



# Walsall Council

## PLANNING COMMITTEE

5 September 2024

### REPORT OF HEAD OF PLANNING & BUILDING CONTROL

#### Birmingham Local Plan preferred options document

#### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to agree Walsall Council's response to a consultation on the Birmingham Local Plan - preferred options document. The consultation ran from 8 July to 27 August 2024, so it has been necessary for officers to submit an initial response to meet that timeframe. However, this was on the basis that the council's response would follow, with that response being agreed at Planning Committee.

#### 2. RECOMMENDATION

- a) agree the wording set out in **appendix 1** as a basis for Walsall Council's response to the consultation from Birmingham City Council dated 8 July 2024 on their Preferred Options Document (regulation 18 stage).
- b) authorise the Executive Director for Economy, Environment & Communities to submit the council's full response to Birmingham City Council in consultation with the Associate Leader, Economic Growth and Regeneration, with delegated authority given to the Head of Planning and Building Control Services to make amendments to its contents as necessary.

#### 3. FINANCIAL IMPLICATIONS

None arising directly from this report.

## **4. POLICY IMPLICATIONS**

- 4.1 This report summarises draft policies in the document that are of potential cross-boundary significance and could impact on the issues that will need to be addressed in the Walsall Borough Local Plan (WBLP).
- 4.2 Birmingham City Council previously consulted in 2022 on the issues and options version of their plan. A response to this was agreed by planning committee on 1 December 2022. The issues and options report identified that the city had a significant unmet housing and employment need that it was unable to accommodate in its own area. Given Walsall's own shortfall in land supply, we confirmed that Walsall was unable to contribute to meeting these needs.
- 4.3 The preferred options document advises that additional housing supply has now been found within the city. This has reduced the stated housing shortfall over the plan period from 78,415 to 46,153 homes. This lower figure however is still very large and exceeds the shortfall of 28,239 for the period 2020-2039 that was identified for the four Black Country authorities in the draft Black Country Plan. The additional housing supply has been achieved through a range of measures, most of which are similar to those being explored for the WBLP. These include increasing expected densities, identifying additional brownfield sites and making use of surplus open space.
- 4.4 However, the proposed housing target does not address the figures proposed in the revised standard method for calculating housing need which forms part of the current government consultation on the National Planning Policy Framework (NPPF). Although the requirement for most of the other authorities in the region including Walsall would increase, the annual requirement for Birmingham is proposed to reduce from 7,174 homes to 4,974. This would reduce the total requirement over the period 2022-2042 to 99,480 homes, which is less than the supply as at March 2023 of 103,027 homes. On this basis, there would no longer be any need for other authorities in the housing market area, including the Black Country authorities, to contribute to meeting the needs of Birmingham. Indeed, the city could make a contribution to meeting the housing needs of the Black Country.
- 4.5 The document confirms that there is sufficient land within the city to accommodate employment needs over the plan period without the need to consider further opportunities for industrial development in other local authority areas, other than an 'apportionment' of part of the land at the West Midlands Strategic Rail Freight Interchange in South Staffordshire.
- 4.5 The remainder of the preferred options document mainly comprises site allocations and development management policies that would not directly affect Walsall. Policies are proposed on protecting existing housing, to resist the conversion of 2- and 3-bedroom houses to flats or houses in multiple occupation, and to address large-scale shared accommodation. These policies, whilst supported, could have consequential effects if they result in developers switching to develop such accommodation in Walsall instead.

## **5. LEGAL IMPLICATIONS**

- 5.1 The consultation is being carried out under the 2012 local planning regulations. These are likely to be replaced as part of a new system for preparing local plans to be introduced under the Levelling Up and Regeneration Act (LURA) 2023. The new government has advised that the new system is unlikely to be introduced until secondary legislation is in place in late 2025. In the meantime, local plans should continue to be prepared under the 2012 regulations. However, the current NPPF consultation advises that plans which are currently in preparation such as Birmingham's should address the proposed revised housing targets.

## **6. EQUAL OPPORTUNITY IMPLICATIONS**

- 6.1 The Birmingham Local Plan will be required to ensure the needs of all sections of the community are met.

## **7. ENVIRONMENTAL IMPACT**

- 7.1 The Birmingham Local Plan is accompanied by a sustainability appraisal and habitat regulations assessment which will be updated as the plan is progressed.

