

31th May 2024

South Staffordshire Council,
Community Hub,
Wolverhampton Road,
Codsall,
South Staffordshire
WV8 1PX

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

Dear Sir/Madam,

REPRESENTATIONS TO SOUTH STAFFORDSHIRE'S PUBLICATION PLAN (REGULATION 19) 2024 CONSULTATION

INTRODUCTION

CarneySweeney are instructed on behalf of St Francis Group (Featherstone 2) Ltd (our client) to submit representations to the South Staffordshire Publication Plan Regulation 19 consultation (referred to as the 'Publication Plan' hereafter).

As the authority will be aware from previous discussions and representations, our client is a landowner and developer of the former Royal Ordnance Factory (ROF) site at Featherstone which was granted planning permission on 14th October 2022 (planning reference: 20/01131/OUT) for redevelopment for employment uses (Use Classes E, B2 and B8). This allows for up to circa 159,000 sq.m. of mixed employment floorspace to be developed on an allocated site within the currently adopted Core Strategy and Site Allocations Document (SAD). Since the grant of the outline planning permission, reserved matters approval has also been obtained, granted on 23rd November 2023 (reference: 23/00378/REMM) for the construction of employment development (Use Class E, B2 and B8) for Plots 1-8, including details of appearance, scale, landscaping, layout, and the routing and profile of the internal access road, along with all associated works.

Following our review of the Regulation 19 consultation documents, the Publication Plan is not found to be sound. Whilst our client remains supportive of the general approach to the employment strategy in the Publication Plan and the policy support for the former ROF site as a strategic employment allocation (Employment Site Allocation E18 and Policy SA5), there are concerns with the soundness of the plan with regards to the following matters:

- Inset Map 51
 - A discrepancy regarding the extent of the 'Green Infrastructure' boundary in relation to the ROF site on Inset Plan 51 "ROF Featherstone".
 - The absence of the Access Road link to the A449 set out as an option in the 2018 Site Allocations Document and which has subsequently been granted planning permission.



- Policy EC2 seeks to retain employment sites, unless specific policy tests are met. However, the policy wording does not go far enough in allowing strategic employment sites to also be considered for alternative uses.
- Policy DS5 sets out the spatial strategy approach for delivering development, and with regards to the strategic employment sites, the policy wording for this element should make it clear that any proposals for alternative uses would be determined against the provisions of Policy EC2.
- Policy SA5 makes reference to “...without a full or reserved matters planning permission...”, which with the passage of time could become incorrect. The inclusion of this statement should therefore be removed.

Since the previous rounds of consultation, the Government has published a revised National Planning Policy Framework on 19th December 2023 (referred to as the NPPF hereafter). The transitional arrangements set out at Paragraph 230 of Annex 1 states the following:

“The policies in this Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements...”

As the emerging local plan has reached Regulation 19 consultation stage after the 19th March 2024, these representations have been prepared in line with the provisions of the NPPF published in December 2023.

Our representations on the above matters are set out below and we would request that the authority take on board our comments and make the requested amendments to the emerging local plan prior to submitting for Examination.

REPRESENTATIONS

Policies Map – Inset Map 51

There are discrepancies with the extent of the ‘Green Infrastructure’ boundary in relation to the ROF Featherstone site on Inset Plan 51 “ROF Featherstone”. We have previously made representations on this matter and note that some of the amendments have been reflected in the latest Policy Inset Map which is welcomed. However, there remains some outstanding discrepancies when reviewing Inset Map 51 against the planning approval for ROF Featherstone (reference: 20/01131/OUT) and reserved matters approval (reference: 23/00378/REMM).

As part of the reserved matters approval (reference: 23/00378/REMM), an Overall Site Plan (drawing reference: 15-062-RM-203V) and Landscape Masterplan (drawing reference: 6948.LM.03I) are approved under Condition 2. The purple ‘Green Infrastructure’ line extends beyond what forms part of the approved scheme by including land which would comprise ‘built development’ in the south.

To ensure consistency, we ask that the authority amend Inset Map 51 so that the boundary of the ‘Green Infrastructure’ reflects the extent of the outline and reserved matters planning approval (references: 20/01131/OUT and 23/00378/REMM) for the ROF Featherstone site. For ease of reference, appended to this letter is a copy of the approved Overall Site Plan (drawing reference: 15-062-RM-203V) and Landscape Masterplan (drawing reference: 6948.LM.03I) (please see Appendix 1).

We also note that the access road has not been included on Inset Map 51 which would extend into parts of the Green Infrastructure area to the west and across to the A449. This access route is currently shown in the adopted Site Allocations Document, and we therefore ask that the position of the access road is reinstated on Inset Map 51.



