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**South Staffordshire Local Plan
Publication
Representations on behalf of
Richborough Estates**

Land at Gailey Lea Farm

Richborough Estates

December 2022

LICHFIELDS

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1.0 Introduction

- 1.1 These representations to the South Staffordshire Local Plan Review Publication Plan (“the PP”) have been prepared by Lichfields on behalf of Richborough Estates Limited (“Richborough”).
- 1.2 We focus on the strategic employment matters that are contained within the PP consultation document and relate specifically to Richborough’s land interests at Land at Gailey Lea Farm, Gailey Lea Lane, South Staffordshire (“the Site”).
- 1.1 To this end, these representations are supported by an Employment Land Needs Assessment [ELNA] (Appendix 1), which provides a detailed critique of the South Staffordshire Council’s (“the Council”) proposed approach to addressing the District’s employment land needs and the unmet needs of authorities within the Functional Economic Market Area¹ [FEMA].
- 1.2 They are also supported by an Economic Benefits Assessment [EBA] (Appendix 2) that sets out the potential economic and fiscal benefits that could arise from developing the Site for a strategic B8 logistics facility capable of meeting both indigenous and wider strategic demand for ‘big box’ warehousing. Moreover, these representations build on Richborough’s previous representations to the Council’s Preferred Options [PO] and provides further evidence to support the need for the Council to allocate additional land within the Local Plan Review to address the unmet needs arising across the FEMA.
- 1.3 Importantly, these representations relate to Richborough’s interests at the Site only. Richborough is promoting other sites for residential uses within the District and has commented on non-employment-related matters in each set of respective representations where necessary.
- 1.4 In this regard, Richborough seeks to work constructively with the Council as it progresses towards the submission and adoption of the Local Plan Review to ensure that sufficient employment land has been allocated to meet these needs and trusts that the comments contained within this document will assist Officers in this regard. As previously advised, Richborough would be pleased to meet with the Council to discuss the opportunities presented by the Site.

Plan-making to date

- 1.5 To date, the Council has consulted on an ‘Issues and Options Consultation’ (“IOC”) between 8 October and 30 November 2018, followed by the South Staffordshire Spatial Housing Strategy & Infrastructure Delivery (“the SHSID”) and the Infrastructure Delivery Plan 2019 [IDP] between 17 October until 12 December 2019.
- 1.6 The IOC did not define the Council’s preferred approach, but rather considered a range of five potential future spatial strategies to meet the Council’s preferred level of housing growth for the District up to 2037. Consequently, the SHSID sought views on how the Council’s housing target could be best planned for through a variety of Spatial Housing Options to distribute housing growth across the district.

¹ Comprising South Staffordshire, Wolverhampton, Walsall, Dudley, Cannock Chase and Stafford.

- 1.7 This was followed by the PO consultation from November to December 2021, which set out an infrastructure-led strategy, and proposed site allocations to meet the district's (*inter alia*) housing needs. The Council is now undertaking a consultation on the PP, which asks for views on the legal soundness of the Council's PP and the policies within it.

Proposals for the Site

- 1.8 As the Council will be aware, Richborough is proposing a new high-quality employment site at Land at Gailey Lea Farm (Site Ref: E58a and E58b). The Site is ideally located to capitalise on the approval of the adjacent West Midlands Interchange [WMI] – separated by the M6 – and therefore its proximity to both the Strategic Road Network [SRN] and Strategic Railfreight Interchange [SRFI]. The WMI will have a significant urbanising impact on the Green Belt land surrounding it and will – importantly – heighten the importance of Junction 12 of the M6 as an SRN junction for HGV vehicles travelling to and from the WMI.
- 1.9 The WMI SRFI, located west of Junction 12 of the M6, will connect to the West Coast Main Line, one of the country's principal rail freight routes. The primary role of the SRFI is to provide new rail-served and rail-linked warehousing allowing the West Midlands, the Black Country, Staffordshire and Birmingham's important logistics industry to grow. Importantly, the SRFI will be an open-access intermodal terminal, operated by an independent service provider, but open to all users and train operators. This will enable other employment sites within the District to capitalise on this modal shift of freight within the area. It is clear that the WMI will play a crucial role in the wider region's economic future and is likely to draw significant interest from regional and national businesses within the area.
- 1.10 In this regard, the Site is ideally located in an area that will appeal to regional and national companies looking to capitalise on the opportunity and connections presented by the recently approved WMI, whether that be manufacturers, or rail-linked storage and warehousing. As such, Richborough's 'Vision' for the Site comprises a high-quality, sustainable, attractive and accessible development, complementing the existing WMI in the area. In this context, Richborough has prepared a Vision Document which was submitted in April 2022 in support of Richborough's earlier Call for Sites submission in December 2021 – a copy of this Vision Document is appended to the representations accordingly (Appendix 3).

Figure 1.1 Indicative Masterplan



Source: Richborough Estates

- 1.11 The indicative masterplan that has been prepared demonstrates how the Site could deliver approximately c.228,000 square meters [sq. m] of high-quality B8/Logistics floor space, together with attractive open space, other supporting infrastructure and a visual buffer of planting along the northern Site edge to create a defensible boundary.
- 1.12 Importantly, Richborough considers that the release of the Site from the Green Belt, and allocation of the site for employment in the emerging Local Plan Review, would unlock the Site’s position along this key employment corridor on the SRN and next to the open-access SRFI and secure long term success and economic growth in South Staffordshire and across the FEMA more widely.

The Benefits

- 1.13 The National Planning Policy Framework (2021) [NPPF] is clear that the purpose of the planning system is to contribute to the achievement of sustainable development (Para 7). It goes on to state that “*achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways*” (Para 8); those being, economic, social and environmental.
- 1.14 In this context, Richborough considers that the development of the Site would meet the Government’s overarching objective to achieve sustainable development by providing significant economic, social and environmental benefits. Further details in relation to these benefits are set out below:

1. Economic

- 1.1 An EBA has been prepared and is submitted alongside these representations (Appendix 2). The EBA has assessed the potential economic benefits of Richborough's proposals for the Site. It considers that the strategic development site has the potential to help support a range of economic aspirations at the local and sub-regional level, particularly in terms of meeting the District's future growth needs and contributing towards meeting the unmet needs of the Black Country Authorities [BCAs].
- 1.2 Logistics is a key employment sector and an enabler of economic activity. The sector has an average annual growth rate of 4.0% nationally and 5.1% in the West Midlands and increasingly supports a wide range of jobs across different skill levels.
- 1.3 The District has strong economic and demographic fundamentals to support employment growth in the sector. The District's working-age population is expected to decline compared to the projected growth regionally and nationally up to 2040. A strategic development such as the proposal at Gailey Lea is therefore crucial to reverse the decline in the working-age cohort and ensure the District can attract workers with greater economic capital. The District also has a successful labour market in general, although current economic conditions have seen unemployment begin to rise.
- 1.4 Wages in the logistics sector are above the all-sector average both nationally and within the West Midlands. Wages in the sector are also growing in the West Midlands at a faster pace than they are nationally.
- 1.5 Whilst South Staffordshire itself is not deprived, the LSOA containing the proposed development is in the top 40% of the most deprived LSOAs in England. There are also significant pockets of severe deprivation in nearby Wolverhampton, Walsall, Sandwell as well as Dudley, which would serve as potential sources of labour for the proposed development.
- 1.6 The delivery of the proposed development, therefore, offers an opportunity to extend the existing highly successful logistics offer within the West Midlands and create a critical mass of high-value business activity in the northern part of the District.
- 1.7 The proposed development will deliver just under 240,000 sqm of new warehousing floorspace and would generate a range of direct and indirect economic impacts that would support future growth in the District, as well as the wider sub-regional economy. The quantifiable economic effects of the proposed employment development are set out below

Table 1.1 Economic Impacts of Employment Development at Gailey Lea, South Staffordshire

	Proposed Development
QUANTUM OF DEVELOPMENT (GEA)	
B8 floorspace (sqm)	239,479
Capital Investment	£135.0 million
Direct Construction FTE Jobs p.a.	186
Indirect & Induced FTE Jobs Supported p.a.	207
Total Direct & Indirect GVA p.a.	£28.1 million
OPERATIONAL IMPACTS	
Direct FTE Jobs	2,521
Net Additional Direct FTE Jobs (Local)	2,439
Net Additional Direct FTE Jobs (Regional)	1,815
Direct GVA p.a.	£117 million
FISCAL IMPACTS	
Business Rates Payable (gross annual)	£4.904 million

Source: Lichfields Analysis

1.8 The need case for the proposed development relates to both the requirement to cater for the demands of the industry to address the shortfall in available logistics space within the District and across the FEMA as a whole and the overwhelming policy support for the principle of further warehousing development in the area.

1.9 The EBA concludes that the proposed development site represents a key strategic location with excellent opportunities for growth based on the substantial economic potential of the area, which will help to balance the spatial distribution of economic growth in Greater Birmingham and help to meet unmet needs for strategic industrial warehousing across South Staffordshire’s FEMA (most notably the BCAs).

2. Social

1.10 As noted above, by virtue of the Site’s proximity to the Black Country, it would make a logical employment site to meet the acute unmet employment land needs arising from the Black Country. Alongside higher than average levels of deprivation, the area also suffers from significant service and demographic pressures including lower rates of physical activity and higher rates of obesity than the rest of England, children living in poverty and unemployment than the average for England and teenage conception. Employment levels are comparatively low as a result of this poor health and well-being.

