



Proof of Evidence

On behalf of
Stop the West Midlands Interchange

1.PLANNING REPORT

In respect of the proposed West Midlands Strategic Rail
Freight Interchange



Introduction

This evidence has been prepared by 'Stop the West Midlands Interchange' a local community group opposed to the proposed West Midlands Strategic Rail Freight Interchange (SRFI) in South Staffordshire.

The proposed SRFI will be built on 260 hectares (643 acres) of Green Belt land.

The community group was set up to represent the views of local residents. The group comprises of professional experts and local residents. It also has political support from Gavin Williamson (South Staffordshire MP) and Jeremy Lefroy (Stafford MP), South Staffordshire District Council and all the local Parish Councils.

The Group currently has over 2500 supporters from the neighbouring communities that will be directly or indirectly affected by the proposed development, these include the communities of Gailey, Four Ashes, Calf Heath, Hatherton, Penkridge, Brewood and Coven.

We do not propose to repeat the objections made by the local authorities, statutory and non consultees and political leaders, we are merely seeking to offer a local perspective and provide our own views on this proposal, which is supported by evidence and the professional opinion of technical experts.

This report focuses on the Planning and Green Belt issues that should be considered in the determination of this planning application. This report should be read in conjunction with the other reports being prepared by the group on the following matters:-

- Railway Infrastructure;
- Highways;
- Health impact / Air Pollution;

- Environment & ecological issues;
- Tourism / recreational issues;
- Agriculture;
- Location;
- Supporting Information; and
- Answers to the Inspector's Questions

SUMMARY OF OUR OBJECTIONS

We object to the proposed development on the following grounds:

- **Inappropriate development in the Green Belt.** The proposal is inappropriate and is by definition harmful to the Green Belt. In line with policy guidance, substantial weight must be given to such harm. The proposal also conflicts with one of the five purposes of Green Belt, as stated in the NPPF; namely 'to assist in safeguarding the countryside from encroachment';
- **Very Special Circumstances (VSC) have not been demonstrated.** The applicant has not demonstrate that there is a lack of alternative sites or there is need for this development at the proposed site or within South Staffordshire.
- **Contrary to Local and National Planning Policy.** The development is contrary to adopted Local Plan, NPPF and the National Policy Statement for National Networks (NPS NN 2014).
- **Environmental Conditions.** These are required if consent is granted to protect amenity
- **Draft Development Consent Obligation.** If consent is granted no stand-alone warehouse development should be permitted in advance of a satisfactory solutions to pollution and network capacity issues.

These reasons are addressed in detail below.

1. PLANNING CONTEXT

The application site falls entirely within the administrative area of South Staffordshire Council. The Development Plan for this area comprises of the following documents:-

- South Staffordshire Core Strategy (adopted 2012);
- Site Allocations DPD (adopted 2018);
- Green Belt and Open Countryside SPD (adopted 2014); and
- Historic Environment Character Assessment (adopted 2011)

In addition to the Development Plan there are a number of material considerations, these are listed below:-

- National Planning Policy Framework (NPPF) (2019);
- National Planning Practice Guidance (NPPG) (2016); and
- National Policy Statement for National Networks (NPS NN) (2014).

The Development Plan does not have a policy which identifies a specific site for a Strategic Rail Freight Interchange in South Staffordshire. There are, however, generic policies within the Development Plan relating to controls of development within the Green Belt and giving preference to development on previously developed land (brownfield land) in sustainable locations.

Relevant Core Strategy Policies

The Spatial Strategy for the District is set out in Strategic Objectives 1 and 2, which seek to protect the Green Belt and aim to retain and reinforce the current pattern of development, together with Core Policy 1, which identifies how development will be focussed in the most sustainable locations through the settlement hierarchy and confirms that the Green Belt will be protected from inappropriate development.

Policy GB1 sets out the circumstances where development acceptable within the terms of national planning policy set out in the NPPF will be allowed in the Green Belt.

Core Policy 2 confirms that the Council will support development which protects, conserves and enhances the District's natural assets and this is expanded in Policy EQ1.

Policy EQ3 sets out the means by which the conservation and enhancement of South Staffordshire's historic environment will be achieved.

Policy EQ4 is clear that the intrinsic rural character and local distinctiveness of the District should be maintained and/or enhanced where possible, but proposals should be consistent with other local planning policies.

Core Policy 3 requires development to cater for the effects of climate change and minimise environmental impacts.

Policy EQ5 and EQ7 seek to ensure that impact on the environment is minimised and that proposals do not have a negative impact on water quality.

