

**Cannock Chase Council:  
Cannock Chase Local Plan  
Representation Form**



Name of the Local Plan to which this representation relates:

Cannock Chase Local Plan

Please return to:

[planningpolicy@cannockchasedc.gov.uk](mailto:planningpolicy@cannockchasedc.gov.uk) or:  
Planning Policy, Cannock Chase Council, Civic Centre, PO Box 28,  
Beecroft road, Cannock, Staffordshire, WS11 1BG

Please return by:

5:00pm on Monday 18 March 2024 (late forms will not be accepted)

**Part A: Personal Details**

	1. Personal Details*	2. Agent's Details (if applicable)*
	*If an agent is appointed, please provide client Title, First Name, Last Name, Organisation (if applicable) and Post Town in column 1 and provide full contact details for the agent in column 2.	
Title	Mr	
First Name	Peter	
Last Name	Leaver	
Post Town		
Organisation (where relevant)	Nurton Developments Ltd	
Address Line 1	11 Waterloo Street	
Address Line 2	Birmingham	
Address Line 3		
Post Code	B2 5TD	
Telephone Number	07970 611 236	
E-mail Address	pjl@nurton.ltd	

**Do you consent to be notified about progress of the Cannock Chase Local Plan?**

Yes  No

Notifications: If you consent to be notified about progress on the Local Plan your details will be added to the consultation database. Your personal data will be held securely and processed in line with our privacy notice [www.cannockchasedc.gov.uk/privacynotices](http://www.cannockchasedc.gov.uk/privacynotices). Contact will be limited to information regarding planning policy and your data will not be shared. You may unsubscribe at any time by email or writing to us using the details on this form. Data will only be held until adoption of the Cannock Chase Local Plan.

For Office Use	Part A Reference	
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Making a representation: We cannot accept anonymous representations. You must provide your contact details but only your name and comments will be published on the website. Your personal data will be held securely and processed in line with our privacy notice [www.cannockchasedc.gov.uk/privacynotices](http://www.cannockchasedc.gov.uk/privacynotices). Once the plan is submitted your comments will be shared with the Planning Inspectorate and an independent inspector will review representations. You have the right to withdraw your representation and your data will be destroyed. Data will only be held until adoption of the Cannock Chase Local Plan.

## Part B: Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**. We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

### Part B: Representation

Name and Organisation:	Peter Leaver Nurton Developments Ltd
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#### Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

#### Q2. To which part of the document does this representation relate?

Para-graph:	6.129 – 6.139	Policy:	SO4.2	Site:		Policies Map:	
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#### Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant                      Yes:                       No:
- B. Sound    Yes:                       No:
- C. Compliant with the Duty to Co-operate                      Yes:                       No:
- (Please tick as appropriate).*

For office use	Part B reference	
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**Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.**

If you wish to support the legal compliance or soundness of the Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

## Introduction

1. Nurton Developments Ltd (NDL) made representations to the Preferred Options in respect of the allocation of employment land in March 2021. For ease of reference, these are attached.

2. At that stage, NDL contended that the approach taken in determining the provision of employment land, and the identification of sites to meet this need, was deeply flawed. This was for the following reasons: -

- *“The provision of a maximum of 50 ha sits at the bottom of the range set by the EDNA, with no justification provided as to why.*
- *No allowance is made by the Council for future losses of employment land, despite clear advice from the authors of the EDNA, Lichfields, to take this into account.*
- *Taking this into account, the projected need would range from 63 ha to 81 ha.*
- *The EDNA under-estimates the projected need on completions, with this projection leading to significantly less development than previously experienced.*
- *Policy SO4.2 makes no express provision for the logistics sector despite evidence provided by the EDNA and the guidance given in the Planning Practice Guidance (PPG) note.*
- *New allocations and potential windfall sites give a very limited range of sites, with no sites greater than 10 ha.*
- *No allowance is made for the potential non-delivery of sites.*
- *The largest allocation – Site E12 – is not considered to be viable by the ELAA due to a number of constraints”.*

