

10th December 2021

South Staffordshire Council Offices
Wolverhampton Road
Codsall
WV8 1PX

Sent via email only: localplans@sstaffs.gov.uk

Dear Sir/Madam,

REPRESENTATIONS TO THE SOUTH STAFFORDSHIRE LOCAL PLAN REVIEW PREFERRED OPTIONS ON BEHALF OF BLACK COUNTRY RECLAMATION LIMITED, LAND AT HOBNOCK ROAD, ESSINGTON

Introduction

CarneySweeney are instructed by Black Country Reclamation Limited (referred to as 'our client' hereafter) to submit representations to the current consultation on the South Staffordshire Local Plan Review Preferred Options.

Our client is the owner of the parcel of land referred to as 'Land at Hobnock Road, Essington', which extends to cover the red line boundary area submitted as part of previous planning application references: 15/00722/FUL and 16/01000/FUL. It is the extent of the land subject to planning application references: 15/00722/FUL and 16/01000/FUL which is being promoted for allocation. Appendix 1 of these representations also includes a completed Call for Sites form.

Overall, our client welcomes the proposed strategy within the Preferred Options document to release Green Belt land to accommodate housing and employment land in the district for the new plan period. However, the Preferred Options has missed opportunities to bring forward previously developed land in the Green Belt, such as our client's site. The Preferred Options approach should extend the Green Belt review to allocate existing employment sites in the Green Belt to provide an opportunity for these sites to be delivered in the plan period, particularly those forming part of the authority's employment land supply such as our client's site.

These representations are also submitted in response to the following draft policies forming part of the Preferred Options Consultations:

- Draft Policy DS1 Green Belt – (Question 4)
- Draft Policy EC2 Retention of employment sites – (Question 11)

Draft Policy DS1 Green Belt – (Question 4)

"Do you support the policy approach in Policy DS1 – Green Belt...? If no, please explain how these policies should be amended?"

We raise an objection as there are some inconsistencies with national planning policy.

The draft policy approach currently outlines that "*Development within the Green Belt must retain its character and openness*". This is inconsistent with the provisions of Paragraph 137 of the National Planning Policy Framework (NPPF), which outlines that "*...the essential characteristics of Green Belts*



are their openness and their permanence.” Furthermore, Paragraph 148 of the NPPF requires authorities to ensure that substantial weight is given to any harm to the Green Belt when considering planning applications.

The reference to “*Development within the Green Belt must retain its character and openness*” is therefore inconsistent with the wording of national policy and we request that this is removed or appropriately amended.

We also note that the draft policy approach provides specific guidance on ‘infill development’ and ‘affordable housing’. Whilst we appreciate that at this stage this is a draft policy approach, we would expect the authority’s draft Green Belt policy in the next round of consultation to reflect the provisions of Paragraph 149 of the NPPF and offer any guidance within the supporting text.

Draft Policy EC2 Retention of employment sites – (Question 11)

**“Question 11: Do you agree with the proposed policy approaches set out in Chapter 6? Yes/No
If no, then please provide details setting out what changes are needed, referencing the Policy Reference number (e.g HC1 - Housing Mix).”**

The ‘direction for travel’ for Draft Policy EC2 states that the “*Policy would seek to protect existing designated employment areas set out in Table 9 at paragraph 5.12 and to be reflected on the policies maps.*” Table 9 identifies the district’s main employment areas, detailing the amount of employment land available for the plan period 2018-2038 on a site specific basis.

Whilst we appreciate the draft wording of Policy EC2 is yet to be prepared, there is a lack of consistency with the protection being afforded to employment sites in the Preferred Options document.

For instances, Paragraph 4.3 of the Preferred Options document states the following in the context of the Green Belt:

*“Wherever possible, the Council has looked to allocate suitable brownfield sites to reduce pressure on the District’s Green Belt, however these very are limited due to the largely rural nature of the district. Most large-scale site options on brownfield land are either in isolated rural locations **or form part of the District’s employment land supply and need to be retained to ensure the District can meet its employment land needs.**”* (Bold is our emphasis).