Policy EQ9 considers the amenity of residents near to proposed development, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

Policy EQ10 seeks to protect the public, land uses and the natural environment from proposals which would be detrimental to public health or amenity.

Core Policy 4 and Policies EQ11 and EQ12 expect development proposals to achieve a high quality of both the design of buildings and their landscape setting and set out the criteria that will be applied when assessing the design and landscaping of a proposal.

Core Policy 7 supports measures to sustain and develop the local economy of South Staffordshire, whilst Core Policy 9 supports the social and economic needs of rural communities within the District. Policy EV5 sets out the criteria where proposals for employment development outside development boundaries will be supported.

Core Policy 11 seeks to ensure that accessibility will be improved and transport choice widened by ensuring that new development is well served by a choice of transport modes, including public transport. Policy EV11 elaborates on the measures required to provide for sustainable forms of transport to access the site and Policy EV12 identifies the criteria for assessing appropriate provision for off street parking.

Core Policy 13 supports initiatives that promote the safety of people, both in their own homes and in the community. In particular, the design of all developments must take account of the need to reduce the opportunities for crime and fear of crime. Policy CS1 advises on ways this may be achieved.

National Planning Policy Framework (NPPF)

The NPPF was revised in February 2019 and sets out the national agenda for delivering a sustainable planning system. The following paragraphs of the NPPF are particularly relevant to this application.

Section 2 emphasises ‘the presumption in favour of sustainable development’. For decision taking this means approving development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this framework indicate development should be restricted.

Section 12 emphasises the importance of good design as a key aspect of sustainable development, being ‘indivisible from good planning’.

Section 13 concerns protecting Green Belt land and confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The five purposes of including land within the Green Belt are defined. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings in the Green Belt should be regarded as inappropriate, except in a limited set of circumstances, which are detailed.

Section 14 requires local authorities to adopt proactive strategies to mitigate and adapt to climate change. Section 14, paragraph 170 identifies the principles to be applied to conserve and enhance biodiversity when determining planning application.

Section 16 emphasises that Local Authorities should recognise that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.

2. INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

The scheme seeks permission for the construction of 743,200 square metres (sq m) of new warehousing on 260 Hectares (643 acres) of green belt land.

Policy GB1 of the Council's Core Strategy (Adopted December 2012) (CS) states that within the Green Belt, development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted. The policy goes on to describe specific types of development where this approach would apply. A 'SRFI' is not one of the "appropriate" uses described.

Paragraph 145 of the National Planning Policy Framework (Framework) states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. As with Policy GB1 of the CS, a 'SRFI' is not one of the exceptions described.

Paragraph 144 of the Framework makes it clear that substantial weight should be given to any harm to the Green Belt and that ‘very special circumstances ‘ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Openness

‘Openness’ is an essential characteristic of the Green Belt. It can be considered as meaning an absence of built or otherwise urbanising development and is different to ‘visual impact’. The site is currently undeveloped and contains no buildings. The proposed scheme proposes significant components of built development, consisting of 743,200 square metres of warehousing. Therefore, the proposal will materially harm the openness of the Green Belt. This impact on openness will be permanent and harmful and, therefore, it should attract substantial weight. The harm to ‘Openness’ in this case is exacerbated by the height of the buildings proposed.

Five Green Belt Purposes

Paragraph 134 of the NPPF sets out the five purposes for including land within the Green Belt as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

We consider that the proposal conflicts with the third purpose, namely encroachment in the countryside. Whilst some of the site would remain undeveloped, the introduction of 743,200 square metres of warehousing will lead to encroachment into the countryside. The proposal would therefore conflict with one of the purposes of

including land within the Green Belt (paragraph 134 of the Framework). This element of harm should be given substantial weight.

Very Special Circumstances

In order to demonstrate very special circumstances (so as to justify the grant of planning permission for inappropriate development in the Green Belt), the applicant must demonstrate factors which clearly outweigh the harm caused by the application. In the absence of a demonstration of very special circumstances, the scheme will be in breach of local and national policy and should not be granted consent.

The requirement for promoters of strategic rail freight interchanges to demonstrate very special circumstances to justify planning consent for inappropriate development in the Green Belt is set out in paragraph 144 of the NPPF and paragraph 5.178 of the NPS NN.

Very special circumstances are not the benefits associated with the proposal, but the result of benefits clearly outweighing the harm.

