

Consultation Response

Our ref 64392/02/CGJ/NPv
Date 4 September 2025
To South Staffordshire
From Lichfields obo Richborough Estates Ltd

Subject Matter 2 Supplementary Submission Response obo Richborough – Land at Gailey Lea

1.0 Introduction

- 1.1 This document, prepared by Lichfields obo Richborough Estates Ltd, responds to the supplementary materials submitted by South Staffordshire Council in relation to Matter 2 Duty to Cooperate that was examined in May 2025 and is now subject to a supplementary consultation ending on 5 September 2025.
- 1.2 This submission relates to Richborough's interest in land at Gailey Lea Farm, Gailey Lea Lane, South Staffordshire, solely.
- 1.3 Richborough seeks to work constructively with the Council and the Inspectors as the Examination of the Plan progresses to ensure that all the latest evidence has been taken into consideration in informing the Publication Plan and that sufficient employment land provision is identified to meet the employment needs across the area.

2.0 Matter 2 Duty to Co-operate

- 2.1 The NPPF (2023) 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, as evidenced by the statement of common ground"* (Para 35c) [emphasis added].
- 2.2 In this context, a series of Duty to Co-operate Statements have been signed by South Staffordshire and each of those authorities identified as having strong or moderate economic links, including those authorities within the South Staffordshire FEMA, the Black Country FEMA and the wider West Midlands region.
- 2.3 The Council has provided the details of the processes followed through the DtC engagement between 2020 and the Plan's submission in December 2024 in the *Supplementary Note to the South Staffordshire Local Plan Examination 2025 – Matter 2 (Action 2.1)* (SST/ED32A).

- 2.4 Richborough does not comment on the Council's procedural approach in terms of the adequacy of the meetings and the liaison with all the authorities required for the purposes of cross-boundary collaboration. In our Matter 2 Hearing Statement, we stated clearly that although the Council has, at face value, liaised with the various bodies over time throughout the preparation of the Publication Plan, the outcome of this has not been effective – i.e. the Publication Plan does not have regard to the strategic evidence (namely West Midlands Strategic Employment Sites Study – EB92) published in August 2024 (i.e., four months before the publication of the Plan), which highlights a significant increase in the employment land needs across the area and the necessity to allocate more strategic sites.
- 2.5 The publication of SST/ED32A confirms our original submissions. At para 2.15 (pg 83), the Council states:
- “The issue of unmet employment land needs shaped the Plan from the start of plan preparation in 2018.”*
- 2.6 Although the Council was one of the commissioning authorities for the strategic employment needs evidence, and in all likelihood, the Council had this information (even before the publication of its employment evidence in August 2024) about the increasing employment requirements and the need to allocate more strategic sites to accommodate those needs, the Publication Plan does not deal with these issues.
- 2.7 In addition, the latest evidence of the Black Country FEMA published in November 2024 indicates a nearly 20% increase in the OAN for employment land within the Black Country, with uplifts in all four local authority areas, and a requirement for some 634.7 ha. This evidence is also deferred by the Publication Plan on a similar basis to the aforementioned West Midlands strategic study.
- 2.8 Taken together, it is clear that the Publication Plan does not make a proportionate contribution to the unmet needs in the FEMA based on both the Black Country FEMA and the West Midlands evidence, and this is in addition to the underestimate of internally-derived needs as discussed in our Matter 4 Hearing Statement and discussed during the Examination Hearing.
- 2.9 Richborough has significant concerns in relation to the context of the DtC and questions why the full suite of needs evidence, although it was available at the time of the preparation of the Publication Plan, has not been reflected. In contrast, it is acknowledged by the signatory authorities, including South Staffordshire District Council, through the various statements that the strategic needs evidence has not been considered appropriately, nor has it had any bearing on the Publication Plan, other than to indicate that a Local Plan Review will be required in due course (ST/ED12). This clearly conflicts with NPPF Para 35c (see above paragraph 2.1).
- 2.10 In this context, the Duty-to-Co-operate process has not been effective in terms of actually translating into a sound basis for employment land provision to meet the needs of the FEMA. Accordingly, the evidence demonstrates clearly the need for additional employment land to meet the strategic requirements across the area. In particular, EB92 provides significant new evidence on the requirements for strategic employment land provision to

meet manufacturing and logistics needs on sites of at least 25ha (and ideally larger) and has specifically indicated the need for two road-based strategic sites totalling about 75ha in the area around M6 Junction 12, which is highlighted as one of the top 50% scoring junctions for new strategic provision. In this context, the promoted land at Gailey Lea Farm is ideally suited in terms of scale, type and location to satisfy the additional needs that have been identified and, on this basis, the allocation of Gailey Lea Farm is required.

