options fail to grapple with the issue of employment land need and supply which transcends the needs of the District. This amounts to a fundamental failure of the Duty to Co-operate.
 - The assessment by the Sustainability Appraisal, and other related studies, of potential employment sites is inaccurate and superficial. They have not taken into account the submission of information produced by JLL on the potential of

Hilton Park, Junction 11, M6 (Site Ref No: E43 in the Sustainability Appraisal and related studies) to be a Freestanding Strategic Employment Site.

- Hilton Park is an obvious reasonable alternative 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 by the West Midlands Strategic Employment Sites Study, 2021 for strategic employment sites.
- The assessment of the opportunity that exists at Hilton Park is flawed. It is a failure of both process and judgement.

Explanation

2. The failure to consider key up to date evidence relating to employment land supply and its relevance to the assessment of the need and supply for the FEMA of South Staffordshire, the Black Country and Cannock is considered in greater detail below.
3. The **West Midlands Strategic Rail Freight Interchange Employment Issues Response Paper - Whose need will the SRFI serve?** was commissioned by the Black Country Local Planning Authorities and produced by independent consultants, Stantec, in February 2021. It forms an important part of the evidence base to the draft Black Country Plan, which was published for consultation in August 2021.
4. The study identifies that out of a total development area considered of 193 hectares, 72 hectares is attributable to the Black Country market area. Of this, 67 hectares is attributable to the four Black Country Local Planning Authorities and just **5 hectares** is attributable to South Staffordshire.
5. This evidence has been overlooked, with the Preferred Options instead includes the gross development area (232.5 hectares) for West Midlands Interchange in Table 9, which accounts for employment land supply in South Staffordshire. Clearly, the two approaches are totally at odds with each other and demonstrate a total lack of collaboration between the Local Planning Authorities which share the same FEMA.
6. The omission of this report is compounded by the inclusion of a separate paper produced by Stantec, entitled West Midlands Strategic Rail Freight Interchange - Employment Issues Response Paper - Labour Supply, as part of the evidence base listed in Appendix A to the Preferred Options. This study was produced jointly for the Black Country Local Planning Authorities and South Staffordshire Council and published in May 2020. This report concluded that the proposals for West Midlands Interchange will not lead to any significant labour market impact on the Black Country and South Staffordshire.

7. The **West Midlands Strategic Employment Sites Study** was commissioned by Staffordshire County Council on behalf of the four principal LEPs for the West Midlands - Coventry and Warwickshire, Birmingham and Solihull, the Black Country, and Stoke and Staffordshire. It was produced by independent consultants Avison Young and Arcadis and published in May 2021 after a long gestation period. Its production was well advertised, with many bodies (including all relevant local planning authorities) consulted.
8. The study provides an update on the need and supply of strategic employment sites (considered to be greater than 25 hectares) in the West Midlands. It concludes that there is a limited supply of available, allocated and committed sites and an 'urgent' need for additional sites to be brought forward. It identifies four Key Locations considered most suitable for the location of new strategic employment sites. One of these locations is the Black Country and South Staffordshire. The study also highlights the potential for strategic highway improvements to unlock future development land. Four such improvements are referred to, with one being the M54/M6 Link Road.
9. The study also provides an assessment of 30 sites been promoted by developers. At least two of these sites are located in South Staffordshire. One of these is at land at Hilton Park, Junction 11, M6, which is being promoted by JLL on behalf of Nurton Developments Limited. This site was rated as one of the best sites assessed.
10. Given the scope of this study, and its conclusions as to the need for additional strategic employment land in South Staffordshire, it is inconceivable why it has not been included as part of the evidence base. It is clearly relevant in assessing how best to plan for new growth at a regional and sub-regional level.
11. Its omission, as part of the evidence base of the Local Plan is plainly a serious oversight which undermines the soundness of the draft plan and is another example of the Preferred Options looking inwardly and the Council not working with neighbouring local authorities and associated LEPs.
12. The **Black Country EDNA Update, 2021** forms a key part of the evidence base to the draft Black Country Development Plan, which was published for consultation in August. Specifically, it projects the need for employment land for the Black Country (a minimum of 565 hectares), identifies a potential supply (maximum of 355 hectares), and reveals a shortfall of a minimum of 210 hectares. It acknowledges further that this shortfall cannot be met within the Black Country and should be exported, as far as possible, to local authorities which have a strong existing or potential functional economic relationship with the Black Country. We believe that the shortfall from the Black Country will actually be substantially greater than this.