1.11 In this regard, the development of the Site would help develop a strong, vibrant and healthy community by providing additional employment and training opportunities for residents of the Black Country. The proposal could support inclusive growth within the Black Country emanating from those residents, ensuring the economic benefits and opportunities of the development are experienced by all sections of the local community (SP8).

1.12 The future operation of the Site is estimated to:

- Provide 2,521 full-time employment opportunities that are targeted at the local population of the Black Country;
- Provide training opportunities for skilled and unskilled workers in the Black Country and the surrounding areas to improve unemployment levels and skill gaps;
- Provide apprenticeship opportunities both during the construction and operation phases, which provide an opportunity to improve high levels of unemployment and deprivation in the Black Country.

3. Environmental

- 1.13 The Site is currently in use as grazing land and is of limited ecological value. A key part of the vision for the Site is to enhance its ecological value. The proposals for the Site could provide green infrastructure corridors and enhanced areas of green spaces throughout the Site, alongside further bespoke planting and landscaping.
- 1.14 The Site could also support the facilitation of the modal shift in freight from road to rail that the WMI presents, by ensuring the co-dependent uses are co-located around the WMI, thereby further reducing the need for road freight and playing an important part in the move to a low carbon economy.
- 1.15 The Site could provide significant areas of green open space which can be enhanced for wildlife, particularly along the northern boundary. Significant open space is provided to the northeast of the Site which creates an opportunity to provide enhanced ecological features, creating a range of semi-natural habitats such as wildflower meadows, scrub, woodland and wildlife ponds next to the Fullmoor Wood Ancient Woodlands. It is anticipated that throughout the development; grassland areas, hedgerows, treelines and water bodies including Sustainable Urban Drainage Systems [SuDS] features could be provided to enhance the Site for wildlife that could support biodiversity net gain on the site.

Structure

- 1.16 These representations are structured around the policies set out in the PP consultation, these being:
- Policy DS4: Development Needs; and
 - Policy DS5 – The Spatial Strategy to 2039.

2.0 Areas of Response

- 2.1 Richborough's response to the PP is set out below, using the draft policies contained in the PP document for continuity.

Policy DS4: Development Needs

- 2.2 The NPPF is clear that development plans “*must include strategic policies to address each local planning authority's priorities for the development and use of land in its area*” (Para 17). The NPPF also requires plans to contain strategic policies which should, as a minimum, provide for objectively assessed needs for housing and other uses and those that cannot be met within neighbouring areas (Para 11b). In the context of employment land, the NPPF emphasises the importance “*on the need to support economic growth and productivity*” (Para 81) and is clear that planning policies should “*seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment*” (Para 82c).
- 2.3 In this regard, draft Policy DS4 (Development Needs) sets out the Council's proposed (*inter alia*) employment land requirement for the plan period up to 2039, which includes a contribution towards meeting the unmet employment land needs of the BCAs. In particular, the draft policy states that the Council will deliver a minimum of:
- “99 ha of employment land over the period 2020-2039 to ensure that South Staffordshire's identified need for employment land of 63.6 ha is met, as well as making available a potential contribution of 36.6 ha to the unmet employment land needs of the Black Country authorities. 18.8 ha of WMI will contribute towards South Staffordshire's employment land supply with an additional minimum 67 ha available towards the unmet employment land needs of the Black Country authorities, which may increase depending on the employment land position of other local authorities in the site's market area. The remaining land supply of WMI will be considered with related authorities through the Duty to Co-operate.” (Emphasis added)*
- 2.4 The draft policy is underpinned by the ‘Economic Development Needs Assessment 2020-2040 (June 2022)’ (“the 2022 EDNA”), prepared by SPRU, which updates the Council's previous employment needs evidence set out in the ‘South Staffordshire EDNA Part 1 (August 2018)’ (“the Stage 1 EDNA”) and the ‘South Staffordshire EDNA Part 2: Economic Land Availability Assessment (“the Stage 2 EDNA”)
- 2.5 Notably, the purpose of the 2022 EDNA was to have regard to changes in employment projections, including as a result of Brexit and Covid. In addition to this, the 2022 EDNA undertook an analysis of the impact of WMI on the district, the likely split between strategic and non-strategic employment land supply, the scale of unmet employment needs from the wider FEMA that South Staffordshire sits within and considers the issue of strategic employment delivery across the wider West Midlands region. Notably, it concluded that:
- 1 When adjusting the Experian forecasts to arrive at a ‘Local Enterprise Partnership [LEP] based Growth Scenario’, and following a series of further adjustments (e.g., building in plan flexibility such as projected employment losses), the Council's objectively assessed employment land need totals 63.6 ha up to 2040;

- 2 Based on the jobs generated by the WMI and the Travel to Work Area, job take-up of this level of employment in the sector by South Staffordshire residents would equate to 18.8ha of WMI. This would contribute towards the District's supply of employment land to meet the projected demand; and
- 3 Of the supply of employment land at the base date of April 2020 (99 ha), when split between strategic and non-strategic employment land and when accounting for the supply/demand balance specifically for strategic sites, it concluded that c.36 ha (excluding WMI) was considered surplus strategic employment land that could reasonably be attributed to cross-boundary unmet needs.

The PP also comments on the scale of unmet employment needs from the wider FEMA that South Staffordshire sits within. The PP highlights that Cannock Chase is likely to meet all of its 50 ha need within its own boundaries, whilst the same is likely to be true (albeit for a higher figure) in Stafford Borough (Para 5.60). However, the PP highlights that BCAs are only able to deliver 355 ha of its overall need for 565 ha, leaving a shortfall of 210ha (Para 5.61); albeit goes on to note that BCAs identified their proportionate share of the WMI as 67 ha in the 'West Midlands Strategic Rail Freight Interchange Employment Issues Response Paper – Whose needs will the SRFI serve? (February 2021)' ("the SRFI study"). When coupled with the Council's purported 36.6ha surplus of strategic employment land means that 103.6 ha of employment land in South Staffordshire is available for strategic cross-boundary unmet needs from the BCAs, subject to an agreement through a Statement of Common Ground (Para 5.62).

- 2.6 In the context of the above, as the Council will be aware, Richborough raised specific concerns regarding the robustness of the Council's Stage 1 and Stage 2 EDNAs on the basis that they were markedly out-of-date and did not include any meaningful allowance for the implications of Covid-19 and Brexit on strategic, big box logistics which are seriously under-represented in the past trends data by virtue of the assessment being undertaken in 2018. Moreover, Richborough raised concerns regarding the Council's approach to addressing the unmet employment needs of the BCAs, as it was felt that it failed to grapple with the necessary strategic FEMA-wide approach needed to meaningfully deal with this matter.
- 2.7 In this regard, the fact that the Council has commissioned up-to-date evidence on employment land needs is welcomed, as is the relatively positive market commentary in that document. Furthermore, Richborough welcomes the Council's commitment to contributing a proportion of its employment land supply to meet the wider unmet needs of the BCAs and the recognition that the WMI makes a much wider contribution to strategic logistics requirements across the region.
- 2.8 However, notwithstanding the above, Richborough has concerns regarding the methodological approach taken by the 2022 HEDNA in arriving at the District's objectively assessed employment land need totals 63.6 ha up to 2040 and its approach to apportioning the WMI, amongst other things. As such, Richborough has the below comments on draft Policy DS4, and the evidence base underpinning it, which it is considered would need to be addressed by the Council to ensure the policy is robust and sound:

1. The Council's Employment Needs Evidence Base

- 2.9 The NPPF is clear that Local Plans should be underpinned by relevant and up-to-date evidence, which should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned (Para 31). To be found 'sound', it is also clear that Local Plans should be 'justified' and be based on an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence (Para 35b).
- 2.10 As noted above, Richborough welcomes the fact that the Council commissioned up-to-date evidence on employment land needs. However, we disagree with the 2022 HEDNA's conclusions on the District's objectively assessed employment needs and consider that the objectively assessed need forecast, of 63.6 ha over the period 2020-2040, is inadequate to address the pent-up demand and risks suppressing the District's economy for years to come. A detailed critique of the Council's 2022 EDNA is set out in the supporting ELNA (Appendix 1), however, in summary, Richborough considers that:
- The objectively assessed need forecast, of 63.6 ha over the period 2020-2040, is inadequate to address the pent-up demand and risks suppressing the District's economy for years to come. Furthermore, the provision of 36.6 ha and the WMI represents a 'proportionate' contribution to meeting wider unmet needs across the FEMA. The calculation is excessively complicated and relies on mixing and matching projections;
 - The 2022 EDNA's employment land calculations are not robust and Richborough considers that a more aspirational approach ought to have been progressed. In particular, there are inconsistencies/errors in the modelling and clear omissions in the modelling (particularly relating to the exclusion of a vacancy adjustment, the lack of a margin of choice in the past completions scenario, the scale of loss replacement and the adjustment for homeworking) that would increase the overall requirement significantly;
 - The completions trend scenario significantly underplays the true scale of need by excluding a margin of choice and the substantial levels of strategic sites that have come forward in recent years;
 - Logistics is under-represented in the modelling and the forecasting does not reflect the substantial recent growth in the sector in recent years nor the market intelligence which points to identified shortfalls in available industrial floorspace in South Staffordshire of all sizes and unprecedented demand for large logistics in this prime location;
 - The Growth Scenario is not aspirational enough and should apply a percentage growth rate to the District-level figure. The current approach actually suppresses logistics needs compared to recent trends;
 - The WMI is an important contributor to wider strategic needs, but it is not the role of this 2022 EDNA to attempt to quantify how much of its land actually contributes to the needs of the South Staffordshire District – this has already been calculated consistently for the wider region.² The resultant figure, of 5 ha, is far below the 2022 EDNA's 18.8 ha calculation which appears flawed in certain respects;

² Stantec (February 2021): West Midlands Strategic Rail Freight Interchange Employment Issues Response Paper – Whose need will the SRFI serve?