## **8. WARD(S) AFFECTED**

- 8.1 All.

## **9. CONSULTEES**

- 9.1 Officers in Planning and Building Control and in Legal services have been consulted in the preparation of this report.

## **10. CONTACT OFFICER**

Neville Ball – Principal Planning Officer

[neville.ball@walsall.gov.uk](mailto:neville.ball@walsall.gov.uk)

## **11. BACKGROUND PAPERS**

All published.

Documents about the Birmingham Local Plan can be viewed at <https://www.birmingham.gov.uk/birminghamplan>

## **Appendix 1**

***Response from Walsall Council to Birmingham City Council on the Local Plan Preferred Options Document consultation*** Thank you for your email dated 8 July 2024.

This response represents Walsall Council's response on the consultation, and, in the main, confirms, the officer response to the preferred options document which was sent on 27 August 2024 within the consultation period.

This response below has been authorised in accordance with Walsall's scheme of delegation by the planning committee, with the final wording agreed by the executive director.

Walsall Council consider that there is a discrepancy between the version of the document on the consultation portal and the pdf version. Paragraphs in the former are numbered whereas they are unnumbered in the latter. Paragraphs 2.17 (climate change) to 2.29 (what you told us) on the portal appear to be missing from the pdf. Vision and objectives are in chapter 3 of the pdf whereas they form paragraphs 2.30 to 2.36 on the portal. The numbering of subsequent chapters differs, beginning with Planning for Growth which is chapter 3 on the portal and chapter 4 in the pdf. The comments below are based on the paragraph and chapter numbers in the portal version.

Paragraph 3.5. Walsall welcome the additional housing supply identified in the latest HELAA. However, the stated housing need figure is based on that calculated in accordance with the current standard method. The revised standard method, details of which were published for consultation by the government on 30 July, would considerably reduce the annual housing need for Birmingham, to the extent that the supply identified by the HELAA would be sufficient to meet the city's needs over the period to 2042 with some surplus. Walsall ask if consideration can be given, under duty to co-operate, to that surplus being used to contribute to the needs of neighbouring local authorities, particularly those in the Black Country.

Paragraph 3.10, and policy HN4. This policy could be clarified to confirm the minimum site size that it will apply to (we would suggest developments of 10 or more dwellings) and whether it refers to the net density, excluding main roads, open space and services within the development.

Paragraphs 3.22 and 3.23, and policy EC1. This policy could be clarified to confirm if the target of 296 hectare refers to new build on land not previously used for industry, or whether it includes 'churn' comprising the redevelopment of existing industrial land.

The reference in paragraph 3.22 to 53 hectares of land available in South Staffordshire does not appear to correspond with evidence published by South Staffordshire to support their local plan. The Stantec SRFI apportionment study indicated that 67ha of the land at WMI could be apportioned to the Birmingham FEMA, but only 37ha of this could be apportioned to the city itself. Other employment land in South Staffordshire,

apart from that to meet local needs, is likely to be required to meet the needs of the Black Country.

Policies EC2 and EC3 to protect existing industrial land are welcome. The policies should be clarified that this protection does not include existing industrial land that is allocated for housing.

The note in paragraph 3.51 to confirm that the terms 'employment land' and 'employment need' now refer only to uses in classes B2 and B8 is sensible in view of the change to the Use Classes Order. However, it is unclear how land that is used for the former class B1 (now E(g)(i)/(ii)/(III)) is to be treated in the plan, including proposals for new developments that fall within this sub-class that may not be main town centre uses.

Walsall have no comments on most of the other draft policies as they mainly relate to site allocations or development management issues. However, we would like to comment as follows:

Policy HN2: We note that the policy states that it will apply to changes of use, however it should be noted that vacant building credit (NPPF paragraph 65) will reduce its effectiveness with respect to such developments.

Policy HN3: This policy should only apply to sites above a minimum size threshold, in line with the policies on affordable housing and density.

Policy HN8: We note that this policy is aimed at developments of at least 50 units, however we wonder if it might be appropriate to also apply it to proposals for large houses in multiple occupation, i.e. those for seven or more residents that are defined as sui generis.

Walsall look forward to further engagement with your council especially under duty to cooperate/alignment test protocols as we progress our respective local plans.

Yours sincerely

**Dave Brown**

**Executive Director, Economy, Environment and Communities**