Draft Policy EC2 suggests an allocation of ‘existing designated sites’, which appears to be in respect of Strategic Employment Sites. Our client’s site, Land at Hobnock Road Essington, is included within the district’s employment land supply at Table 9 of the Preferred Options document but is not proposed for allocation. Paragraph 4.3 above sets out the authority’s intention to maintain sites forming part of the district’s employment land supply but at this stage there is uncertainty if this will result in these sites being allocated as employment land. Whilst we support the approach to protect existing designated employment sites, the Preferred Options does not acknowledge the importance of allocating other employment sites that are available and deliverable during the plan period, such as our client’s site.

Site Representation – Submission to Call for Sites

Our client’s site comprises a large area of vacant land in the Green Belt, measuring circa 17.5ha and is situated approximately 500m north east of the village centre for Essington.

The Site is rectangular in shape and noted to be separated from the village by existing fields and the M6/M54 motorway. The site is bounded by Hobnock Road along the northern boundary and Bursnips Road along its eastern boundary.



It is noted that the conclusions in the Sustainability Appraisal (SA) (August 2021) and the Employment Site Assessment Topic Paper 2021 of our client's site does not recommend allocation stating as follows:

"The site performs relatively well compared to most other site options, and has a clear advantage of being of low landscape sensitivity (in part due to previous quarrying use) with part of the site acceptable in principle for B2 use due to Certificate of Lawfulness consent. However, major negative effects are predicted in the Sustainability Appraisal, due to the site being in one of the more harmful Green Belt areas within the District. The site's location in a brick clay mineral safeguarding area is a significant constraint, given these points and that current evidence suggests local needs are being met and WMIs (site E33) role in meeting cross boundary needs, the site is not currently proposed for allocation."

We do not agree with the above conclusion.

The site has an extensive history of use for employment/industrial uses in this Green Belt location and should be allocated as such. For example, the previous built development on the site was a brick and tile making factory which served quarry operations on the north side of the B4156. This factory was built prior to 1948 and was situated at the northern end of the site covering an area of approximately 5.1ha.

The site also has the benefit of a Certificate of Lawfulness (approval reference: 08/00223/LUP), confirming that works associated with the erection of a brick and tile making facility had been begun (planning permission references: 93/00661 and 98/00541), which covered circa 5.1ha of land. As such, the Site can continue to come forward as a brick and tile making plant without the need for any further planning permissions. A large proportion of the southern area of the site has also been the subject of open cast coal extraction which has now ceased.

The site has been the subject of a recent planning application for employment uses, (application reference: 16/01000/FUL) with an officer recommendation for approval, but was subsequently overturned by Members of Planning Committee with permission being refused on 3rd March 2017 for the following development:

"Proposed new Distribution Centre consisting of - Erection of Warehousing and Distribution building (21,230m² GEA - B8 Use Class), with ancillary Offices (1,420m² GEA - B1 Use Class) and Workshop (852m² GEA - B8 Use Class); and associated Gate House building (36m² GEA - B8 Use Class); creation of a new access point from Bursnips Road; cycle, car and lorry parking facilities; hardstanding and circulation areas; electricity sub-station; and all other ancillary and enabling works including landscaping (including a wildflower meadow with associated car parking), fencing, engineering and ground stability works."

Notwithstanding the outcome of the above planning application, our client's site continues to form part of the authority's employment land supply and has done so for a number of years. Circa 4.9ha of our client's site was assessed as part of the Employment Land Supply Study 2012, which concluded this proportion of the site to be 'good quality' employment land.

The Economic Development Needs Assessment Stage 1 (August 2018) also identifies 4.8ha our client's land as being 'good quality' employment land. Further to this, the Economic Development Needs Assessment Stage 2 (2019) assessed the land subject of these representations, circa 17.5ha (site reference: E15a within the Stage 2 report), as being potentially suitable for employment development (Use Class B2/B8) concluding as follows:

"As the site has had a previous end user associated (i.e. DX), it highlights that there could be demand for development in the area. This site is potentially suitable - reflecting this previous market interest in the site - subject to it overcoming policy constraints"



On the basis of the LPA's previous and current employment land assessments, which acknowledge that our client's site remains 'good quality' employment land and that is potentially suitable (Stage 2 Economic Development Needs Assessment), this site should be allocated for employment uses. This will ensure its deliverability in providing confidence to prospective occupiers that the principle of development is acceptable.