- SPRU’s approach to calculating strategic needs assumes that the Experian-led econometric Growth Forecast factors in all of the strategic requirements, when this is simply not the case – the very modest addition of 44 jobs per annum to uplift the Transport & Storage sector growth is inadequate to meet likely future growth needs and should be significantly in excess of that figure;
- The 2022 EDNA’s identification of 36.6 ha unmet need contribution from the current supply is unfounded. The calculation is based on past trends completions that do not include ‘true’ strategic take up from Jaguar Land Rover, Amazon and Gestamp, and bakes in strategic needs of just 0.2 ha of B8 logistics;
- Fundamentally the 2022 EDNA does not model the strategic employment land needs of the FEMA as a whole and then attempts to justify South Staffordshire’s contribution. That should be the remit of a wider strategic study. Until that exercise is completed, it cannot be said with conviction that 36.6 ha plus the WMI represents a ‘proportionate’ contribution to meeting wider needs across the FEMA;
- Even if it were accepted that the Council could distribute some of the employment land arising from the WMI to other authorities, there would still be an acute unmet need for employment land within the FEMA. Other studies referenced in supporting ELNA suggest that there is an unmet need for 73.64 ha for Birmingham City (potentially rising to 98 ha if certain adjustments are made) and between 212 and 232 ha of employment land for the Black Country (falling to 140-153 ha taking into account Shropshire’s contribution and the WMI); and
- The Avison Young /Arcadis ‘West Midlands Strategic Employment Sites Study – Final Report (2021)’ [WMSESS], published in May 2021, concludes that there is an urgent need to identify a pipeline of new Strategic Employment Sites across the region to meet needs beyond the 7.41 years (or less) of supply that exists in allocations and committed sites. For the Black Country and South Staffordshire ‘key location’, this increases to 8.17 years. Excluding industry-promoted sites without an allocation, this falls to just 3.23 years for Area 4 which South Staffordshire is located within.

2.11 To this end, Lichfields, on behalf of Richborough has undertaken an independent assessment of the future economic growth requirements across the District to inform the floorspace requirements that will likely flow from these growth needs over the period 2020-2040. Crucially, this is because it is considered that the 2022 EDNA’s uplift to the econometric forecasts is insufficient to fully reflect an aspirational level of growth in line with the LEP-based growth sectors and in particular the future growth prospects of the logistics sector.

2.12 It is important to note that this analysis has, where appropriate, attempted to mirror the 2022 EDNA’s approach to flag up correctable errors in the methodology. However, Richborough reserves the right to undertake further detailed econometric modelling in due course once further up-to-date information becomes available.

2.13 In any event, Lichfields’ assessment of the District’s employment land needs has made adjustments to the baseline Experian forecasts, factoring in adjustments to the vacancy rates, the margin of choice, loss replacement and uplifting the growth sectors by the Compound Annual Growth Rates [CAGR]. These methodological changes result in a significant increase in the requirement when compared to the conclusions of the 2022

EDNA. Indeed, the Experian baseline starting point would equate to 52 ha, rising to 115 ha if suitable adjustments are made to allow for success in attracting jobs based on the LEP's growth sectors and logistics. The equivalent figures would increase to between 96 ha and 160 ha if a higher margin of choice is factored in to reflect strategic site delivery.

- 2.14 On the face of it, Lichfields' alternative assessment sounds like considerable uplift; however, it is important to bear in mind that 385,752 sqm was completed in just 8 years between 2012/13 and 2019/20, which would equate to 96.44 ha, or around 90% of the 20-year Growth Scenario target (i.e. 106 ha). This is primarily due to the delivery of three very large inward investment developments of Amazon/Gestamp at the Four Ashes site and the floorspace delivered at JLR at the 154 Business Park.
- 2.15 By way of comparison, Lichfields also assessed past completions to provide an appropriate alternative scenario to forecasting future employment land requirements. For South Staffordshire, and based on the past Take Up Scenario, a minimum figure of around 80 ha would be needed to meet its indigenous needs, based on a continuation of past trends. If the District's recent success in attracting substantial levels of inward investment from elsewhere in the sub-region (and beyond) is maintained, however, then a much higher amount of employment land should be provided. A figure of 257 ha would provide sufficient land to accommodate a continuation of inward investment and could assist in meeting some of the unmet needs of adjoining Districts, plus a suitable allowance for flexibility.
- 2.16 Whilst it is not suggested that the 257 ha represents South Staffordshire District's indigenous needs; nevertheless, it is an indication of the scale of demand that could be sustained in the District if strategic, footloose employment land demands are fulfilled here. Moreover, the upper end of the past Take Up Scenario range, at 257 ha, seems large for a District of South Staffordshire's size but reflects the opportunities on offer in the District and the potential to accommodate substantial levels of unmet need from adjoining areas such as the Black Country.
- 2.17 In this context, it should be noted that Experian-based figures are for the indigenous needs of South Staffordshire, and do not make any provision for the unmet strategic industrial / warehousing needs of adjoining Districts (i.e. the FEMA), which would be in addition to the figures. As such, Richborough considers that Lichfields' analysis sets out a policy-driven, pro-growth vision for South Staffordshire District that is not addressing unmet needs from adjoining districts in any substantive way. As a result, any unmet need from the Black Country / Birmingham or elsewhere in the West Midlands would need to be additional to this requirement.
- 2.18 In conclusion, as set out above and in more detail in Lichfields' ELNA (Appendix 1), the Council's 2022 EDNA recommendation that South Staffordshire District's objectively assessed need for employment land totals just 63.6 ha up to 2040 does not bear scrutiny. Fundamentally, Richborough disagrees with the 2022 EDNA's conclusions and considers that the objectively assessed need forecast, of 63.6 ha over the period 2020-2040, is inadequate to address the pent-up demand and risks suppressing the District's economy for years to come.
- 2.19 As shown by Lichfields' modelling, which mirrors the 2022 EDNA's approach but makes more appropriate uplifts, it is likely that District's indigenous employment land needs for the plan period 2020-2040 equate to c.115 ha (i.e. the Growth Scenario), or 160 ha if a

higher margin of choice is factored in to reflect strategic site delivery. As such, when set against the Council’s purported forward supply of 99 ha, it is clear that the Council’s current approach would be insufficient to address the needs of the District, let alone make a meaningful contribution towards addressing the unmet needs of the FEMA or wider West Midlands Region.

2. Addressing the general employment needs of the FEMA

- 2.20 In addition to the above, alongside addressing the Council’s own employment needs, the NPPF is clear that plans are required to contain strategic policies which should, as a minimum, provide for the employment needs that cannot be met within neighbouring areas (Para 11b). Furthermore, as required by the NPPF, LPAs are under a duty to cooperate [DtC] with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries (Para 24). Indeed, for Local Plans to be found ‘sound’, they must demonstrate that they are based on *“effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred”* (Para 35c).
- 2.21 In this context, it is noted that the 2022 EDNA concluded that the FEMA includes South Staffordshire, Wolverhampton, Walsall, Dudley, Cannock Chase and Stafford. This conclusion supersedes the Stage 1 EDNA’s FEMA, which didn’t include Stafford. However, as set out in the supporting ELNA, Lichfields agree with this conclusion. As the Council will be aware, across the FEMA each of the constituent authorities is currently preparing their respective Local Plans and associated evidence. Indeed, it is explicitly recognised within the PP, whilst Cannock may be able to meet its employment land needs (Para 5.60), the BCAs have identified a shortfall of 210ha (Para 5.61). In this regard, it is noted that the Council has indicated in the draft policy that it will contribute a minimum of 67ha from the WMI alongside the Council’s identified 36.6 ha surplus of employment land, totalling 103.6 ha (Para 5.62).
- 2.22 On the face of it, and notwithstanding Richborough’s comments on the Council’s 2022 EDNA above, it is important to note that Richborough welcomes the Council’s increased contribution towards addressing the BCAs unmet needs, above the c.19 ha proposed within the PO. It is entirely logical, and indeed necessary, for the Council to seek to address the unmet employment needs of the FEMA, and in particular the BCAs. It is plain to see that the Local Plan Review will need to assist the BCAs in meeting their unmet employment needs up to 2039 at the very least, given that other FEMA authorities may not be able to, or lack the SRN connections and links to the forthcoming WMI.
- 2.23 Whilst it is noted that the BCAs are no longer proceeding with the joint Black Country Plan Review [BCPR], Richborough notes that these acute unmet needs will still need to be addressed and each of the BCA authorities will still require assistance separately. It is therefore entirely logical to continue to assist the Black Country Authorities in meeting their cumulative needs up to 2039. Again, in this context, Richborough welcomes the Council’s commitment in the PP to address these needs.
- 2.24 However, as set originally out in Richborough’s PO representations, Richborough still has significant concerns regarding the fragmented approach currently being progressed, as each of the authorities is generally seeking to address their own needs in relative isolation. Fundamentally, this approach does not align with the NPPF (Para 35c) and runs the risk of not meeting the FEMA’s employment needs and comprising economic growth across the

area. Indeed, as shown in the ELNA and above, a more robust and realistic assessment of the District’s objectively assessed employment need would reduce the Council’s purported surplus of employment land, therefore reducing the Council’s contribution.