13. Given that South Staffordshire forms part of the same FEMA as the Black Country (along with Cannock Chase), this evidence is also of particular relevance to the preparation of the South Staffordshire Local Plan. However, the Preferred Options do nothing whatsoever to address this. Instead, as explained in paragraph 5.5 of the Employment Sites: Site Assessment Topic Paper, it merely points to West Midlands Interchange (and other sub regional sites - the extension to I54 and the ROF Featherstone site) as forming part of its land supply, with this creating:

‘..... a significant surplus (circa 254 ha) of employment land to provide for redistribution to neighbouring authorities in our wider FEMA where there is evidence of an undersupply agreed through the Duty to Cooperate arrangements in place. In principle, South Staffordshire Council is willing to redistribute any oversupply to neighbouring authorities within the FEMA, namely the Black Country.’

14. This approach is deeply flawed, possessive and non-consensual and is considered in greater detail in JLL’s separate response to Question 10 of the Preferred Options.
15. Moreover, much of the evidence contained in the Black Country EDNA Update is relevant in terms of the wider supply of employment land across the FEMA. The EDNA Update reveals that the shortage of employment land across the Black Country is qualitative as well as quantitative.
16. There is a particular and serious mismatch in the Black Country between the quality and types of sites demanded and those being supplied by the draft Black Country Plan. 106 sites are allocated. These have an average size of just 2.65 hectares. Only three sites are greater than 10 hectares and none over 20 hectares. None meet the criteria set for strategic employment sites by the West Midlands Strategic Employment Sites (i.e greater than 25 hectares).
17. Simply put, the constraints of the Black Country, particularly within the urban area, make it very difficult to bring forward any sites of real scale which are well located in respect of the motorway and main A road network. For these reasons, large Freestanding Strategic Employment Sites that serve the Black Country have tended to be located in South Staffordshire (e.g i54). This strategy should be accelerated, not just pursued, for the Black Country to achieve its ambitions for economic growth. This will require identification of new Freestanding Strategic Employment Sites in South Staffordshire. Not to do so will seriously impede the economic growth of the FEMA.
18. In addition, the make-up of the supply of land serving the Black Country – i.e. several small sites and a large reliance on windfall sites (circa 75 hectares) - will lead to a number of identified sites not being developed in the plan period. This is inevitable and will increase the gap between need and supply, with the shortfall growing beyond 210 hectares. This will hold obvious consequences on other areas in the FEMA, such as South Staffordshire, and the South Staffordshire Local Plan should plan for this eventuality as part of the Duty to Co-operate.

19. All of these three studies referred to above inform the assessment of the wider need and supply of employment and for South Staffordshire, the Black Country and Cannock, which make up the FEMA for the wide area. Their omission is hard to understand. It demonstrates that the Preferred Options fail to grapple with the issue of supra employment land need and supply. This is an evident failure of the Duty to Co-operate and should be addressed as a priority in the next stage of the plan-making process.
20. The assessment of potential employment sites is summarised by the Employment Sites: Sites Assessment Topic Paper, which was published in September 2021. It forms part of the evidence base as listed by Appendix A to the Preferred Options.
21. The topic paper refers also to other studies which helped to inform the assessment of 22 potential sites. These are: -
 - Sustainability Appraisal, August 2021.
 - South Staffordshire EDNA Part 2: Employment Land Availability Assessment (ELAA).
22. The latter is undated and is not referenced by Appendix A of the Preferred Options as forming part of the evidence base. JLL has learnt subsequently from officers at South Staffordshire Council that the ELAA was produced over the period 2019/2020, with publication coinciding with the current consultation.
23. Overall, JLL considers the assessment of the obvious development opportunity at Hilton Park, Junction 11, M6 (Site Ref No. E43) to be superficial and contains very many inaccuracies. Of much greater concern is that the assessments have not taken into account information provided by JLL over the last two years about the site's capacity for development.
24. In August 2020, JLL produced and issued to the Council a Technical Note on Deliverability of the site. A copy was also sent to WECD, the authors of the ELAA. This Note forms **Enclosure No. 1** to this response.
25. This Note followed on from the submission of a Development Prospectus for the site as part of a response to a Call for Sites in 2017. The Development Prospectus illustrated the potential for development of the site, covering such issues as site characteristics, connectivity, and sustainability.