The applicants have put forward five main factors, which they consider, either individually or cumulatively, clearly outweigh any harm to the Green Belt by reason of its inappropriateness and any other harm. These are: -

- A) Need;
- B) Absence of Alternative Sites;
- C) The Green Belt policies in SSDC are out of date; and
- D) The sustainability benefits of SRFIs and Economic benefits.

A) Need

The planning application has been accompanied by a planning statement which has put forward a the case for need based on national policy support.

We have reviewed the evidence put forward by the applicant and have found no evidence of a local need for the SRFI at the proposed site or within South Staffordshire. Furthermore, we can find no recent evidence to support the statements made in paragraphs 3.3.1 and 3.3.2 of the applicant's planning statement that there is urgent identified need.

Paragraph 3.3.1 of the Planning Statement states:

'A review of the local and regional policy set out in the Planning Statement demonstrates that the importance of providing capacity for strategic scale rail interchanges to serve the West Midlands, particularly to the north west of the Birmingham/Wolverhampton conurbation, has been long understood. However, notwithstanding the urgency of the identified need, no policy progress has been made to secure the development of rail served sites and the scale of the identified shortfall remains outstanding. As demonstrated by the map of the national network (at Figure 1), there are no new or planned SRFIs in the West Midlands, apart from WMI.'

Paragraph 3.3.2 of the Planning Statement states:

'Since 2004, successive policy documents have demonstrated a need for strategic scale rail interchange facilities in the West Midlands. Furthermore, the "Black Country and southern Staffordshire" has consistently been identified as one of the best locations for a development of the scale and function of WMI. However, given the scale of required development, the Development Plan process has established that a site of an appropriate size cannot be found in the Black Country.'

The 2004 West Midlands Regional Logistics Study and its update in 2009 identified a need for a new rail-linked Regional Logistics Sites. However, these reports are now out of date and a number of rail freight terminals have since been built, most notably at Birch Coppice, Warwickshire, Telford International Rail freight Park, Telford, Knowles Road, Wolverhampton and Pentilver Way, Cannock. This is further supported by paragraph 2.57 of the NPS NN (2014) which states:

‘Existing operational SRFIs and other intermodal RFI’s are situated predominantly in the **Midlands** (our emphasis) and the North’.

The West Midlands Freight Strategy (2016) does not demonstrate a need for a new SRFI in South Staffordshire.

It our view that the West Midlands Region is already well served by SRFI’s and, therefore, there is no need for another one. Furthermore, we are fully aware of other proposals for SRFI’s and RFI’s in the West Midlands Region.

In the Black Country Urban Capacity Review (May 2018) only a very brief reference is made to the SRFI. It states in paragraph 2.2.9:

‘There remains a specific need for large scale, rail-based logistics provision to serve the Black Country, and in the absence of any suitably large sites within the administrative area, the proposed West Midlands Interchange located at Four Ashes in South Staffordshire has the potential to satisfy some or most of this need. Discussions with South Staffordshire Council on this issue are on going and will continue under Duty to Cooperate work’.

The Black Country Urban Capacity Review (2018) does not provide any evidence to demonstrate the need or that there is a lack of large sites within the administrative area to meet this need. Consequently, no weight should be given to this document.

If there was a compelling and urgent local need for the SRFI in the *north west of the Birmingham/Wolverhampton conurbation*, we would have expected there to have been some policy progress and support for it. We would have also expected the respective Local Planning Authorities to have carried out a detailed site search to identify potentially suitable sites. This has not happened.

A development of this importance should be formally identified at a strategic level and promoted through the Local Plan Process. Allowing speculative planning applications that are contrary to national and local planning policy undermines the

integrity of the plan making process and the public's confidence and trust in the planning system.

In summary it is our view that a compelling need for this scheme, either in this particular location, or in the District as a whole, has not been demonstrated conclusively by the applicant.

B) Absence of Alternative Sites

An Alternative Site Assessment and Market Assessment was submitted with the planning application, which asserts that the search area has been centred on the area of greatest need and there is an extreme shortage of large scale, rail served employment land for distribution or other uses in the search area. We disagree with both points.

The search area focuses on the north west of the Birmingham/Wolverhampton conurbation and extends north to include the Wolverhampton to Stafford rail corridor.

With regards to the Market Assessment it makes a number of general statements about the availability and suitability of employment sites in the following areas: -

- The Stoke and Staffordshire LEP;
- The Black Country LEP; and
- The Greater Birmingham & Solihull LEP.