3. The summary to the representations made to the Preferred Options stated: -

*“Policy SO4.2 significantly under-estimates the objectively assessed need for employment land for Cannock, with its approach not justified by the available evidence. It is clear that the objectively assessed need has been engineered to fit supply, rather than seek to accommodate and attract the quantity and quality of employment development likely to be demanded and/or required. In addition, it appears that the Council has not worked with other local authorities, particularly the Black Country and South Staffordshire, which are located in the same Functional Economic Market Area, to assess and identify the needs of the logistics sector and how best to meet those needs”.*

4. The representations to the Preferred Options concluded: -

*“This approach is plainly unsound and needs to be revisited before the next stage of the development plan-making process”.*

### Summary

5. The latest iteration of the draft Local Plan has increased the overall provision of employment land for the plan period (now extended by two years to 2040) to **up to** 74 ha. However, this assessment is still flawed for many of the same reasons as previously stated. It is clear that the Council has retrofitted again the need to balance its assessment of supply.
6. The assessment of supply is also flawed, both quantitatively and qualitatively. The accountancy is questionable and the assumptions about delivery are over-optimistic.
7. Moreover, there is still insufficient allowance made for the Big Box logistics sector. This is despite the publication of the West Midlands Strategic Employment Sites Study in May 2021, subsequent to the publication of the Preferred Options.
8. The true need is much greater and the supply far less than either portrayed or assessed. As such, there is a substantial shortfall between need and supply. If the Council is unable or unwilling to allocated further land to meet this shortfall, which may require additional Green Belt release, then it should work with its neighbouring authorities to identify alternative sites. Particular opportunities exist in South Staffordshire where the proposed M54 M6 Link Road intersects with the M6 at Junction 11.
9. These distinct elements are reviewed in greater detail in turn below.

### Need

10. Policy SO4.2 – Provision for New Employment Sites – states that the LPA will provide **up to** 74 ha of land for employment development. For reasons that are not made clear, paragraphs 1.8 and 1.13 of the draft Local Plan refer to a minimum of 69 ha.
11. The Employment Topic Paper (of December 2023) refers to a target of 74 ha (paragraph 5.1). It notes that this is a **minimum** figure, based on the latest economic growth forecasts (last bullet point to Paragraph 5.1), and

*“There is no justification in the EDNA to plan for a need below this figure.”*

12. The 5<sup>th</sup> bullet point to paragraph 5.1 notes also that the EDNA identifies a **higher target** of between 65 ha to 94 ha gross employment land. This is reported to take into account future likely losses of employment land to other uses (assumed to be 1 ha per annum). The 6<sup>th</sup> bullet point to Paragraph 5.1 adds that there could be a greater loss of stock during the plan period to 2040 due to the introduction of more stringent energy efficient targets.
13. This indicates that the quantitative need for employment land should not only be a minimum of 74 ha, but it should also be closer to the higher figure in the range (i.e. 94 ha). Indeed, there is a case it should be substantially greater than 94 ha.