26. The Technical Note illustrates the latest thinking on the opportunity for development of the site and demonstrates that the proposed scheme is 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 masterplanning. 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 bio-diversity.
 - 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.
27. This exercise provides a detailed and robust assessment of the site's capacity for development. Its content should be included in any re-assessment of Site Ref No: E43. This re-assessment should cover: -
- Size of site - the site area is 99 hectares, not 89 hectares as referenced by the studies produced by the Council.
 - Green Belt harm - rated as high by the Council's studies. This rating inexplicably ignores the effect of the M54/M6 Link Road on the site. The South Staffordshire Green Belt Study (conducted in 2019) did not take this into account. 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 downgraded the land between the A460 and the Link Road as 'moderate-high' and between the Link Road and the M6 motorway as 'moderate'.

- M54/M6 Link Road - this is claimed to act as a significant barrier to development to land east of the Link Road. This is simply wrong. There is no planning policy or guidance in Circular 02/3 that would prevent Nurton Development Limited building a bridge to span the Link Road and serve the eastern part of the development. It is to be noted that the development at ROF Featherstone has been allocated and consented by the Council as a Freestanding Strategic Employment Site and this requires a crossing of the West Coast Mainline. In addition, the cost of a bridge has been factored in assessing and demonstrating the viability of the site at Hilton Park.
- Ecological interest - the Brookfield Farm SBI and The Hag BAS are purposely excluded from the development area in masterplanning the site for development. In addition, the masterplan for the site provides a very generous area for bio-diversity enhancements and other aspects of green infrastructure. Out of a gross site area of 99 hectares, only 43 hectares is actually proposed to be developed.
- Flooding - the vast majority of the site is located in Flood Zone 1 (FZ1). The areas within Flood Zones 2 and 3 are retained and not proposed to be developed. The net developable area is, therefore, wholly in FZ1. In addition, a drainage scheme has been engineered in order not to increase the current greenfield run-off rate of the discharge of surface water into local watercourses.
- TPOs - all of these are situated within the area to be acquired by National Highways for the Link Road. National Highways propose to retain them.
- Highways Impact on the A460 - the M54/M6 link road will free up significant capacity on the A460. Highway consultants for Nurton Developments Limited, DTA, have assessed and concluded that there will be sufficient capacity on the local road network and no off-site highway improvements or mitigation works will be required.
- Market activity and developer interest - this has only scored 2 out of 5 in the ELAA. Nurton Developments Limited is a recognised developer of employment development land (e.g the Quintus development of 1 million sq ft currently under construction in Burton). In addition, Nurton Developments Limited has received substantial commercial interest in the site from a number of operators.
- Development constraints - rated 2 out of 5 in the ELAA - the Technical Note demonstrates that all development constraints on the site can be mitigated and that significant scale and range of development (circa 1.85 million sq ft) is feasible.
- Accessibility - rated 2 out of 5 in the ELAA. This rating is incomprehensible given the location of the site on Junction 11 M6, direct access from the A460, good public transport (a bus route running along the A460) and excellent pedestrian

accessibility along the A460 (according to the pro-forma for the site in the Topic Paper).

- Location - rated only 1 out of 5 in the ELAA. This rating is also very difficult to understand. The location of the site, on a motorway junction, is clearly extremely attractive to the market. This is recognised by the summary to the pro-forma to the Topic Paper and by the assessment of the site by the West Midlands Strategic Employment Sites Study, which ranks the site very highly.
28. Hilton Park at Jn 11, M6 is an obvious reasonable alternative Freestanding Strategic Employment Site. It is located on a motorway junction and is well situated to meet the supra employment land needs of South Staffordshire, the Black Country and Cannock. Moreover, this development opportunity will be unlocked by the planned infrastructure improvements for the area – principally, the M54/M6 Link Road.
29. Like all sites, it has some constraints. However, these constraints are substantially outweighed by the opportunities (particularly its location and scale). Nurton Developments Limited has demonstrated through the submission of the Technical Note on Deliverability that the constraints can be overcome through recognisable and realistic mitigation strategies.
30. The current assessment, as set out by the manifestly inadequate evidence base, is flawed. It is an obvious failure of both process and judgement. To proceed further on this basis is patently an unsound approach. It would mean that the Plan fails the test of being ‘justified’. The opportunity that exists at Hilton Park should be reassessed in light of the technical information supplied by Nurton Developments Limited and the assessment of the site made by the West Midlands Strategic Employment Sites Study, 2021.

PJL
JLL
13 December 2021