

South Staffordshire Local Plan Examination

Respondent No: AGT24-030-01-03

Position Statement by Nurton Developments Ltd

Matter 1: Procedural and Legal Requirements.

Issue 1: Whether the Council has complied with the relevant procedural and legal requirements.

*Sustainability Appraisal*

*Question 9d: How were the options considered through the Sustainability Appraisal for the following: -*

- i. The overall scale of housing and other growth.*
- ii. The broad distribution of development across the District.*
- iii. Potential allocation sites.*
- iv. Individual policy approaches?*

*Question 9f: Is consideration of reasonable alternatives and reasoning for rejecting alternatives clearly justified?*

1. The strategy of the draft Plan for the economy, specifically the allocation of employment land, is unsound, but capable of being addressed by amendment
2. The draft Plan allocates just one employment site – 17.6ha at Dunston Junction 13, M6. This site is located in the very northern part of the district and would primarily serve the local employment market for Stafford rather than the local market of South Staffordshire and the wider sub-region of the Black Country.
3. In doing so, the draft Plan is neither justified nor positively prepared as it fails to:-
  - Take into account and properly address the employment land needs of the whole district.
  - Contribute appropriately to the wider needs of the Black Country.
  - Properly respond to the clear recommendations of two regional studies to allocate additional strategic scale employment sites in this area.
  - Address the specific locational requirements of the freight and logistics sectors.
  - Align economic growth with planned infrastructure.
  - Identify and fill gaps in the market.
4. For these reasons, Strategic Objectives 2 (Employment Needs) and 6 (Economic Strategy) will not be realised by the proposed policies of the draft Plan. Therefore, the Plan will fail the relevant requirements and tests set out by the NPPF contained in paragraphs 8, 11, 23, 35, 86 and 87 and paragraph 29 of the PPG. This is considered in more detail in NDL's Position Statement to Matter 3. The plan is, therefore, unsound without modification.
5. The draft plan justifies its strategy by reference to a claimed supply (107.45ha) being greater than the assessed local need (62.4ha), with the surplus (45.2ha) being said to be sufficient for the purposes of contributing to the unmet needs of the Black Country. These figures are wholly unreliable based upon NDL's analysis. Properly assessed, there is in fact a substantial shortfall between local need and supply (i.e. a minimum shortfall of 86.6ha). This analysis is set out in detail in its Position Statement on Matter 4.

6. In addition, NDL has also identified a greater unmet need for the Black Country, following the publication of an update to the Black Country EDNA in November 2024 as part of the evidence base to the draft Wolverhampton Local Plan (Regulation 19). This increases the shortfall in unmet need from 153ha to 280ha. For reasons set out in its Position Statement for Matter 4, NDL considers this to be a minimum figure.
7. NDL has also expressed concern through the consultation process (and in its related Position Statements to this examination) that the clear recommendations of two versions of the West Midlands Strategic Employment Sites Study (Avison Young, 2021 and Icen, 2024) have been ignored without justification. Those reports provide the clearest possible evidence that there is a need for the local plan to identify and allocate additional large sites (greater than 25ha) to meet a specific need for large floorspace industrial and logistics users within the South Staffordshire and Black Country FEMA. This is also covered in more detail by NDL's Position Statement for Matter 4.
8. Consequently, NDL concludes that the Plan's approach to the spatial strategy, with particular respect to the economy and employment land, is unsound. The detail of these concerns is set out in NDL's Position Statement on Matter 5.
9. A further concern is the lack of any meaningful response to the M54/M6 Link Road in the Plan. Neither Section 4 (Vision and Strategic Objectives) nor Section 5 (Development Strategy) make reference at all to this proposed link road, let alone how land use proposals ought to be planned to take full advantage of it. In addition, the Sustainability Appraisal ('SA') inexplicably makes no reference to it at all, either in its analysis of employment growth options or its appraisals of employment distribution options. This is an obvious omission given that the link road has been long in preparation. The SA therefore fails to assess reasonable alternatives that would be well placed to take advantage to the improvement in the SRN within the district.
10. Its omission is symptomatic of the Council's overall approach to employment land provision, which has sought to downplay the need and demand for land and any external influence which will help to attract investment to the district and the wider sub-region.
11. There is a serious disconnect between the evidence base underpinning Policy DS4 and the need and supply of employment land which has resulted in a deeply flawed strategy. As such, NDL considers that the Plan is unsound on this basis. To remedy the position, the Council needs to:
  - Undertake a wholesale reconsideration of its approach to assessing and balancing local need and supply.
  - Immediately reopen collaborative work with its neighbouring authorities to ensure a sufficient quantity and quality of employment development, particularly strategic scale sites, is brought forward to meet the wider needs of the FEMA.
  - Identify and allocate additional new sites through Policy SA5 to meet the identified need.
12. With reference to the 2<sup>nd</sup> point, NDL is not arguing that there has been a legal breach of the Duty to Co-operate. Instead, NDL contends that the Council needs to engage with its ongoing policy obligations to engage with adjacent local planning authorities.

13. NDL considers the three separate elements of need it has identified – shortfall of local need, shortfall in unmet need for the Black Country, and a qualitative need for large strategic sites – amount to exceptional circumstances to warrant the release of Green Belt.
14. Given the tightly drawn inner boundaries of the Green Belt, which covers most of the district, the extent of need, and lack of sites outside of the Green Belt to meet, those needs will require the release of Green Belt in order to meet these needs. This is considered further in NDL's Position Statement on Matter 6.
15. In particular, the Council has failed to properly assess the opportunity that exists at Hilton Park, Junction 11 M6, which go a considerable way to meet the local and strategic needs for employment land. Evidence submitted on that site's suitability and deliverability has been seemingly ignored and inexplicably no account has been taken of the effect of the improvements to the SRN afforded by the M54 M6 link road which will clearly compromise the contribution this part of the Green Belt will make. This is considered further in NDL's Position Statement on Matter 6.
16. Its omission is illustrative of the wider soundness issues with the Plan. Hilton Park is the most obvious employment site opportunity in the district due to its location, its relationship with planned infrastructure improvements (i.e. the M54 M6 link road), and its scale. Its attributes, and criticism of its assessment by the Council, is covered in detail in NDL's Position Statement to Matter 7.
17. However, this flaw can be readily remedied by the identification and fair and reasonable assessment and allocation of new employment sites. Hilton Park is perfectly placed to deliver the land needed to meet this requirement in the most sustainable fashion, and help to address the serious strategic shortcomings of the plan.

PJL

10 April 2025