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14. The need for 94 ha is the output figure for Scenario 8 of the EDNA. This scenario is based on completions (i.e. development of employment land) using long term past take-up rates. However, there are question marks about how this figure has been derived.
15. Table 4.19 of the EDNA identifies three principal elements, as follows: -
- Net of churn – 69.14 ha
  - Flexibility factor – 5.07 ha
  - Redevelopment of former employment sites for employment – 19.63 ha
  - **Total – 93.84 ha**
16. The net of churn baseline figure is based on an annual net long term take-up rate of 3.14 ha per annum over the period from 1996/97 to 2022/23 (paragraph 4.64 of the EDNA). However, this rate expressly excludes the development of the large Amazon warehouse at Rugeley in 2008/9. This development generated a unit of 700,000 sq ft on a site of 15.8 ha. This is considered by Lichfields to be an anomaly (paragraph 4.62 of the EDNA). It is difficult to understand the logic of this given the subsequent development of other large units in Cannock and the wider County of Staffordshire. Examples of other large units are provided in our previous representations. These include 6 units of a similar size in Staffordshire and 4 units averaging 200,000 sq ft in Cannock.
17. Clearly, the development of the Amazon unit should be included, rather than excluded. With the unit added, the average take-up rate increases to 3.73 ha per annum (paragraph 4.64 of the EDNA). This average factored up over the 22-year plan period projects a net requirement of 82.06 ha.
18. This figure is net of churn. Churn is described as new employment development on existing employment sites. This will add a further 19.63 ha. In addition, a flexibility factor of 5.07 ha, equating to two years' average annual take-up, is assumed. Once both are added, the projection based on long term take-up rates (including the Amazon unit) should be 106.76 ha (i.e. 82.06 + 19.63 + 5.07).
19. Arguably, this is still an under-estimation of future demand. Cannock has a limited reservoir of land and is restricted by the Green Belt. These two factors have particularly suppressed demand and constrained take-up over the last 3/4 years. In paragraph 3.14, the EDNA acknowledges "*there is a significant lack of available commercial and industrial floorspace across the District*". Reference is made also to industrial premises vacancy levels being relatively very low, at 2.5%. Other market signals, such as a rapid increase in market rents over the last 5 years, illustrate the imbalance of demand over supply.
20. All other scenarios, based on labour supply and demand models, make an allowance for the replacement of existing employment land projected to be lost to other uses (principally housing). This allowance equates to 22 ha (i.e. 1 ha per annum). However, for reasons that are not made clear, no such adjustment is made for either Scenario 7 or 8, which are based on past development completions. Instead, an adjustment is made only for churn (i.e. development of existing employment land for employment purposes).

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21. If such an allowance was made to Scenario 8, then the projections would be as follows: -

- Excluding Amazon – 115.84 ha (i.e. 93.84 + 22)
- Including Amazon – 128.98 (106.76 + 22).

22. In order to provide comfortably for the needs of Cannock, and enable investors, developers and operators a choice and range of sites, the requirement should tend towards the higher figure.

23. Qualitatively, no allowance seems to have been made for strategic warehousing in projecting need. This is despite the guidance contained in PPG and acknowledgement in the EDNA as to the strength of this particular market.

24. Paragraph 2a-031-20190722 of the PPG recognises the critical role played by the logistics sector and its distinct locational requirements. It urges LPAs to collaborate with other authorities to identify the scale of need and then consider and identify the most appropriate locations to meet such needs.

25. The EDNA contains a SWOT analysis (Section 2). The principal opportunity states: -

*“Logistics growth has remained strong and the move towards increased online retailing shows no signs of abating. Cannock Chase is very well placed relative to the strategic rail and road network to benefit from the increased demand for storage and warehousing space”.*

## Supply

26. The Employment Topic Paper identifies a number of sources of supply to meet the projected requirement. These sources, and the total level of land potentially provided, are summarised below in Table 1 below.

**Table 1 – Sources of Supply**

Source	Land (ha)
Completions – 1.4.2018 to 31.3.2023	16.59
Under construction as at 31.3.2023	3.43
Site with planning permission as at 31.3.2023	9.35
Agreed contribution from WMI	10.0
Allocations	18.06
Employment sites for intensification	15.91
<b>Total</b>	<b>73.34</b>

27. As the Employment Topic Paper acknowledges, this leaves a shortfall of 0.66 ha, assuming the requirement is 74 ha. However, there are a couple of issues concerning accountancy and delivery.

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28. With regards to accountancy, there has been an element of double-counting with sites with planning permission. With allocations, the Employment Topic Paper takes out those sites with planning permission. These are shaded yellow in Table 5 of the Employment Topic Paper and cover the following:

- Rugeley Power Station, Rugeley – 3.5 ha
- Land at the Academy Early Years Childcare, Brereton – 0.14 ha
- Hill Farm, Cannock Wood – 0.55 ha
- Land off Norton Green Lane, Norton Canes – 0.56 ha.