- 2.11 In the absence of a specific additional allocation for Gailey Lea Farm – given the significant level of unmet and strategic employment needs identified and the paucity of readily available land for large scale employment provision – Richborough considers that an additional policy which provides a clear basis for decision-taking subject to evidence of immediate needs for employment land and/or additional strategic site requirements identified within the WMSESS is necessitated. The suggested form of words of such an approach is set out below:

“Policy DSx – Additional Employment Land

Significant weight will be given in decision-taking for employment development proposals where the following criteria can be demonstrated:

- i) *there is evidence of employment needs that cannot otherwise be met by existing supply or allocations; or*
- ii) *there are unmet strategic site requirements identified by the West Midlands Strategic Employment Sites Study (2024 or successor reports) in relation to South Staffordshire (Opportunity Area 2) and the relevant FEMA.”*

- 2.12 Alternatively, the Council could include a modification to the 2024 PP which inserts a new safeguarded land policy 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. This should safeguard those sites indicated by the strategic evidence, including Gailey Lea Farm (E58). Linked to this, the Council would be expressly committed, by adopted policy, to undertake an early review of the Plan. In Richborough’s view, an early review mechanism secured by way of a policy requirement would prove far more effective than simply relying on the statutory requirement of NPPF paragraph 33:

“Policy DSx – Land Safeguarded for Employment Needs

a) Safeguarded land has been identified for future employment development. 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.

b) All safeguarded land identified for employment needs and removed from the Green Belt (including existing safeguarded land) will retain its safeguarded land designation until a review of the Local Plan to commence within 12 months of the adoption of this Plan proposes the development of those areas in whole or part.”

- 2.13 These are approaches adopted in other Local Plan Examinations (for example, North Warwickshire¹ and North West Leicestershire²) to enable the soundness of the Plan in authorities where the employment needs were not met through the local plan.
- 2.14 In relation to the Council's supplementary response, we note that the Council received a specific request from the Association of Black Country Authorities (ABCA) in a letter dated 26.04.2022 (included at SST/ED32C, Part 1, pg 95) to consider the need for an early review mechanism in relation to employment land needs:
- "Common to both the housing and employment land shortfalls is the final element of our strategy – for Local Plans to include an early review mechanism. This is important given the potential for there could continue to be a shortfall following the current round of Local Plan preparation. This shortfall should trigger the detailed evaluation of opportunities identified from the recommendations of the proposed work outlined above in relation to both housing and employment land through updated Local Plans. This approach has been used in a number of West Midlands Local Plans - most recently Wyre Forest, Stratford on Avon and North Warwickshire. **We consider that a failure to include an early review mechanism is a serious omission and must be addressed in order for the Plan to be sound**" [emphasis added].*
- 2.15 The Council's response (included at SST/ED32C, Part 1, pg 95) states:
- "Given the significant land supply constraints affecting the District the need for an early review would have to depend on the outcomes of future evidence base documents (e.g. updates to the Strategic Growth Study and the regional strategic employment evidence base).... The outcomes of these processes cannot be prejudged and so it cannot be automatically assumed that South Staffordshire's Local Plan Review will require an early review at this point."*
- 2.16 Given that the Council specifically received a request for an early review mechanism from the Black Country authorities, and now has knowledge of the findings of the updated regional employment land evidence (which confirms an employment land requirement nearly 20% higher than previously), it is clear that an early review mechanism should be included in order for the Publication Plan to be found sound.
- 2.17 Synthesising the above, Richborough considers that given the current and future unmet demand for employment space in the area, and combined with the site's key advantages to accommodate employment space for both strategic and local industrial and logistics space, the land at Gailey Lea Farm comprises the best contributor to accommodating the needs identified by the latest employment evidence.

¹ See para 177-180 of Inspector's Report <https://www.northwarks.gov.uk/downloads/file/281/local-plan-2021-inspectors-report>

² See North West Leicestershire Local Plan Policy S1 and the justification paragraph 5.8, pg23

https://www.nwleics.gov.uk/files/documents/north_west_leicestershire_local_plan_as_amended_by_the_partial_review1/Adopted%20Written%20Statement%202021%20-%20public%20copy%20%284%29.pdf