For completeness, we have also considered this site against the provisions of Paragraph 138 of the NPPF, which identifies the five purposes for including land in the Green Belt, being:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The Stage 1 Assessment of the Green Belt Review 2019 identifies the following levels of contributions to the purposes of including land in the Green Belt for the 'parcel' that included our client's site:

- **Green Belt Purpose 1:** Checking the Unrestricted Sprawl of Large Built-Up Areas - South Staffordshire North – Strong Contribution.
- **Green Belt Purpose 2:** Preventing the Merging of Neighbouring Towns - South Staffordshire South – Moderate Contribution.
- **Green Belt Purpose 3:** Safeguarding the Countryside from Encroachment - South Staffordshire North – Strong Contribution (with the exception of a small number of parcels, this contribution is shown to apply to the remainder of the Green Belt across the district).
- **Green Belt Purpose 4:** Preserve the Setting and Special Character of Historic Towns - South Staffordshire North – Weak/No Contribution (which applied to all the area included in the Green Belt across the district).
- **Green Belt Purpose 5:** To assist in urban regeneration, by encouraging the recycling of derelict and other urban land – It is noted that the Green Belt Review does not assess the parcels against Purpose 5, with Paragraph 5.3 stating as follows “...all parcels are considered to perform strongly against purpose 5...”.

It is also noted that the Stage 2 Assessment identifies our client's site (site reference S20A) as having a 'high' degree of harm in respect of the Green Belt.

This degree of harm is not consistent with the planning authority's assessment of our client's site during the determination of planning application reference: 16/01000/FUL. The officer's recommendation for approval included a detailed assessment of our client's site in how it performs against the 5 purposes of including land in the Green Belt, which concluded as follows:

Development within the Green Belt would impact upon its openness and as the proposed scheme is inappropriate development by definition, it would not safeguard the countryside from encroachment, despite the site being well contained by robust defensible highway boundaries. Having said that the development will not result in the sprawl of large built up areas, it will not impact on the character or setting of a historic settlement, it is not integral to preventing neighbouring settlements merging, and in my view would see the recycling of derelict land.

...



Whilst the proposed would not be deemed 'urban regeneration'; the proposed nonetheless would assist in some regeneration on what I view to be previously developed land. When considering all these factors together it is considered that the impact on the Green Belt, and its purposes, whilst reduced would not satisfy the third purpose."

(Paragraph 6.3.1 and 6.3.3 of the Committee Report)

Based upon the above it is clear the Council's assessment of Green Belt purposes, and their review of this site demonstrates significant inconsistencies and a flawed approach. The authority should also recognise that the redevelopment of previously developed sites in the Green Belt that form part of the employment land supply, such as our client's site, should be allocated to ensure its delivery during the plan period.

We trust that our representations will be taken on board as part of the Council's continued work for the emerging Local Plan.

Yours faithfully,



Gerald Sweeney
Director
CarneySweeney

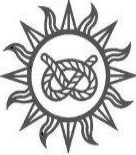
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Appendix 1 Completed Call for Sites Form



Appendix 1



	South Staffordshire Local Plan	Date Received:
	Strategic Housing and Economic Land Availability Assessment (SHELAA) CALL FOR SITES Suggestion Form	Date Acknowledged: FOR OFFICIAL USE ONLY

Please use this form to provide supporting information on sites suggested for development. A separate form should be completed for each site suggested. You may photocopy this form or obtain more copies free of charge on request. **Please provide a site plan identifying the land suggested at a scale of no less than 1:2500.**

1. Personal Details			
Title		Initials	
Surname			
Job Title (where relevant)			
Organisation (where relevant)	Black Country Reclamation Limited		
Address	c/o Agent		
		Post Code	
Telephone Number			
Email address			

2. Agent's Details (if applicable)			
Title	Mr	Initials	G
Surname	Sweeney		
Job Title (where relevant)	Planning Director		
Organisation (where relevant)	CarneySweeney		
Address	Crossway 156 Great Charles Street Queensway Birmingham B3 3HN		
		Post Code	
Telephone Number	07794 516 283		
Email address	gerald.sweeney@carneysweeney.co.uk		