Any changes made to Inset Map 51 to address our above comments should also be reflected on the plans included at Page 223 and Page 246 of the Publication Plan Regulation 19 document.

Policy EC2: Retention of employment sites

Policy EC2 of the Publication Plan seeks the retention of employment sites, requiring development that would result in the loss of an existing designated employment area in whole or part; or a site/premises which is currently, or was last, used for industrial or commercial purposes to meet a specific criteria to permit an alternative use.

The supporting text for Policy EC2, whilst identifying the importance for protecting valued business premises and employment land, it does acknowledge that there may be circumstances where such sites have not come forward and an alternative use may be more appropriate. This is outlined at Paragraph 10.5 of the Publication Plan which states as follows:

"It is acknowledged that there may be specific circumstances where an existing business premises has been left unoccupied and is unviable, or where an employment allocation or permission has not come forward where an alternative use may be appropriate. It is important that the Local Plan sets out where this could be the case."

(underlining is our emphasis)

We agree with the Council's view to provide a policy mechanism to allow employment land, sites and/or allocations to come forward with alternative uses. Paragraph 10.5 also correctly makes reference to the point that there "...may be specific circumstances..." where an alternative use may be appropriate, with a further acknowledgement with regards to employment allocations or permissions not coming forward. However, the specific criteria within Policy EC2 does not fully reflect this latter part of Paragraph 10.5.

The specific criteria within Policy EC2 to be satisfied to support the principle of an alternative use is as follows:

"...

- a) *The retention of the site or premises for use classes E(g), B2 or B8 use has been fully explored without success. Proposed development that would see the loss of sites or premises should be subject to a period of marketing, with detailed evidence of the marketing undertaken submitted with the planning application. The length and extent of the marketing should be proportionate to the sites or premises importance to the local economy and should typically be for a minimum 12 month period on terms that reflect the lawful use and condition of the premises*

OR

- b) *The redevelopment would result in significant economic benefits to the area, for example by facilitating the relocation of a business to a more appropriate site in the district.*

..."

Part a) of Policy EC2 suggests that a marketing period would be required in all circumstances where an alternative use is being proposed. We do not believe that this is the Council's intention as there may be circumstances where sites cannot/have not come forward due to other reasons such as deliverability, funding, legal constraints.

Paragraph 10.6 of the Publication Plan discusses the requirement for a marketing period, and refers to a minimum 12 month marketing period in the instance where there is a lack of viability of an existing business, sites, plots, premises etc. We acknowledge that the requirement for a minimum marketing



period is not an unusual criteria for policies that seek to retain employment uses. However, the wording of Part a) Policy EC2 needs to make it clear the circumstances in which the minimum marketing period would apply i.e. for existing sites or premises, as opposed to allocations.

For Part a) of Policy EC2 to be sound, the wording should be amended to make reference to allocations, but more specifically for the marketing period to apply to existing sites or premises which would align with the provisions of Paragraph 10.6 of the Publication Plan.

Our requested amendments to Part a) of Policy EC2 are shown as inserts in red text below:

“ ...

- a) *The retention of the site or premises **or allocation** for use classes E(g), B2 or B8 use has been fully explored without success. Proposed development that would see the loss of **existing** sites or premises should be subject to a period of marketing, with detailed evidence of the marketing undertaken submitted with the planning application. The length and extent of the marketing should be proportionate to the sites or premises importance to the local economy and should typically be for a minimum 12 month period on terms that reflect the lawful use and condition of the premises.*

OR

- b) *The redevelopment would result in significant economic benefits to the area, for example by facilitating the relocation of a business to a more appropriate site in the district.*

...”

We have no comments to make on Part b) of Policy EC2. However, we do have a concern with the following paragraph included within the wording of Policy EC2:

“

...

There is a strong presumption that the strategic employment sites at i54 South Staffordshire; Hilton Cross, ROF Featherstone, Four Ashes, West Midlands Interchange and M6 Junction 13, Dunston are retained for employment use and used for employment purposes that accord with their allocation and/or substantive planning permissions and their strategic planning and economic objectives. Development proposals should be consistent with other Local Plan policies.

...”

It is our understanding that whilst the purpose of Policy EC2 is to retain employment sites, it allows such sites to be considered for alternative uses subject to meeting the specific criteria. The inclusion of the above paragraph conflicts with the principle of this policy as it suggests that the strategic employment sites are to be retained as such.

The provisions of Policy EC2 should be capable of being applied to all employment sites/land both existing and allocations whether they are strategic sites or not.

The delivery of strategic sites can be complex due to their scale and there could be various specific circumstances that may result in such sites needing to be considered for alternative uses. An example of this is our client's site at ROF Featherstone.