2.25 As the Council will be aware, the BCA’s EDNA, namely the Black Country Economic Development Needs Assessment [BCEDNA] which was initially published in 2017 and subsequently updated in 2021³, identified a total employment land requirement of 565-585 ha against a supply of 353 ha, resulting in an undersupply of between 212 and 232 ha of employment land over the next planning period. However, it should also be noted that all of the 212-232 ha of employment land need to be exported is industrial (manufacturing and logistics). It also reports that 121-134 ha of that need may already be met, as shown in the table below:

Table 2.1 Contributions to Black Country Unmet Need

Outside the Black Country / External Contributors	Estimated Supply
South Staffordshire Surplus (as per EDNA)	19 ha
West Midlands Interchange apportionment	72-94 ha
Shropshire (Regulation 19 Plan)	30 ha
TOTAL	121-134 ha

Source: Black Country Economic Development Needs Assessment (EDNA) Update, August 2021, Figure 4.2

2.26 This makes provision for 19 ha of South Staffordshire’s surplus, as identified in the PO, as well as between 72 and 94 ha from the WMI (although this may be an error, given that the 72 ha referred to comes from the SRFI Study, which includes 5 ha from South Staffordshire in the 72 ha figure – hence the Black Country contribution is actually 67 ha). In essence, this means that even with the aforementioned contributions and apportionment of the WMI, there is still the potential for between 78 ha and 111 ha of unmet needs that must be found elsewhere in the FEMA. Furthermore, none of the potential contributions in the table is part of an adopted plan yet – indeed, as shown above, the Council’s currently proposed contribution of surplus land may be reduced.

2.27 Notwithstanding Richborough’s concerns regarding the 2022 EDNA’s calculations for the District’s needs, the supporting ELNA also sets out serious concerns with the Council’s approach to deriving its proposed employment land ‘contributions’ towards addressing the BCAs unmet needs. These relate to the derivation of the 36.6 ha of surplus land, as well as the Council’s revisiting of the apportionment of the WMI. A detailed critique of these elements of the 2022 EDNA is set out in the supporting ELNA, however, in summary:

- 1 **Surplus 36.6 ha strategic land contribution:** The 2022 EDNA concludes that 36.6 ha comprises a reasonable minimum indicator of supply that is not attributed to findings of the Growth Scenario or trends in past take-up (discounting the role of significant atypical schemes such as the investment by JLR), that can theoretically contribute to meeting the unmet needs of neighbouring authorities, excluding the WMI.

However, the calculation is based on past trends completions that do not include ‘true’ strategic take up from JLR, Amazon and Gestamp, and bakes in strategic needs of just 0.2 ha of B8 logistics. Mixing and matching the various scenarios, combining the

³ Warwick Economics & Development for Black Country Authorities, Black Country Economic Development Needs Assessment, Stage 1 Report, May 2017, and Update, August 2021

Cambridge Econometrics/Experian/Growth Scenarios and factoring in the past take up as well ensures that SPRU is not comparing like with like and in all probability results in a considerable amount of double counting. Perhaps most fundamentally of all, it does not actually seek to model the strategic employment land needs of the FEMA as a whole and then attempt to justify the Council's contribution (factoring in the physical ability of the other districts to accommodate the remainder of that need). As such, on basic principles, we disagree with the Council's proposition, as we do not see how the 2022 EDNA (and by extension the Council) can conclude that the District is making a 'proportionate' contribution to the unmet needs of neighbouring authorities when it has not defined the scale of unmet strategic need across the FEMA in the first place; and

- 2 **The apportionment of the WMI to South Staffordshire:** Whilst the Council could make provision for its strategic employment land oversupply to meet the needs of the BCAs, it is not necessarily within the Council's gift to apportion the WMI to neighbouring authorities as it sees fit. As acknowledged by the 2022 EDNA (Para 0.49), the WMI will play a regional role. In this regard, the Council has elected to revisit the SRFI Study to seek to apportion a greater share of the WMI to the District, than set out in the SRFI Study. Indeed, notably, the SRFI Study concluded that the Council's share was 5 ha; however, the 2022 EDNA concludes that it is 18.8 ha. In this regard, as set out in the ELNA, Lichfields considers that the 2022 EDNA applies several complex and counter-intuitive methodological adjustments to justify both the relationship of the WMI to Land Requirements for the Transport & Storage sector and secondly to measure the supply/demand balance on Strategic sites.

2.28 However, Richborough also notes that whilst Birmingham does not fall within the FEMA, and nor South Staffordshire in the Birmingham FEMA, the recent Birmingham HEDNA (April 2022) concluded that "*there is also a case to be made for South Staffordshire to be included in this definition due to its close links to the Black Country*" (Para 2.6). In this regard, the Birmingham HEDNA informed Birmingham Issues and Options consultation, which confirmed an unmet need for 73.64 ha to be found through the preparation of the Plan. Albeit, when adjusting the Birmingham HEDNA to reflect the margin of choice, the correct overall figure of unmet need would rise to 97.77 ha which would have to be found elsewhere. In this context, it is clear that South Staffordshire District may also have a part to play in addressing this need over and above the WMI contribution.

2.29 It should also be noted that the NPPF explicitly requires that "*Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for...storage and distribution operations at a variety of scales and in suitably accessible locations*" (Para 83). The PPG also recognises that the logistics industry has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land):

"Where a need for such facilities may exist, strategic policy-making authorities should collaborate with other authorities, infrastructure providers and other interests to identify the scale of need across the relevant market areas." (PPG ID: 2a-031)

- 2.30 The PPG⁴ indicates that this assessment can be informed by engagement with logistics occupiers, analysis of market signals and economic forecasts; engagement with LEPs and their plans and strategies, including economic priorities within Local Industrial Strategies. Accordingly, the PPG identifies that:
- “Functional economic market areas can overlap several administrative areas so strategic policy-making authorities may have to carry out assessments of need on a cross-boundary basis with neighbouring authorities within their functional economic market area.” (PPG ID: 2a-025)*
- 2.31 The PPG is clear that only once this evidence has been compiled, *“strategic policy-making authorities will then need to consider the most appropriate locations for meeting these identified needs (whether through the expansion of existing sites or development of new ones).”⁵*
- 2.32 It is also, therefore, worth reflecting on the wider regional logistics market and the role that South Staffordshire has within it. To this end, the WMSESS analysed take-up rates in the industrial and office markets in the region over the period 2015-2018 and undertook an audit of existing allocated and committed sites in the Study Area; albeit, it did not quantify future needs and instead undertook a high-level assessment as to the extent to which certain locations/sites might be able to contribute to identified shortfalls in supply. Importantly, the WMSESS identifies five key clusters of sites, three of which cover the South Staffordshire District, and considers that the focus for identifying strategic employment sites should be in the ‘Key Locations’.
- 2.33 However, in general, the report concludes that based on the ‘past trends’ approach, there is a limited supply of available, allocated and/or committed sites across the Study Area that meets the definition of ‘strategic employment sites’, and an urgent need for additional sites to be brought forward to provide a deliverable pipeline, noting the very substantial lead-in times for promoting and bringing forward such sites. Indeed, Area 4 of the WMSESS – which covers Richborough’s Site – has just 3.23 years’ supply based on 323 ha of allocated sites, rising to 8.17 years’ supply if the 494 ha of industry-promoted sites are all incorporated. Ultimately, the WMSESS’ analysis underlines the urgent need to identify a pipeline of new Strategic Employment Sites to meet needs beyond supply that exists in allocations and committed sites.
- 2.34 When taken together, it is clear that the Council should be making further provisions to capture some of the very substantial unmet strategic logistics and manufacturing demand from the FEMA and the wider area. Without the Council’s assistance in addressing this crucial matter, there is a real risk that the FEMA’s employment needs may not be fully met.

Conclusion

- 2.35 Richborough considers that the Council’s proposed employment policy approach, set out in draft Policy DS4 (Development Needs) of the PP, is not underpinned by robust evidence. The employment need set out in the Council’s 2022 EDNA is inadequate to address the pent-up demand and risks suppressing the District’s economy for years to come. A more realistic assessment of the District’s indigenous objectively assessed employment land

⁴ PPG ID: 3-007

⁵ PPG ID: 2a-031

needs for the plan period 2020-2040 equates to c.115 ha (i.e. the Growth Scenario), or 160 ha if a higher margin of choice is factored in to reflect strategic site delivery. As such, when set against the Council's purported forward supply of 99 ha, it is clear that the Council's current approach would be insufficient to address the needs of the District, let alone make a meaningful contribution towards addressing the unmet needs of the FEMA or wider West Midlands Region.