29. This nets down the allocations from 22.81 ha to 18.06 ha. However, the Employment Topic Paper does not carry out the same exercise for sites considered suitable for intensification (Table 6 in the Employment Topic Paper and carried forward by Policy SO4.3). The EDNA lists and describes sites with planning permission under paragraph 4.73. These include the following sites: -

- Former Hawkins Works – 0.78 ha
- Delta Way, Cannock – 0.47 ha
- Albion Works, Cannock – 0.69 ha
- Towers Business Park – 0.53 ha
- Granurite Ltd and Rugeley Tyre Service – 0.7 ha
- Power Station Road, Rugeley – 0.31 ha
- Cannock Wood Industrial Estate – 1.85 ha.

30. All of these sites are listed also by Table 6 and Policy SO4.3. This is a clear double-count and the sites should be removed from both Table 6 and Policy SO4.3. This would reduce the net potential for intensification on existing sites by 4.63 ha to 11.28 ha. It will also act to reduce total supply by the same factor to 68.71 ha.

31. This is less than the minimum figure for need of 74 ha, suggested by the Employment Topic Paper, and substantially less than the requirement figure we project – i.e. close to 130 ha. It also relies on all sites which are consented, allocated and identified for intensification being delivered during the plan period. This is most unlikely, with some sites not coming forward because of issues with availability or viability.

32. Qualitatively, the portfolio of sites – whether consented, allocated or identified – is principally made up of small sites less than 5 ha in size. Only two sites are greater than 5 ha. These are: -

- Kingswood Lakeside Extension 2, Norton Canes – 8.6 ha
- Watling Street Business Park Extension – 7.36 ha.

33. There are no sites greater than 10 ha. This is a particular gap in the market for Cannock. This is considered further in terms of strategic employment sites.

### Strategic Employment Sites

34. The West Midlands Strategic Employment Sites Study was published in May 2021. It concluded that there was a limited supply of available, allocated or consented strategic employment sites across the West Midlands and an “urgent” need for additional sites to come forward.
35. The Study identified 4 Key Locations for future strategic employment sites. One of these Key Locations is Area 4 – Black Country and southern Staffordshire. This location includes Cannock.
36. The Employment Topic Paper makes reference to this Study (paragraphs 3.8 to 3.12). It notes two potential sites in Cannock were identified, but neither site has been promoted. In paragraph 3.12, the Employment Topic Paper concludes: -
- “Therefore the high level need identified in this report would be met on land outside the district. A further update is in progress”.*
37. Because of the constraints in releasing additional land to meet either the quantitative shortfall between need and supply or the qualitative need for larger sites, to meet particularly the need for strategic warehousing, the District Council should work with its neighbouring Local Authorities to identify potential sites. Particular consideration should be given to South Staffordshire, which forms part of the same FEMA, and which is far less restricted in terms of development opportunities on major motorway junctions.
38. A particular opportunity exists just outside the District’s boundaries at Junction 11 of the M6 motorway. This junction is due to be upgraded as part of the proposed M6 M54 Link Road. Construction of this important piece of infrastructure for the sub-region is due to start this year. NDL is promoting a site at this junction, with capacity for 175,000 sqm (1.87 million sq ft) on a site of 43 ha (developable).

*(Please continue on a separate sheet if necessary)*



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**Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.**

Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy SO4.2 should be modified as follows: -

1. Refer to a requirement of 130 ha of employment land in order to meet its own needs.
2. Refer to a requirement to co-operate with other Local Authorities in its FEMA, particularly South Staffordshire, in order to meet any quantitative shortfall between need and supply.
3. Refer to a requirement to collaborate with other Local Authorities in its FEMA to assess how to meet the wider needs of strategic warehousing and identify suitable candidate strategic employment sites.

*(Please continue on a separate sheet if necessary)*

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.**

**Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?**

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

*(Please tick one box)*

**Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

The representations raise some serious and complex matters. Our participation at the relevant hearing sessions should help the appointed inspector to gain a full appreciation of the issues involved.

*(Please continue on a separate sheet if necessary)*

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**Please note:** *The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature:	Peter Leaver
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Date:	18.3.2024
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