ROF Featherstone has been successful in securing planning permission for employment uses. However, obtaining planning permission is one part of the development process, with the deliverability of a site also a key component.



Since the previous round of consultation, this Publication Plan no longer proposes the allocation of the adjacent site known as Cross Green for development. The Cross Green site is currently in the control of Taylor Wimpey. The approved access to serve the ROF Featherstone site is via land within the control of Taylor Wimpey and following the deletion of the Cross Green allocation, the ability to deliver this access may be at risk. In this instance, if the deliverability of access to serve the ROF Featherstone site for employment uses is not possible, then this is an example of a 'specific circumstance' that would require the site to be considered for a viable and deliverable alternative use, which for the ROF Featherstone site would be for a residential use.

Policy EC2 should not preclude the ability for any existing strategic employment site or strategic employment allocation to be considered for alternative uses in the event a specific circumstance arises. To allow for this, the wording of the following paragraph within Policy EC2 should be amended to make it clear that the provisions of Policy EC2 would also apply to the strategic employment sites. This would also align with the principle of the policy set out at Paragraph 10.5 of the Publication Plan. Our requested amendment is shown as inserts in red text below:

...

*There is a strong presumption that the strategic employment sites at i54 South Staffordshire; Hilton Cross, ROF Featherstone, Four Ashes, West Midlands Interchange and M6 Junction 13, Dunston are retained for employment use and used for employment purposes that accord with their allocation and/or substantive planning permissions and their strategic planning and economic objectives. **Development proposals for alternative uses on strategic employment sites will also be considered against the provisions of this policy.***

...

For ease of reference and completeness, our requested amendments to Policy EC2 discussed above are shown as inserts in red text below:

Development that would result in the loss of an existing designated employment area (as defined on the policies maps) in whole or part; or a site/premises which is currently, or was last, used for industrial or commercial purposes (classes E(g), B2, B8 or related sui generis) will not be permitted unless it can be demonstrated that:

- a) *The retention of the site or premises **or allocation** for use classes E(g), B2 or B8 use has been fully explored without success. Proposed development that would see the loss of **existing** sites or premises should be subject to a period of marketing, with detailed evidence of the marketing undertaken submitted with the planning application. The length and extent of the marketing should be proportionate to the sites or premises importance to the local economy and should typically be for a minimum 12 month period on terms that reflect the lawful use and condition of the premises.*

OR

- b) *The redevelopment would result in significant economic benefits to the area, for example by facilitating the relocation of a business to a more appropriate site in the district.*

Proposals for alternative uses must not prejudice the continued operation and viability of existing or allocated employment areas and any other neighbouring uses.

If an existing employment use in a designated employment area is considered to be unviable and the applicant is seeking a change of use to an alternative employment use class, then a period of marketing must be evidenced with the planning application.

There is a strong presumption that the strategic employment sites at i54 South Staffordshire; Hilton Cross, ROF Featherstone, Four Ashes, West Midlands Interchange and M6 Junction 13,



*Dunston are retained for employment use and used for employment purposes that accord with their allocation and/or substantive planning permissions and their strategic planning and economic objectives. **Development proposals for alternative uses on strategic employment sites will also be considered against the provisions of this policy.***

Development proposals should be consistent with other Local Plan policies.

Policy DS5: The Spatial Strategy to 2041

Policy DS5 sets out the spatial strategy approach for delivering development during the plan period to 2041. In relation to the wording within the policy, which refers to the district's freestanding strategic employment sites, the policy wording for this element should make it clear that any proposals for alternative uses would be determined against the provisions of Policy EC2.

Policy SA5: Employment Allocations

Policy SA5 sets out the allocated sites to deliver the district's employment land requirements identified in Policy DS4, including ROF Featherstone (Site reference E18). However, the policy includes the following wording:

“ ...


The above sites represent those within the district's pipeline supply of sites as at April 2023 without a full or reserved matters planning permission, in addition to West Midlands Interchange.

...”

This sentence is irrelevant to the purpose of the policy wording and as demonstrated in the case of ROF Featherstone which has since received Reserved Matters Approval, will become immaterial with the passage of time. The inclusion of this sentence is not therefore necessary in the policy wording.

We trust that our representations will be taken into account as part of the ongoing preparation of the emerging Local Plan and would be happy to discuss these if this would be helpful.

Yours faithfully,



Kam Saini
Director
CarneySweeney

Enc.