3. Status (please tick all that apply)			
Owner of the site	<input checked="" type="checkbox"/>	Planning Consultant	<input type="checkbox"/>
Parish Council	<input type="checkbox"/>	Land Agent	<input type="checkbox"/>
Local Resident	<input type="checkbox"/>	Developer	<input type="checkbox"/>
Amenity/Community Group	<input type="checkbox"/>	Registered Social Landlord	<input type="checkbox"/>
Other (please specify):			

4. Site Ownership			
I (or my client) is....			
The sole, or part owner of the site?		Sole Owner <input checked="" type="checkbox"/>	Part Owner <input type="checkbox"/>
If you are not the landowner or the site is in multiple ownership, please submit the name, address and contact details of the land owner(s) in the space provided	Not applicable		
If not the landowner, I confirm that the landowner/s have been informed of this site submission		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does the owner(s) support the development of the site?		Yes <input type="checkbox"/>	No <input type="checkbox"/>

5. Site Characteristics	
Site location - include Grid Reference and postcode if known	Land at Hobnock Road, Essington
Site Area (hectares)	circa 17.5ha
Current Land Use(s) e.g. agriculture, employment, unused/vacant etc.	Vacant site with extant planning permission for brick and tile making factory.
Type of site e.g. greenfield, previously developed land/brownfield	Previously developed land, and part greenfield land

6. Proposed Future Uses & Potential Site Capacity		
Use (please specify)	Yes	Basic Capacity Information – area/number of dwellings/number of units/proposed floorspace
Housing (please specify types)	<input type="checkbox"/>	

Employment (B1, B2 and B8 uses)	<input checked="" type="checkbox"/>	
Mixed use (please specify uses)	<input type="checkbox"/>	
Self or Custom build housing	<input type="checkbox"/>	
Other (please specify uses)	<input type="checkbox"/>	

7. Market Interest		
Please choose the most appropriate category below and indicate what level of market interest there is/has recently been in the site.		
	Yes	Comments
Site is owned by a developer	<input type="checkbox"/>	
Site is under option to a developer	<input type="checkbox"/>	
Enquiries received	<input checked="" type="checkbox"/>	
Site is currently being marketed	<input type="checkbox"/>	
None	<input type="checkbox"/>	
Not Known	<input type="checkbox"/>	

8. Utilities			
Please tell us which of the following utilities are available to the site			
	Yes	No	Unsure
Mains water supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mains sewerage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electric supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gas supply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landline telephone/broadband internet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Transport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify):			

9. Constraints			
Please tell us which of the following constraints are applicable to the site			
	Yes	No	Unsure
Land in other ownership must be acquired to enable the site to be developed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Restrictive covenants exist	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Current land use(s) need to be relocated	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Physical constraints (topography, trees, other)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Flood Risk	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Infrastructure required	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public rights of way cross or adjoin the site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land contamination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access constraints	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Please provide any relevant information of likely measures to overcome the above constraints that you have answered "YES" to:			
10. Timescale for Deliverability			
Please indicate the approximate timescale for when the site will become available for development:			
		Comments – particularly if you have indicated that the site is not immediately available, please explain why:	
Immediately	<input type="checkbox"/>		
Up to 5 years	<input checked="" type="checkbox"/>		
5 - 10 years	<input type="checkbox"/>		
10 – 15 years	<input type="checkbox"/>		
Beyond 15 years	<input type="checkbox"/>		

11. Other Relevant Information – Please use the space below for additional information relating to the questions on this form only. You are not required to provide lengthy supporting information at this stage (any additional information should be limited to 1 side of A4):

Please refer to the Representations made to the Preferred Options consultation promoting this site.

When completed, please send this form to:

Local Plans Team, South Staffordshire Council, Council Offices, Codsall, South Staffordshire, WV8 1PX
Or email: localplans@sstaffs.gov.uk

Data Protection: The Strategic Planning Team manages and maintains a register of persons who have an interest in the Strategic Housing and Employment Land Availability Assessment (SHELAA). In order to do this in an effective way we will need to collect and use personal information about you. For more information about how we process this data see [Strategic Planning Team - Data Protection](#). By completing and submitting this form you agree to our data processing protocol.

Signature: Gerald Sweeney.....

Date: 10th December 2021.....