- 2.36 Furthermore, the strategic evidence that is available suggests that the scale of unmet needs that South Staffordshire should be contributing towards is very substantial indeed; comprising potentially 98 ha to meet Birmingham's unmet needs and between 145 ha and 165 ha of the BCA's needs even if the 67 ha contribution from the WMI is deducted. It is therefore clear that the District has a critical role to play in delivering strategic logistics/manufacturing floorspace to address very significant levels of unmet need across Birmingham City, the Black Country and the West Midlands as a whole. As such, Richborough considers that it is premature to argue that a modest provision of 36.6 ha and the WMI represents a 'proportionate' contribution to meeting wider unmet needs.

Why is the policy unsound?

- 2.37 In this context, Richborough is concerned that Policy DS4 (Development Needs) as it is drafted is unsound. The NPPF is clear that development plans "*must include strategic policies to address each local planning authority's priorities for the development and use of land in its area*" (Para 17). The NPPF also requires plans to contain strategic policies which should, as a minimum, provide for objectively assessed needs for housing and other uses and those that cannot be met within neighbouring areas (Para 11b). In the context of employment land, the NPPF emphasises the importance "*on the need to support economic growth and productivity*" (Para 81) and is clear that planning policies should "*seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment*" (Para 82c).
- 2.38 As it is drafted, Policy DS4 (Development Needs) Richborough does not consider that the Council's current approach to addressing its own needs, or the unmet needs of the FEMA and wider area is appropriate or justified by robust evidence, and as a result, Richborough considers that there is a cogent argument for the Council to accommodate further employment growth within the District, as it is unlikely that this could be accommodated elsewhere within the FEMA and beyond. It is therefore critical that a FEMA-wide approach to ensuring additional, well-located sites, which are capable of accommodating larger units, are brought forward through the Council's Local Plan Review to help meet demand and deliver high-quality floor space within the FEMA. This is critical in order for the Local Plan Review to accord with paragraphs 11b, 24, 35c, 81, 82 and 83 of the NPPF and the guidance within the PPG.

Recommended steps to ensure soundness

- 2.39 Richborough, therefore, recommends that Policy DS4 (Development Needs) be amended to reflect a more realistic assessment of the District's employment land needs over the plan period as well as an increased contribution towards the unmet employment land needs of the BCA and potentially Birmingham. This would ensure that the PP is sound and compliant with paragraphs 11b, 17, 31, 35b, 81 and 82c of the NPPF.

Policy DS5 – The Spatial Strategy to 2039

- 2.40 Draft Policy DS5 (The Spatial Strategy to 2039) sets out the Council’s proposed spatial strategy to address the plan’s housing requirement for the plan period up to 2039. The PP notes that the proposed spatial strategy has been revised since the PO, following comments received during the consultation (Para 5.20). For employment land, the PP notes that:
- “The district’s freestanding strategic employment sites Outside of the district’s rural settlements, support will continue to be given for employment and economic development at the district’s five existing freestanding strategic employment sites (West Midlands Interchange, i54 South Staffordshire, Hilton Cross, ROF Featherstone/Brinsford and Four Ashes). Existing and proposed employment sites throughout the district will be safeguarded for their respective uses, in accordance with other Local Plan policies.”*
- 2.41 In terms of delivering this spatial strategy, the policy states that the strategy will be delivered through allocations made in the Local Plan Review, which for employment, are set out in draft Policy SA7 (Employment Allocations).
- 2.42 In principle, Richborough has no objections to the thrust of the Council’s proposed spatial strategy for employment. It is entirely logical to seek to focus additional employment growth in well-established employment locations, particularly given the success of the i54 South Staffordshire, Hilton Cross, ROF Featherstone/Brinsford and Four Ashes to date. However, as demonstrated above, Richborough also considers that the District’s employment needs have been underestimated and that the Council is not sufficiently addressing the strategic cross-boundary matter of unmet employment land needs. To this end, it is clear that additional employment sites will be required to meet the additional need for employment land within the District.
- 2.43 As set out in Section 1.0 of these representations, Richborough is promoting Land at Gailey Lea Farm (Site Ref: E58a and E58b) for employment development and has previously submitted the Site to the Council via a Call for Sites Form in December 2021, which was followed by the submission of a Vision Document in April 2022 – a copy of this Vision Document is appended to the representations accordingly (Appendix 3). At that point, the Site had not been assessed in the Council’s wider evidence base prepared in support of the emerging Local Plan Review.
- 2.44 Whilst it is noted that the Council has not allocated the Site for employment development within the PP, it is noted that the Council has now assessed the Site within the below evidence base documents:
- The ‘Strategic Housing and Economic Land Availability Assessment November 2022’ [SHELAA];
 - Sustainability Appraisal of the South Staffordshire Local Plan Review (2019-2039): Regulation 19 SA Report (October 2022) (“the Reg 19 SA”);
 - Economic Strategy & Employment Site Assessment Topic Paper (November 2022) (“ESES Topic Paper”);
 - South Staffordshire Landscape Sensitivity Assessment Addendum (August 2022) (“the Landscape Addendum”); and
 - South Staffordshire Green Belt Study Addendum (August 2022) (“the GB Addendum”).

- 2.45 In this respect, Richborough welcomes the Council’s pragmatism in constructively taking on board Richborough’s previous concerns regarding the need for further employment growth within the District, and the particular and unique opportunities Land at Gailey Lea Farm offered when compared to other employment sites. Indeed, the Site is located adjacent to the M6 J12, the A5 and the forthcoming WMI, and has easy access to the M54 to the south. It is located in a crucial area within the District, which will act as a key employment corridor within this part of the District. It is also well placed to meet the BCA’s unmet employment needs in close proximity to where they arise, given its proximity to Wolverhampton. It is entirely appropriate for the Council to test an additional reasonable employment site alternative as a part of the iterative process necessary for progressing a plan – as required by the PPG⁶ and Friends of the Earth High Court judgment.⁷
- 2.46 However, despite this, the ESES Topic Paper concludes that the “*assessment has therefore confirmed that with the proposed allocations at para 5.6 that South Staffordshire has sufficient pipeline of employment land to meet our own needs and make a minimum contribution towards unmet needs of the Black Country of 103.6ha. Given this substantial contribution and considering the findings of the site assessments at Appendix A, it is not considered that further allocations on land options designated Green Belt or Open Countryside are justified.*” (Para 5.8).
- 2.47 As highlighted above in response to draft Policy DS4 (Development Needs), Richborough fundamentally disagrees with the Council’s position that sufficient land is available to meet the District’s employment needs and some of the BCA’s unmet needs. Moreover, Richborough disagrees with the Council’s assessment and conclusions on the Site – summarised within the ESES Topic Paper but drawing from the wider evidence base – which ultimately led to the Council electing not to allocate the Site. The Council’s Site Assessment for the Site is set out in Appendix A of the ESES Topic Paper, and the reasons the Site has been rejected can broadly summarised as below:
- 1 **Economic Land Availability Assessment Score: 54**
 - 2 **Access to infrastructure:** *The nearest bus stop which hosts a regular bus service is located along the A449 approx. 4.7km away. The nearest railway station is located approx. 6.7km east of the site at Cannock;*
 - 3 **Sequential test:** *The site is within the Green Belt and is not previously developed land so is therefore sequentially the least preferable;*
 - 4 **Green Belt Harm:** *The site is within the Green Belt and assessed as having a very high harm rating;*
 - 5 **Landscape Sensitivity:** *‘Moderate’ to ‘Moderate-High’ rating; and*
 - 6 **Known site constraints:** *The site is adjacent to two SBI’s (Gailey Reservoirs and Fullmoor Wood). The site borders ancient woodland to the north. Majority of the site is within an area of high habitat distinctiveness, which the NRN mapping indicates should be avoided for development. There is also a potential lack of sustainable transport options for the site.*

⁶ PPG IDs: 11-017 and 11-018

⁷ Paragraph 88 of R (Friends of the Earth England, Wales and Northern Ireland Ltd) v The Welsh Ministers [2015] EWHC 776 (Admin)

2.48 The ESES Topic Paper concludes that:

“Site performs relatively well from a market perspective, having a clear advantage for distribution/logistics of being close to the M6 (J12) and the West Midland Interchange proposal. However, some initial concerns have been expressed by Staffordshire County Council highways team regarding cumulative impacts on the surrounding network and sustainable travel access. 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.

Furthermore, the supply/demand balance in the EDNA 2022 indicates that South Staffordshire’s local needs can be met and that there is a 36ha surplus of strategic employment land available for cross boundary unmet needs increasing further when factoring in available supply at WMI. Considering the assessment undertaken on this site, and the significant contribution of 103.6ha (inc. minimum WMI contribution) available for export to the Black Country authorities, this site is not proposed for allocation.”

2.49 Again, Richborough strongly contends that there is a clear and cogent need for additional employment land within the District to meet not just only the District’s own employment needs, but to assist in addressing the acute shortfall arising from the BCAs. As is demonstrated in detail within the supporting ELNA and summarised below, there are few if any sites within the District and wider FEMA that offer the strategic scale, and access to the SRN and WMI that Richborough’s Site offers.