Appendices

- Appendix 1 - Copy of Overall Site Plan (drawing reference: 15-062-RM-203V) and Landscape Masterplan (drawing reference: 6948.LM.03I) approved under reserved matters reference: 23/00378/REMM)

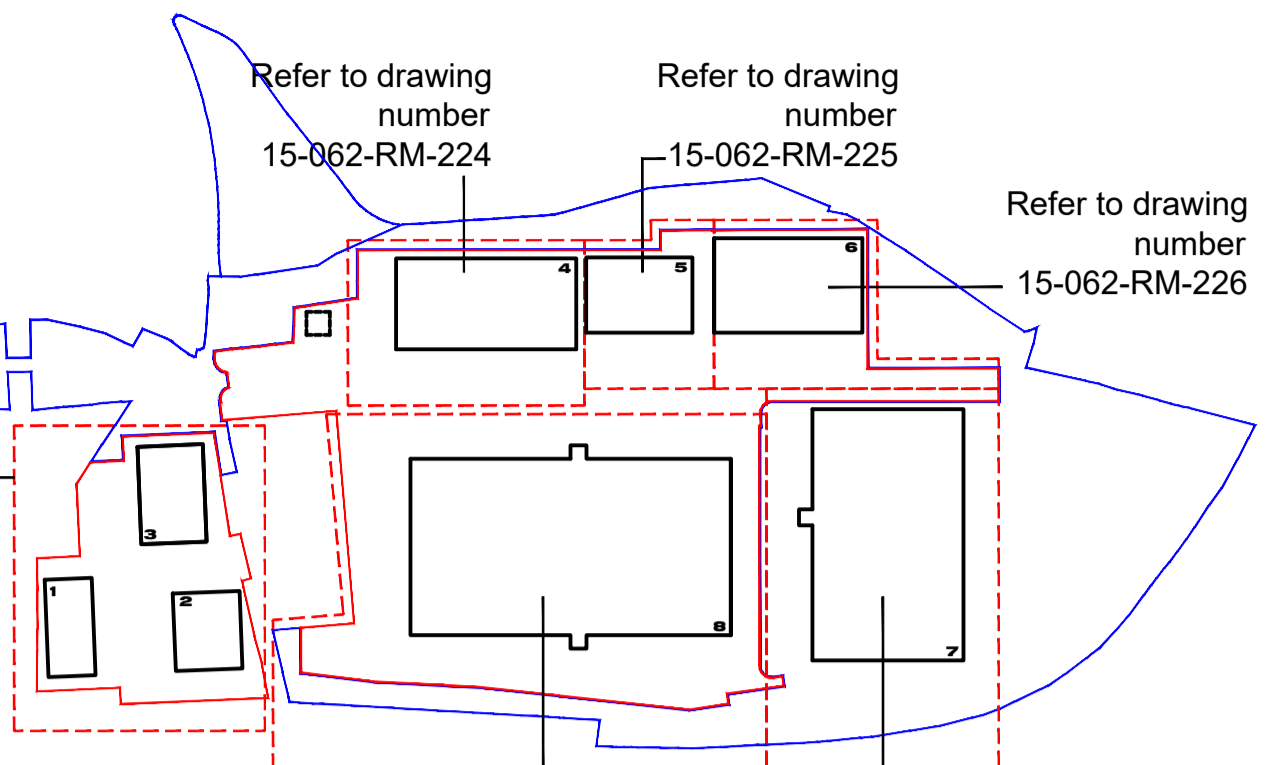
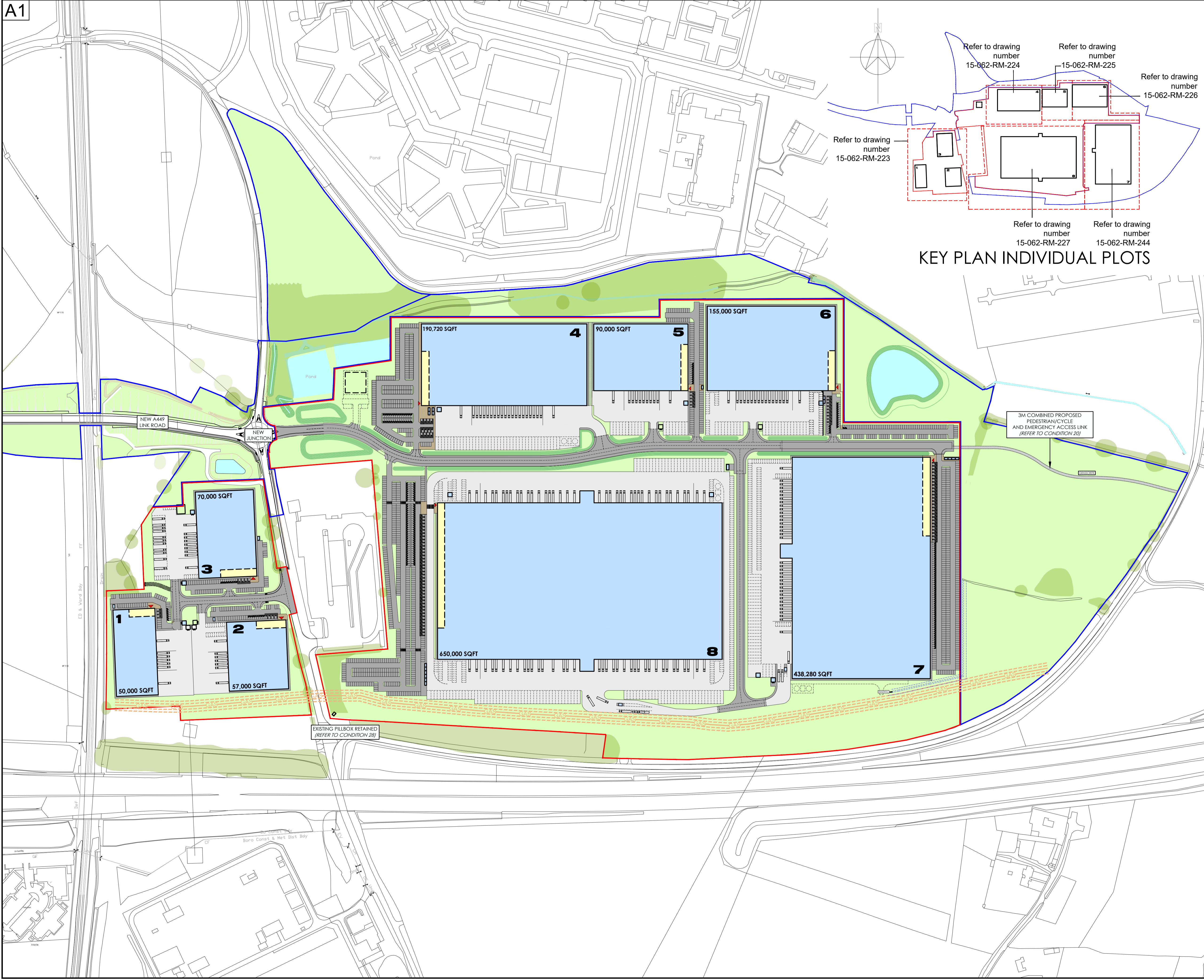