It does not provide a thorough a review of the availability, suitability or viability of employment sites within these areas and, therefore, the conclusions made should be treated with caution and with the acknowledgement that this assessment has been prepared on behalf of the applicant who has a vested interest in the outcomes of the study.

The Alternative Site Assessment identifies 5 short list of sites. All of these sites are located within the rural areas of Stafford Borough Council, South Staffordshire

Council or Cannock Chase District. No sites have been identified within Greater Birmingham, Wolverhampton or in the Black Country despite these being the largest conurbations in the West Midlands Region with a readily supply of vacant or underused previously developed land.

It is accepted that there are specific requirements that will limit the number of suitable sites; most notably size of the site required and the need for a SRFI to be near to a railway line and road transport network. However, these requirements are not unique to the proposed site or to the administrative areas of Stafford Borough, South Staffordshire or Cannock Chase District. There are suitable sites within Greater Birmingham, Wolverhampton, Telford and in the Black Country that could meet these requirements, however they have not been identified and assessed. In light of this, we do not agree with the findings or accept that the applicants have thoroughly assessed all of the potential sites within the search area.

Notwithstanding the above, of the 5 shortlisted sites identified in the Alternative Site Assessment (the application site and 4 others), 3 of the sites are in non Green Belt locations and, therefore, they should be considered more favourably than the application site. These sites are discussed in further detail below.

We do not provide any support for a SRFI at ROF Featherstone or on land at Dunston, we merely seek to establish that the Alternative Site Assessment has failed to fully assess all of the available sites and has not chosen the most sequentially preferable site for this development. The application site should not be developed if there are more sequentially preferable sites available.

It is our view that the application site has been identified first and then an Alternative Site Assessment 'cobbled together' to justify the preferred site. This is not the correct way to identify a site, which will have local, regional and national significance.

A development of this scale and magnitude should not be the subject of a speculative planning application and reliant on the integrity of the applicant to prepare a robust and objectively assessed alternative site assessment when they have a vested interest in one of the sites.

ROF Featherstone (Site 1)

ROF Featherstone is a 36ha vacant employment site that is allocated for B1, B2 and B8 use in the adopted Core Strategy (2012) and in the Site Allocations DPD (2018). ROF Featherstone is also identified as a priority strategic employment site in the S&SLEP SEP.

In light of the above, there is a policy support for this site to be developed for an employment use. There is no planning policy support for the proposed site to be developed.

ROF Featherstone is located immediately adjacent to the City of Wolverhampton, West Coast Mainline and M54. M54 provides a direct link to the M6 Motorway. The site is also located near to the i54 development.

A significant proportion of the site is previously developed.

The main constraint to the delivery of the proposed ROF development is the existing road access. However, there are proposals to improve the existing road access. These proposals include providing a new route from the west from the A449 or a new road from the southeast, south of the M54 from the A460. The Highways Authority and Highways England are satisfied that a safe and suitable new access could be provided to serve ROF Featherstone, using either of the options outlines above. Furthermore, the S&SLEP has also committed £1.5 million towards funding a new access road. Consequently, there are no longer any constraints to development.

In practice if ROF Featherstone were consented it could work in tandem with the existing site at Hilton Park.

Land at Dunston (Site 3)

The site comprises of farmland and is large enough to accommodate an SRFI. The site is located to the south of the County town of Stafford and lies immediately

adjacent to the M6, A449 and West Coast Mainline. The site is located near to Acton Gate business park, which comprises of a large Argos warehouse and office accommodation, as well as a hotel and public house.

The site could potentially be connected to the M6 by the A449/Junction 13.

The site is designated as Open Countryside in the South Staffordshire Core Strategy. The Open Countryside is afforded some policy protection against large scale development, albeit, not as significant as the protection of the Green Belt.

There are no known constraints that would prevent this site coming forward for development.

This site should be considered sequentially preferable to the proposed site.

In summary, the applicant has failed to demonstrate that there is an absence of alternative sites and that the application site is the most suitable location for a SRFI.

C) The Green Belt policies in the SDDC are out of date

The applicant's claim that the Green Belt policies in the SDDC are out of date is not accepted. The purposes of including land within the Green Belt are enshrined in national and local planning policy and have not changed since the inception of this policy. If there is a local need for a SRFI to be located in the Green Belt this represents a very special circumstance, it does not mean that the Green Belt policies are out of date or should not be relied upon to determine planning applications. No weight should be given to this very special circumstance.

D) The sustainability benefits of SRFIs

The applicant claims the development is sustainable. We disagree with this. The applicant has failed to consider the three strands of sustainable development as set out in Paragraph 8 of the NPPF and as not fully assessed the economic harm that

this development have. There are three strands to development and all developments should be environmentally, economically and socially sustainable.