2.50 Indeed, the Vision Document demonstrated that the Site presents an excellent sustainable location to deliver around c.228,000 square meters of high-quality B8/Logistics floor space next to the WMI, together with attractive open space, other supporting infrastructure and a visual buffer of planting along the northern site edge to create a defensible boundary. However, importantly, Richborough’s previously submitted Vision Document clearly demonstrated that any impacts from the development could be appropriately and sensitively mitigated. As such, Richborough strongly contends that the Council’s assessment of the Site is unjustified for the following reasons:

1. Economic Land Availability Assessment Score

2.51 The ESES Topic Paper refers to a score of 54 out of 95. This ostensibly is based on Economic Land Availability Assessment (2020) [ELAA], which was updated within the 2022 EDNA – and set out in Appendix 1. This is replicated within the ESES Topic Paper; albeit, Richborough’s Site was not assessed within the 2022 EDNA, but was within the ESES Topic Paper.

2.52 However, fundamentally, it is unclear how the Council has arrived at the scores in Appendix C of the ESES Topic Paper. This is because the Council’s ELAA (Appendix B) (i.e., the Stage 2 EDNA), and neither the 2022 EDNA nor ESES Topic Paper provide any justification for the scoring. It is therefore difficult to establish whether the Council’s scoring of the Site is reasonable and appropriate. This is, in and of itself a major flaw in the Council’s evidence base, as it is unclear what evidence there is to substantiate the Council’s scoring of the Site.

2.53 Notwithstanding this, at face value, the scores for the Site appear overly negative. Indeed, whilst scoring a 2 for ‘Market Activity/Developer interest’, Richborough would argue that this score should be increased to a 5. It is likely that, with strong regional demand for

logistics, and with the WMI adjacent to the Site, it would have a strong market interest. Similarly, Richborough considers that its scoring for Suitability for Growth Sectors should be increased to 5, given the demand for Logistics floorspace within the District and wider region. In any event, in the absence of a justification, the scoring of the Site appears critical and unjustified.

2. Access to infrastructure

- 2.54 Whilst the ESES Topic Paper highlights that the Site is c.5km+ from a bus stop or train station, it is important to note that this is no worse than the WMI, Hilton Cross, and Vernon Palk (i.e., 3) and better than ROF Featherstone (i.e., 2), as per the ESES Topic Papers ELAA scores.
- 2.55 Indeed, in the Reg 19 SA's scoring of the 'New and Amended Reasonable Alternative Sites' (Appendix F), the Reg 19 SA notes that the site all of the other Reasonable Alternative employment sites are located outside the target distance from railway stations other than E61A (Para F.19.10.2). In terms of bus access, all sites other than Hilton Cross (which is allocated in draft Policy SA7) are located wholly or partially outside of the target distance to a bus stop providing regular services (Para F.19.10.1). Even the Council's proposed i54 allocation does not have optimal access to public transportation. Whilst the NPPF's sequential approach to development in the Green Belt seeks to direct development in locations well-served by public transport, it also requires policies to also "*recognise and address the specific locational requirements of different sectors*", including (inter alia) "*for storage and distribution operations at a variety of scales and in suitably accessible locations*" (Para 83). In essence, it appears entirely reasonable for strategic employment sites to be located optimally around the SRN, which may result in limited public transport access.
- 2.56 However, the Reg 19 SA does acknowledge that Richborough's Site does have good public footpath linkages (Para F.19.10.3) and is within 600 m of a cycle path and a Public Right of Way [PRoW], which "*provide site end users with good pedestrian and/or cycle access and encourage physical activity, and therefore, have a minor positive impact on the health and wellbeing of local residents*" (Para F.19.8.6). Whilst it is noted that the Site would be located outside the target distance to the nearest convenience stores (Para F.19.10.5), the Vision Document clear set out that the vision for the Site included a small mixed-use area within the development to serve the workforce and mitigate and limit off-site trips on breaks.
- 2.57 However, further mitigation measures could be considered at the planning application stage, which could include contributions to the improvement of the existing bus network, or the provision of a new route which could serve the WMI and Richborough's Site at Gailey Lea. In addition, or alternatively, the potential exists for a private shuttle bus service to pick up future employees from main urban areas – a similar approach to that adopted by the WMI.
- 2.58 In essence, the Site is no worse off in terms of public transportation access than a majority of the Council's 'preferred' employment sites. Indeed, it is worth noting that the Council's Reg 19 SA concluded that the Richborough's Site scored the same as the other proposed employment allocations in SA terms (i.e., a 'Minor Negative') on the 'Transport and Accessibility' objective (when mitigated).

3. Sequential test

- 2.59 The NPPF is clear that “*once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified*” (Para 140). Paragraph 141 of the NPPF then sets out a sequential approach necessary prior to concluding exceptional circumstances justify the release of Green Belt. However, the NPPF is also clear that policies should also “*recognise and address the specific locational requirements of different sectors*”, including (inter alia) “*for storage and distribution operations at a variety of scales and in suitably accessible locations*” (Para 83).
- 2.60 The ESES Topic Paper states that, as the Site is within the Green Belt and is not previously developed land [PDL], it is sequentially the least preferable. As noted above, the NPPF requires a sequential approach prior to the releasing of Green Belt land. However, it is also clear that regard should be had to locational requirements for employment uses. Indeed, as discussed further below, it an essential part of the exceptional circumstances test that Green Belt land (that fulfils poor to moderate Green Belt purposes) can be released if it is consistent with the Local Plan strategy for meeting requirements for sustainable development, for example, to secure more sustainable patterns of development. In this regard, were there insufficient brownfield land, or PDL in the Green Belt, in the right location to meet the specific needs of certain sectors, it would be entirely reasonable and compliant with the NPPF to release Green Belt land to meet these needs in the Local Plan Review.
- 2.61 As the Council will be aware, Richborough’s Site is located adjacent to the M6 J12, the A5 and the forthcoming WMI, and has easy access to the M54 to the south. It is located in a crucial area within the District, which will act as a key employment corridor within this part of the District. In essence, the Site is a highly sustainable and logical location for employment growth. It is also well placed to meet the BCAs unmet employment needs in close proximity to where they arise, given its proximity to Wolverhampton.
- 2.62 However, to further highlight that the Site is the most appropriate location for a large employment development that can capitalise on clear links to the SRN and the forthcoming WMI, and that there are no other more suitable alternative strategic sites available, the supporting ELNA has undertaken an Alternative Site Assessment which assesses the suitability of alternative locations across the FEMA and options to accommodate a large scale B2 / B8 industrial / logistics development.
- 2.63 Across the FEMA, from the employment land evidence available, the ELNA recorded 299 employment sites. Of these, only 17 sites were seen as ‘strategic’ in scale (i.e., 25 ha gross or 100,000 sq.m net floorspace). The ELNA then assessed these sites against the below minimum requirements:
- 1 25ha (gross) or 100,000 sq.m floorspace (net);
 - 2 Within 1.5km of an existing motorway junction and suitable access can be achieved via a trunk road;
 - 3 A workable topography with a maximum of 35m variation in existing land levels.
 - 4 Located outside of Flood Zone 3; and
 - 5 No other pertinent physical constraints that would preclude development on the site.

- 2.64 Notably, of the 17 strategic sites available, only 6 sites below – which includes Richborough’s – met these requirements:
- 1 West Midlands Interchange;
 - 2 Land at Gailey Lea Farm;
 - 3 Land north of A5, Gailey;
 - 4 Land to the north of Redhill;
 - 5 Land east of Wolverhampton Road; and
 - 6 Kingswood Lakeside Extension 2.
- 2.65 Importantly, when assessed against the ELNA’s Suitability Assessment, the WMI scored the highest. However, this site is already consented, a draft allocation in the Local Plan Review and is meeting the District’s and Regional needs. Similarly, Kingswood Lakeside Extension 2 is a draft allocation in the Cannock Chase Local Plan Review Regulation 19 plan to meet Cannock’s indigenous employment needs. The same applies to Land to the north of Redhill, which is a draft allocation in the Stafford Borough Local Plan 2020-2040 Preferred Options. As such, both of these sites are unavailable to meet the FEMA’s wider needs. Therefore, the ELNA concludes that there are only three available strategic sites within the FEMA, all of which are located in South Staffordshire.
- 2.66 Of these, whilst Land east of Wolverhampton Road scores marginally better than the Site, the Council itself has raised concerns with the site’s topography which may impede industrial development on the site. Furthermore, the site is adjacent to a SSSI and lacks proximity to the WMI SRFI. Moreover, the Council’s Reg 19 SA scored the site a ‘Major Negative’ in SA terms against the Landscape and Townscape objective, compared to Richborough’s Site (i.e., a ‘Minor Negative’). Cumulatively, Richborough considers that Land east of Wolverhampton Road is unlikely to be an attractive site to the market, given the constraints on and adjacent to the site, and that it lacks the scale and proximity to the WMI that Richborough’s Site benefits from. In essence, Richborough strongly contends that that there are no other ‘sequentially preferable’ strategic employment opportunities within the District or FEMA. This serves to highlight that no other authorities within the FEMA are able to contribute towards addressing the FEMA’s unmet needs, other than South Staffordshire.

4. Green Belt Harm

- 2.67 The ESES Topic Paper concludes that the release of the Site from the Green Belt would result in ‘Very High’ harm. This is based on the GB Addendum, which provided an addendum to the ‘South Staffordshire Green Belt Study Stage 1 and 2 Report (July 2019)’⁸ (“the GB Report”) in relation specifically to Richborough’s Site within the wider Parcel S2.
- 2.68 Against the five purposes of the Green Belt,⁹ the GB Addendum concluded that the parcel scored Moderate against Purpose 1, Weak/No Contribution against Purpose 2, Strong against Purpose 3, Weak/No Contribution against Purpose 4 and Strong against Purpose 5, culminating in a ‘Very High’ harm rating.