Appendices



Appendix 1





KEY PLAN INDIVIDUAL PLOTS

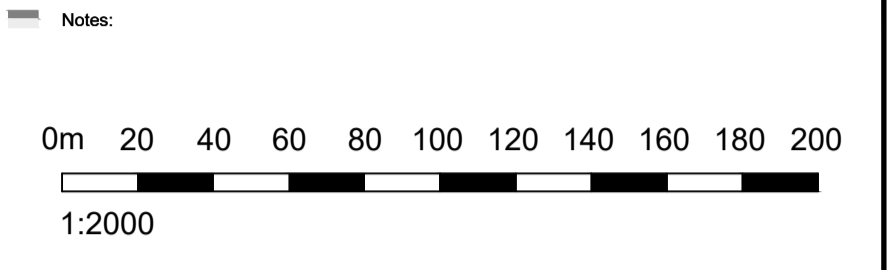
This drawing and the building works depicted are the copyright of BHP Design (UK) LTD. and may not be reproduced or amended without the written permission of BHP Design (UK) LTD. No liability will be accepted for amendments made by other persons.

The Contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before work starts. The Contractor is to comply in all respects with current Building Regulations, British Standard Specifications, Building Regulations, Construction (Design & Management) Regulations, Party Wall Act, etc. whether or not specifically stated on this drawing. This drawing must be read with and checked against any structural, geotechnical or other specialist documentation provided.

This drawing is not intended to show details of foundations, ground conditions or ground contaminants. Each area of ground relied upon to support any structure depicted (including drainage) must be investigated by the Contractor. A suitable method of foundation should be provided allowing for existing ground conditions. Any suspect or fluid ground, contaminants on or within the ground, should be further investigated by a suitable expert. Any earthwork construction shown indicates typical slopes for guidance only & should be further investigated by a suitable expert.

Where existing trees are to be retained they should be subject to a full Arboricultural Inspection for safety. All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accommodate the proposed tree planting.

Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage, design & planning/conservation regulations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey. Sketch proposals have not been considered in respect of CDM Regulations.