Paragraph 8 of the NPPF states:

‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy’.

The proposal is economically sustainable, as the development of the site will provide employment during the construction period and some jobs will be provided once the scheme is operating. However, we dispute the number of jobs that the applicant claims will be generated and the benefits that it will have on the local economy. There is very low unemployment levels in South Staffordshire and, therefore, the benefits of this scheme will be largely felt by the City of Wolverhampton which is a higher level of unemployment. Furthermore, the applicants have paid very little

regard to the economic harm that this scheme will have, as a result of the destruction of farmland and its impact on leisure and tourism.

It is our view that the economic benefits does not provide any locational justification for this site coming forward. If this was a deciding factor then the development should be located in an area where the economic benefits of the SRFI will be greater. If this development was taking place on a brownfield site, which requires regeneration, and in an area, which has a readily available supply of people or a high level of unemployment the economic benefits on the local economy would be much greater.

The very limited economic benefits that will be created by this scheme in this location does not outweigh the demonstrable harm to the Green Belt and any other harm that will be caused.

With regard to social sustainability, we do not accept that there is need for this scheme in this location. Paragraph 8 of the NPPF refers to accessible local services that reflect the community's needs, so I do not consider that social sustainability has been proven.

The site is located in the open countryside and is poorly served in terms of public transport and a readily supply of labour.

There are no nearby railway stations and there is only an hourly bus service from Stafford and Wolverhampton. A significant of number jobs will be shift work at times when there won't be any adequate public transport provision. In light of this, the development will be car dependent.

There is not a readily available supply of people in South Staffordshire that will / can take up the jobs that this development *may* generate. The low unemployment rate in the area will mean the jobs will be filled by people commuting from outside the area, which will lead to increased, rather than reduced, carbon emissions and congestion from car borne trips.

There is a lack of local services and facilities to support this development. None of the local services and facilities are within walking distance of the site.

With regard to environmental sustainability, the proposed scheme will cause harm to air quality and biodiversity and will destroy huge swathes of open countryside. The proposal also causes harm to the Green Belt. That harm is relevant to the overall environmental sustainability of the scheme.

Having assessed the proposal, we consider it to be sustainable in terms only of economic sustainability. It remains inappropriate development within the Green Belt, results in the loss of openness, and represents an encroachment into the countryside.

This development will destroy huge swathes of the open countryside forever and significantly harm the residential amenity of local residents that will be directly and indirectly affected by this development, therefore, this site does not meet the social or economic objectives of the NPPF.

In summary, we dispute that the very special circumstances put forward by the applicant clearly outweigh the significant harm and, therefore, conclude that development should be refused.

3. COMMITMENT TO RAIL CONNECTION

If the Inspector, notwithstanding the above objections is minded to recommend the granting of consent the following issues are drawn to his attention:

A) Environmental Conditions

This is currently predominantly a quiet residential area. The noise background levels are relatively low. An unlimited 24/7 consent would permit unacceptable environmental conditions in such an area. The Inspector is therefore invited to limit operational hours and impose noise level conditions. It is drawn to his attention that that Network Rail's Freight & National Passengers Operators Route Strategic Plan

(February 2018) on page 33 refers to the problems with the imposition of environmental conditions in relation to SFRIs. If this constraint is required on planning grounds it points to the fact that this is not a suitable location.

B) Draft Development Consent Obligation

The latest draft of this document envisages the release of land for warehousing in advance of certainty about the Rail aspects of the proposed development.

The Statement of Common Ground between Four Ashes Limited and Network Rail dated 1 November 2018 leaves many issues currently unresolved including 3.4 serious hydrocarbon ground pollution and 3.6 capacity of the national network. We consider that it would be completely unacceptable for warehouse development to proceed in advance of certainty that these points had been resolved. To adopt a different approach would in effect permit the release of green belt land for a stand-alone warehouse development with no connection to the rail network. We therefore urge the Inspector to require that no warehouse development proceeds in advance of these points being resolved.

4. CONCLUSION

To conclude, it is our view that the proposed development is inappropriate development within the Green Belt and Very Special Circumstances have not been demonstrated to justify the departure from established Green Belt policy in both local and national planning policy. We consider there are better locations for a SRFI and, therefore, a robust assessment should be carried out by the Local Authorities to identify a suitable site. The assessment of alternative sites by an applicant should not be relied upon when they are promoting their own site