⁸ Prepared by LUC on behalf of the City of Wolverhampton, Dudley, Sandwell and Walsall (i.e. the Black Country Authorities) and South Staffordshire.

⁹ Paragraph 138, NPPF (2021)

- 2.69 Richborough fundamentally disagrees with the Council’s conclusions on Purpose 3. The Site is adjacent to the M6 and A5 and importantly the forthcoming WMI on the other side of the M6. It is considered highly likely that the parcel would have a weak contribution to Purpose 3 by virtue of the significantly urbanising impacts that the WMI – which is proposed for release from the Green Belt– and M6 will have on this area of the Green Belt. The consequence of this is that Richborough considers that the level of harm should be reduced from ‘Very High’ to ‘High’.
- 2.70 In any event, as previously stated in Richborough’s PO representations, whilst it is justified to consider ‘harm’ in the balance when assessing exceptional circumstances for Green Belt release, it is not compliant with national policy to release only those sites which perform the worst against the Green Belt purposes (i.e., low Green Belt harm). There is a need to consider the broader Green Belt policies in the NPPF as a whole. As such, regard should be had to the promotion of sustainable patterns of development, access to public transport, whether compensatory improvements could offset the harm from removal (Para 142, NPPF), and consistency of the Green Belt with the emerging Local Plan strategy.
- 2.71 In this context, it is an essential part of the exceptional circumstances test that logically exceptional circumstances must be capable of trumping the purposes of the Green Belt¹⁰. For example, it is conceptually possible for Green Belt land that fulfils strong Green Belt purposes to be released if it is consistent with the Local Plan strategy for meeting requirements for sustainable development, for example, to secure more sustainable patterns of development or to “*recognise and address the specific locational requirements of different sectors*”, including (*inter alia*) “*for storage and distribution operations at a variety of scales and in suitably accessible locations*” (Para 83).
- 2.72 As such, Richborough considers that it is entirely reasonable, and appropriate, for land which fulfils strong Green Belt purposes to be released where exceptional circumstances are evidenced (i.e., a locational requirement for the logistics sector). Indeed, this is a position the Council has taken elsewhere.
- 2.73 In this regard, the site is located adjacent to the M6 J12, the A5 and the forthcoming WMI, and has easy access to the M54 to the south. It is located in a crucial area within the District, which will act as a key employment corridor within this part of the District. In essence, the Site is a highly sustainable and logical location for employment growth. Moreover, it is also well placed to meet the BCA’s unmet employment needs in close proximity to where they arise, given its proximity to Wolverhampton.
- 2.74 As shown above, following an Alternative Site Assessment for strategic sites within the District and across the FEMA, there are no other ‘sequentially preferable’ strategic employment opportunities.
- 2.75 Further, as demonstrated within the Vision Document, the delivery of environmental enhancements on-site, which could also be achieved as part of the development, would ensure that any harm arising as a result of the removal of the site from the Green Belt could be offset. The ‘harm’ associated with its removal from the Green Belt should therefore not impede allocating the Site in this instance. In addition to the above, the Council’s Reg 19 SA indicates that the Sites impact on ‘Landscape and Townscape’ would be no worse than the

¹⁰ Paragraph 42, *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078

other proposed employment allocations in SA terms (i.e., a ‘Minor Negative’) against the ‘Landscape and Townscape’ objective (when mitigated).

5. Landscape Sensitivity

2.76 The Landscape Addendum provided an addendum to the ‘South Staffordshire Landscape Sensitivity Assessment (July 2019)’ (“the Landscape Assessment”) in relation specifically to Richborough’s Site. It splits the Site into two sites, named ‘Gailey Lea Farm A’ (SHLAA reference E58a) and ‘Gailey Lea Farm B’ (SHLAA reference E58b). For each site it concludes the following landscape sensitivity:

- SL97s1 – Moderate: *“The area is remote from urban areas, retains an open, rural character and benefits from the proximity of the adjacent ancient woodland and reservoirs. However, the M6 is an intrusive element towards the western end of the area, which is relatively contained from the wider landscape. It is considered to have moderate overall sensitivity to residential and employment development.”*; and
- SL97s2 – Moderate-High: *“Towards the eastern end of the area the M6 becomes less intrusive, and the landscape forms a visible part of the rural setting of the Cannock Chase AONB, as seen from Shoal Hill. The landscape here is considered to have moderate-high sensitivity to residential and employment development.”*

2.77 Again, similar to Richborough’s comments on the GB Addendum, the Landscape Addendum clearly ignores the impacts that the WMI will have on the area. When developed the WMI will provide a strong developed influence on the Site, reducing the potential sensitivity to employment development.

2.78 However, Richborough’s previously submitted Vision Document clearly demonstrated that any impacts from the development could be appropriately and sensitively mitigated. Indeed, the masterplan demonstrated that with careful mitigation, potential landscape and visual impacts can be mitigated at an early stage, with the Illustrative Masterplan being informed by the following key features:

- 1 A minimum 15m buffer could be provided to Fullmore Wood. Subject to agreement with the ecologist, treatment may result in a non-intervention area to reduce disturbance on adjoining woodland. A woodland edge and scrub layer could be created;
- 2 Enhancement of the existing hedgerow boundaries is provided to improve visual enclosure. This could include 15-20m wide planted bunds, enabling the height of the proposed development to be more successfully filtered from surrounding viewpoints. The existing PRow is integrated within this buffer;
- 3 Additional woodland planting has been included to filter views towards the proposed vehicular entrance off the A5. Such features are characteristic and would strengthen the visual enclosure of the existing open farmland to the east;
- 4 An improved and widened vehicular entrance and landscaped margins are provided to assist in addressing the current damage to soft verges. The wide rural verges will be maintained with further opportunities for wildflowers explored;
- 5 Development off-set to Gailey Lea Lane incorporated to assist in the retention of the existing hedgerow (which could be left to grow in height) and to maintain the rural character of the lane;

- 6 The central woodland copse is retained with improved connectivity in between through infill woodland planting, providing segregation of the Site (to reduce the sense of scale) and providing habitat linkage to Fullmore Wood to the north;
- 7 Glimpsed views north (between the proposed development parameter parcels) included towards the distant rising landscape;
- 8 New green infrastructure and landscaping incorporated within the west of the Site; and
- 9 Continuation of the existing roadside tree planting that segregates the Site from the Gailey Lower Reservoir has been incorporated.

2.79 When taken together, it is considered that the proposals for the Site could provide green infrastructure corridors and enhanced areas of green spaces throughout the Site, alongside further bespoke planting and landscaping. All this would serve to soften the Site's impact on the landscape. In addition to the above, it is worth noting that the Council's Reg 19 SA concluded that the site would have less of a landscape impact in SA terms than the i54 Western Expansion, which scored a 'Major Negative' whereas Richborough's Site scored a 'Minor Negative'. Indeed, importantly, Richborough's Site scored the same as the other proposed employment allocations.

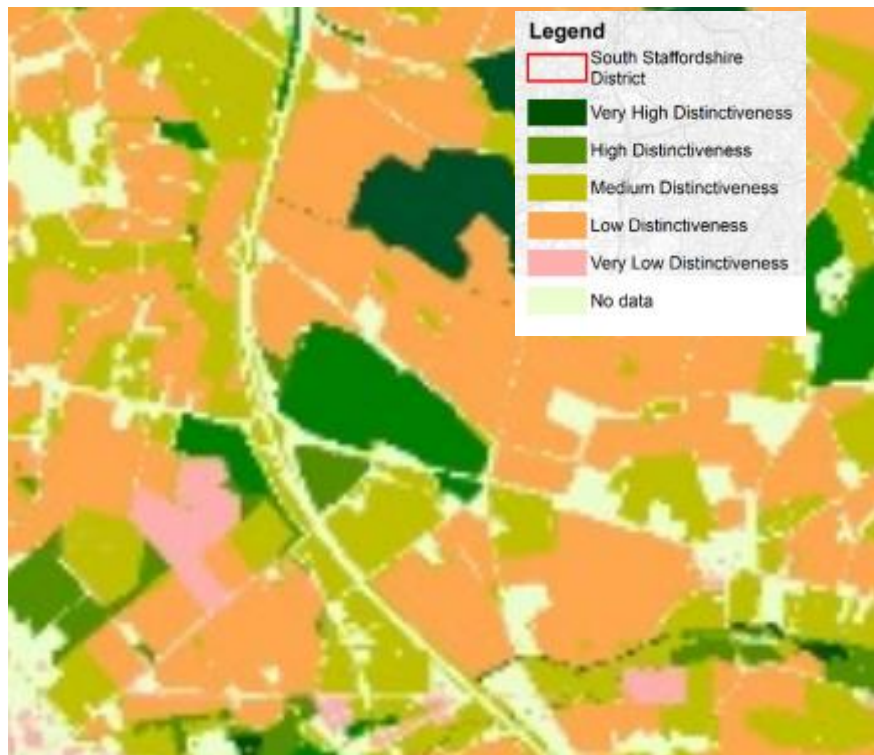
6. Known site constraints

2.80 The Council's ESES Topic Paper refers to several constraints relating to the adjacent reservoirs, the Fullmoor Woods Ancient Woodlands, and access to public transport. The latter has already been addressed above, however in respect of the former two constraints, again Richborough's previously submitted Vision Document clearly demonstrated that any impacts from the development could be appropriately and sensitively mitigated. Indeed, the master plan demonstrated that a buffer would be provided between the development and Fullmoor Woods and would not impede on the reservoirs.