GENERAL SCHEDULE OF ACCOMMODATION:

UNIT 1:	50,000 SQFT GIA / 4,645 SQM GIA 52,500 SQFT GEA / 4,877 SQM GEA
UNIT 2:	57,000 SQFT GIA / 5,295 SQM GIA 59,850 SQFT GEA / 5,560 SQM GEA
UNIT 3:	70,000 SQFT GIA / 6,503 SQM GIA 73,500 SQFT GEA / 6,828 SQM GEA
UNIT 4:	190,720 SQFT GIA / 17,718 SQM GIA 200,256 SQFT GEA / 18,604 SQM GEA
UNIT 5:	90,000 SQFT GIA / 8,361 SQM GIA 94,500 SQFT GEA / 8,779 SQM GEA
UNIT 6:	155,000 SQFT GIA / 14,400 SQM GIA 162,750 SQFT GEA / 15,120 SQM GEA
UNIT 7:	438,280 SQFT GIA / 40,717 SQM GIA 460,194 SQFT GEA / 42,753 SQM GEA
UNIT 8:	650,000 SQFT GIA / 60,387 SQM GIA 682,500 SQFT GEA / 63,406 SQM GEA
TOTAL:	1,701,000 SQFT / 158,026 SQM 1,786,050 SQFT GEA / 165,927 SQM

PLANNING



Revisions: Amendment: Date: Name:

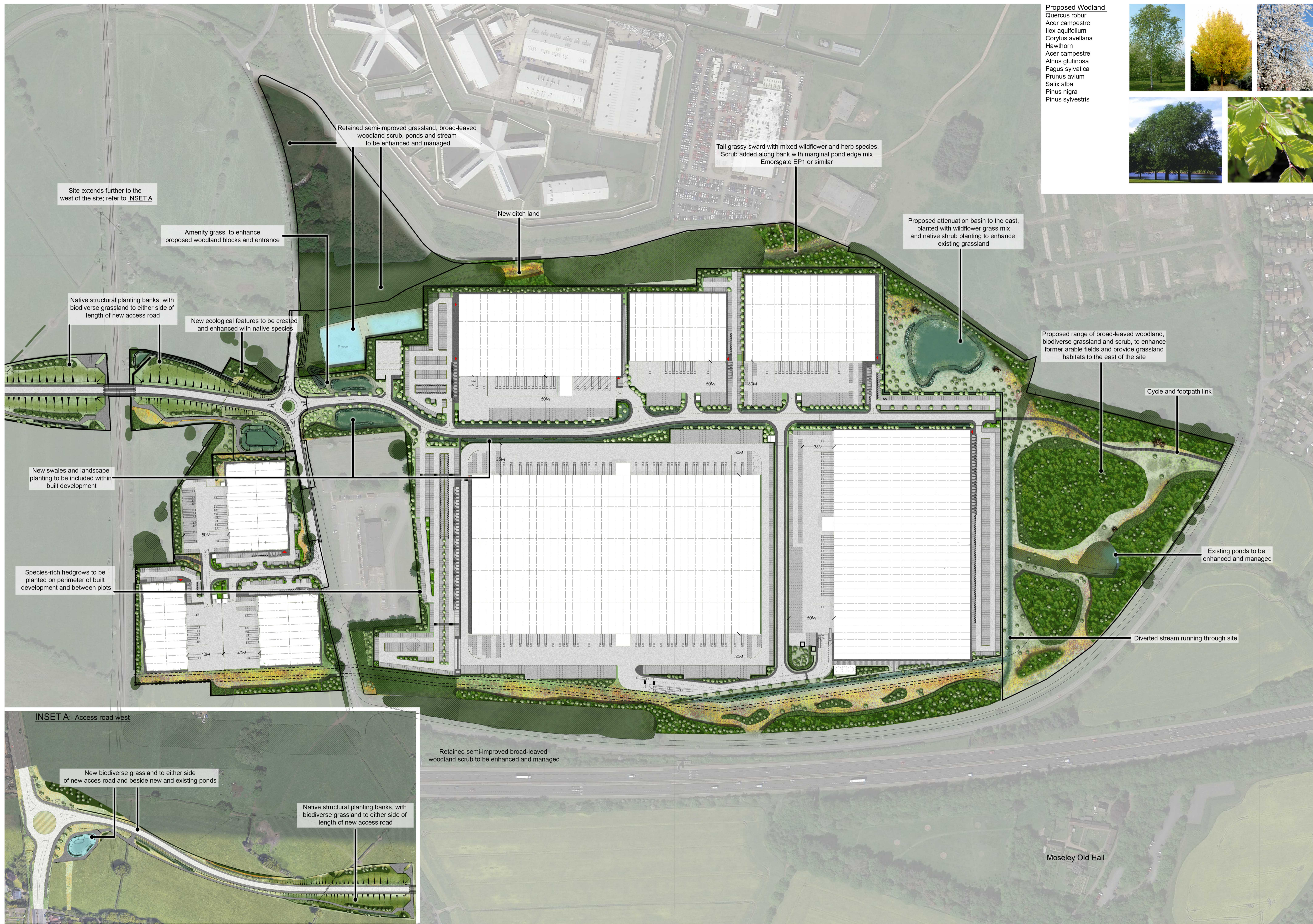
bhpdesign
St. Paul's Place, 40 St. Paul's Square, Birmingham,
B3 1FQ, United Kingdom
t. +44(0)121 314 6618 e. info@bhp-design.co.uk

CLIENT: ST FRANCIS GROUP (FEATHERSTONE 2) LIMITED

PROJECT: LAND OFF J1 M54 FEATHERSTONE WOLVERHAMPTON

TITLE: OVERALL SITE PLAN - AS PROPOSED

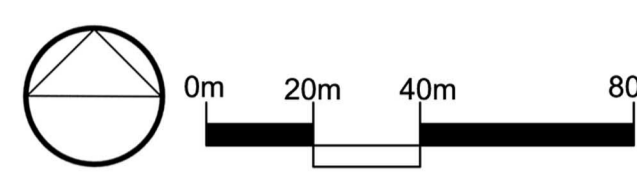
Scale:	1:2000@A1	Date:	APRIL 2022
Design:	-	Draft:	JC
Drw No:	15-062-RM-203	Revision:	V



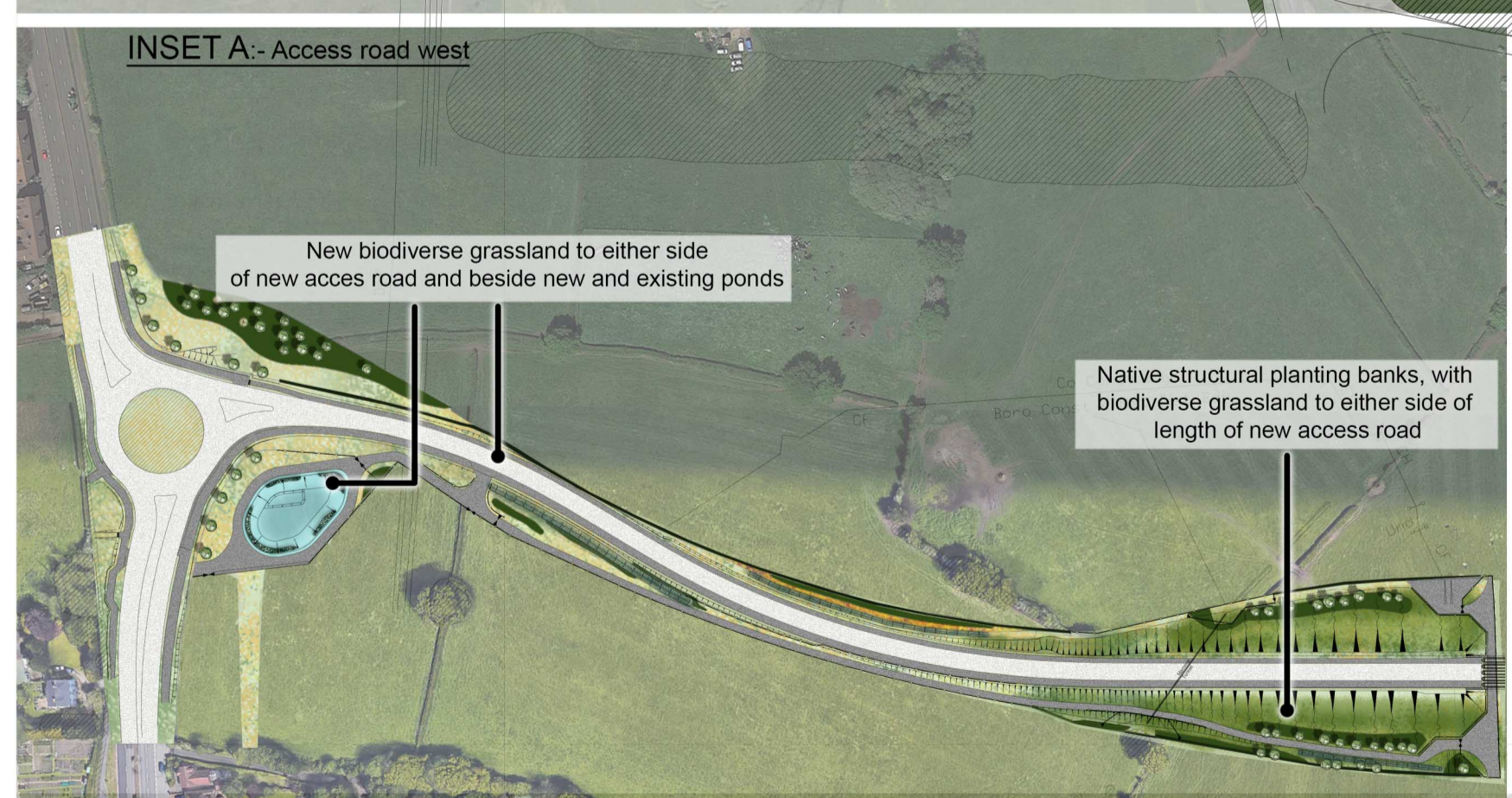
- Proposed Woodland**
- Quercus robur
 - Acer campestre
 - Ilex aquifolium
 - Corylus avellana
 - Hawthorn
 - Acer campestre
 - Alnus glutinosa
 - Fagus sylvatica
 - Prunus avium
 - Salix alba
 - Pinus nigra
 - Pinus sylvestris