2.81 In respect of the site being within an area of 'high habitat distinctiveness' in the 'South Staffordshire District Nature Recovery Network Mapping (2020)' ("the NRN"), it should be noted that only the reservoirs fall within the 'High Distinctiveness' area, with a majority of the Site falling within 'Low Distinctiveness'. Whilst the copses located within the middle of the Site do fall within the 'High Distinctiveness' area, as demonstrated in the Vision Document, these would be retained and retained and improved through connectivity in between through infill woodland planting, providing segregation of the site and to provide habitat linkage to Fullmore Wood to the north (i.e., enhancement).

2.82 As such, this would not preclude development in this location and indeed the development of the Site could deliver biodiversity net gains on the Site. Indeed, as set out in the Vision Document, the development would deliver habitat enhancement and improved biodiversity across the Site through the effective management of trees, hedgerows, open space provision and the implementation of attenuation ponds, wildflower meadows and swales to ensure that the Site delivers a 10% biodiversity net gain.

Figure 2.1 Habitat distinctiveness



Source: Map 1, South Staffordshire District Nature Recovery Network Mapping (2020)

Summary

- 2.83 The reasons the Council has not allocated the Site are set out in the Council’s ESES Topic Paper. Fundamentally, the Council considers that these relate to the lack of ‘need’ for additional employment land within the District to meet its needs or the unmet needs of the FEMA and that the Site performs ‘strongly’ against the five Green Belt purposes.
- 2.84 However, as set out above, Richborough strongly contends that there is a clear and cogent need for additional employment land within the District to meet not just only the District’s own employment needs, but to assist in addressing the acute shortfall arising from the BCAs. Moreover, Richborough considers that it is entirely reasonable, and appropriate, for land which fulfils strong Green Belt purposes to be released where exceptional circumstances are evidenced (i.e., a locational requirement for the logistics sector). The supporting ELNA has clearly shown that there are no other ‘sequentially preferable’ strategic employment opportunities. As such, it is entirely reasonable to release ‘high’ performing Green Belt land at Gailey Lea to address the unmet employment needs of the FEMA.
- 2.85 In addition, the Council’s other reasons for discounting the Site appear to be poorly evidenced, overly critical or could easily be mitigated – as demonstrated in Richborough’s Vision Document for the Site. Indeed, this is clearly shown in the Council’s Reg 19 SA’s testing of Reasonable Alternatives, which shows that, despite the overly critical scoring in the ESES Topic Paper, the Site scores the same as other sites that the Council has elected to allocate in the PP in SA terms.

Table 2.2 Comparison of Mitigated Reg 19 SA Scores for Reasonable Alternative Employment Sites

Site Name	Ref.	Climate Change Mitigation	Climate Change Adaptation	Biodiversity and	Landscape and Townscape	Pollution and Waste	Natural Resources	Housing	Health and Wellbeing	Cultural Heritage	Transport and Accessibility	Education	Economy and Employment
Four Ashes Industrial Estate	E51a	+/-	+	0	-	-	-	0	-	0	-	0	++
	E51b	+/-	+	0	-	-	-	0	-	0	-	0	++
Hilton Cross Business Park	E20a	+/-	+	0	-	-	-	0	-	0	-	0	++
	E20b	+/-	+	0	-	-	-	0	-	0	-	0	++
ROF Featherstone	E18	+/-	0	0	-	-	-	0	-	0	-	0	++
West Midlands Interchange	E33	+/-	+	0	-	-	-	0	-	0	-	0	++
i54	E24	+/-	0	0	-	-	-	0	-	0	-	0	++
i54 Western Extension	E44	+/-	+	0	-	-	-	0	-	0	-	0	++
Gailey Lea	E58a	+/-	+	0	-	-	-	0	-	0	-	0	++
	E58b	+/-	+	0	-	-	-	0	-	0	-	0	++

Source: Lichfields analysis based on Reg 19 SA **Bold** = Draft Allocated

- 2.86 Therefore, at present, the Council runs the risk of potentially falling into a position where either the evaluation of reasonable alternatives in the SA and Site Selection Process could be interpreted to either have not been undertaken properly or to have been ‘improperly restricted’, in the context of the iterative process necessary for progressing a plan.
- 2.87 However, notwithstanding the above, Richborough understands that to meet additional unmet employment needs from the BCAs on top of the forthcoming WMI would be a significant step-change in employment land delivery within the District – despite the WMSESS clearly identifying the area as a critical market and recent strong levels of market activity in the District. Moreover, as the BCAs are now preparing plans independently and Birmingham is at the beginning of the process, should the Council consider it more prudent to address any additional unmet employment needs through a future Local Plan Review, the NPPF notes that:

“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period.” (Para 140) (Emphasis added)
- 2.88 It goes on to state that when defining Green Belt boundaries, plans should, where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period (Para 143c).
- 2.89 To this end, it is clear that through a future Local Plan Review the Council will need to release further employment land, either to address wider FEMA needs or the District’s. As shown in the ELNS Alternative Site Assessment, there are limited options for meeting these long-term needs outside of the Green Belt, by virtue of a majority of the sites that are adjacent to the SRN being within the Green Belt. As such, the permanence of the Council’s currently proposed Green Belt boundaries is in doubt, as it is very likely that the Council will again need to revisit releasing Green Belt land in due course. In this regard, the identification of additional safeguarded land will ensure that Green Belt boundaries will not need to be altered at the end of the plan period. Indeed, this is an approach that the Council

has previously adopted in the current Core Strategy (2012) (i.e. Policy GB2: Land Safeguarded for Longer Term Needs). Therefore, at the very least, Richborough considers that a reasonable alternative to allocating the Site in the current Local Plan Review would be to safeguard the land for future development. This approach would be entirely in accordance with the NPPF and will ensure that the Green Belt boundaries will not need to be reviewed again until the end of the next plan period (Para 143c, NPPF).

Why is the policy unsound?

- 2.90 In relation to employment development Richborough is concerned that draft Policy DS5 (The Spatial Strategy to 2039) as it is drafted is unsound. As set out in our response to draft Policy DS4 (Development Needs), Richborough does not consider that the Council's PP adequately identifies the District's objectively assessed needs for employment land or makes an appropriate contribution towards the unmet needs of the FEMA. As such, draft Policy DS5 (The Spatial Strategy to 2039) is not sound as it does not identify or allocate sufficient employment sites to provide for objectively assessed needs and those that cannot be met within neighbouring areas (Para 11b).
- 2.91 Whilst the Council's evidence base has discounted Richborough's Site, the above response has demonstrated that this analysis is poorly evidenced and not supported by justified evidence. At present, the Council runs the risk of potentially falling into a position where either the evaluation of reasonable alternatives in the SA and Site Selection Process could be interpreted to either have not been undertaken properly or to have been 'improperly restricted', in the context of the iterative process necessary for progressing a plan.
- 2.92 The supporting ELNA has clearly shown that there are no other 'sequentially preferable' strategic employment opportunities. As such, it is entirely reasonable to release 'high' performing Green Belt land at Gailey Lea to address the unmet employment needs of the FEMA – such an approach I entirely consistent with the NPPF. Richborough has demonstrated that the Site is deliverable within the supporting Vision Document, and the supporting EBA highlights the significant benefits the Site could deliver, whilst assisting the Council in addressing their objectively assessed needs and the unmet needs of the FEMA and wider region.

Recommended steps to ensure soundness

- 2.93 Richborough, therefore, requests the Council to consider a modification to draft Policy DS5 and draft Policy SA7 (Employment Allocations), which considers the issues raised within these representations. In particular, Richborough considers that the Council should allocate Land at Gailey Lea Farm for c.87 ha of employment development in the Local Plan Review. This would ensure that the PP is sound and compliant with paragraphs 11b, 17, 81 and 82c of the NPPF.
- 2.94 Alternatively, the Council could include a modification to the PP which inserts a new Safeguard Land policy which identifies 10 years' worth of safeguard land to ensure that safeguarded land will be available, if needed, as a buffer to ensure that the Green Belt boundary retains a degree of permanence. To this end, Richborough has suggested the below policy wording:

“Policy DS7 – Land Safeguarded for Longer Term Employment Needs

a) Safeguarded land has been identified for employment development for the period 2039 – 2049. This is at the four existing freestanding strategic employment sites at i54, Hilton Cross, ROF Featherstone/Brinsford and Four Ashes and Land at Gailey Lea Farm (Site Ref. E58).

b) All safeguarded land identified for longer-term development needs and removed from the Green Belt (including existing safeguarded land) will retain its safeguarded land designation until a review of the Local Plan proposes the development of those areas in whole or part. Planning applications for permanent development prior to allocation in the Local Plan will be regarded as departures from the Plan.”

2.95

This would ensure that the PP is sound and compliant with paragraphs 11b, 17, 81, 82c, 140 and 14c of the NPPF.