NOTES:
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Office of Civil Engineering
Landscape Planning Ltd, West Court, Heddon Business Park, Newry, Banbury OX16 2JF.
Version: 10/2019
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- Key:**
- Retained Existing Vegetation
 - Proposed Structural Woodland Blocks
 - Proposed Structural Native Trees
 - Proposed Wildflower Grassland
 - Proposed Native Hedge
 - Proposed Street Tree Planting
 - Native Structural Planting
 - Slow Draining Attenuation Basin
 - Ecological features (existing and proposed basins/ponds)
 - Retained Grassland
 - Hibernacular
 - 2m wide hogging Cycle & Footpath link
 - Proposed Ornamental Shrub
 - Proposed Ornamental Hedge
 - Proposed Swale



REV	DATE	NOTE	Drawn
I	15.02.19	Updated vegetation around plot 7	EL
H	18.03.19	Updated to comments	EL
D	27.08.19	Updated to comments	EL
M	14.10.19	Updated to latest layout	EL
E	14.10.19	Updated to latest boundary	EL
D	07.02.20	Updated to landscape & amenity comments	SS
A	08.11.19	Updated to amenity comments	SS
B	14.11.19	Updated to latest layout and comments	NB
A	08.11.19	Updated to comments	SS

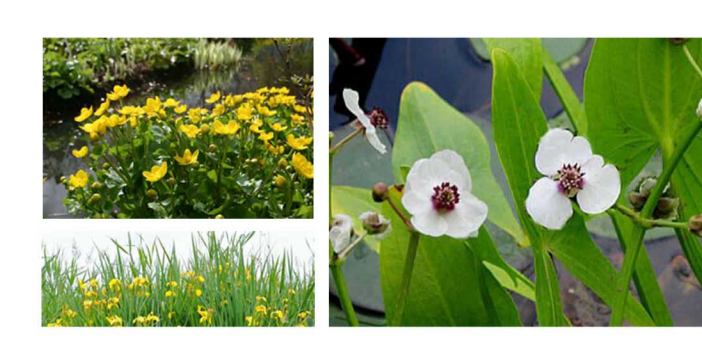
- Native Structural and Scrub Planting**
- Cornus sanguinea
 - Corylus avellana
 - Ligustrum vulgare
 - Prunus spinosa
 - Rhamnus cathartica
 - viburnum lanata
 - Viburnum opulus
 - Acer campestre



- Native Hedge Planting**
- Acer campestre
 - Crataegus monogyna
 - Ilex aquifolium
 - Corylus avellana
 - Ligustrum vulgare
 - Prunus spinosa
 - viburnum lanata
 - Viburnum opulus



- Marginal Planting Mix**
- Callitha palustris
 - Filipendula ulmaria
 - Iris pseudacorus
 - Juncus effusus
 - Potentilla palustris
 - Sagittaria sagittifolia



- Open Space Trees**
- Quercus Robur
 - Tilia Cordata
 - Tilia x euchlora
 - Fagus Slvatica
 - Corpinus Betula
 - Sorbus Aucuparia
 - Acer Campestre



- Species Rich Wildflower**
- Emorsgate EM2
 - General Purpose Meadow Mix, EH1
 - Hedgerow Mix & EM10 Tussock Mix
 - Marginal pond edge mix Emorsgate EP1



aspect landscape planning

TITLE
Featherstone, Wolverhampton
Landscape Masterplan

CLIENT
St. Francis Group (Featherstone 2)
Limited and Peveril Securities Limited

SCALE 1:2000@A1 DATE NOV 2019 DRAWN NB CHK'D CW

DRAWING NUMBER 6948/ LM / ASP3 REVISION 1