

Cabinet- 21 June 2017

Black Country Core Strategy Review 'Issues and Options' Consultation and Black Country 'Call for Sites'.

Portfolio: Councillor Jeavons: Regeneration

Related Portfolio: N/A

Service: Regeneration and Development, Economy & Environment

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary

- 1.1 This report seeks authorisation to consult on the first formal stage of a review of the Black Country Core Strategy (BCCS) - the Black Country's strategic planning document and a key component of Walsall's Local Plan.
- 1.2 Adopted in 2011, the BCCS (2011 to 2026) has provided the sub region with a planning and regeneration document that has helped create development opportunities and secure investment. It has underpinned the preparation of both the Walsall Site Allocation Document (SAD) and Walsall Town Centre Area Action Plan (AAP). Cabinet will recall that, at the meeting on 15 March 2017, Members, in a decision that was subsequently endorsed by Council on 10 April, resolved that the SAD and the AAP should be submitted to the Secretary of State for Examination. Such specific plans for sustainable investment in the borough depend on having and maintaining a robust strategy. The BCCS has identified the requirements for and strategy towards housing and economic development for the short to medium term but looking beyond that there are challenges about how to accommodate the housing and jobs that the Black Country is likely to need.
- 1.3 This report sets out the proposal to undertake a review of the BCCS, to ensure the strategy remains fit for purpose and is capable of guiding the Black Country's growth needs and aspirations; sustaining and creating opportunities until 2036. The Black Country authorities gave a commitment to an early review of the BCCS when the existing plan was examined in 2010 and the report by the Planning Inspectors who examined emphasises this commitment. The Inspectors' report stated that the review was to begin in 2016 and officers have had to start background work, before the review would go public.

- 1.4 The first formal public stage of the review is known as the 'Issues and Options' stage and this forms the beginning of a process to look at the Black Country's land use needs and consider the options for how these needs can be accommodated based on substantial evidence and consultations. The 'Issues and Options' stage seeks to draw from consultation with the public, landowners, developers and stakeholders to inform future options for the location of development. It is important to note that this first stage does not seek to allocate land - that comes later in the process. After the Issues and Options have been set out, the identified options have to be examined to derive the future strategy to most sustainably meet the needs of the Black Country. That will require future rounds of consultation. It means also that the Black Country authorities will not be committed to any particular course of action at this stage, but equally that no 'reasonable' options can be ruled out.
- 1.5 Besides consulting on an Issues and Options report, it is proposed that there should also be a 'Call for Sites, to ask landowners, developers and others to suggest where development might take place. This approach is promoted strongly by Government, but it is primarily to inform the development of options for future growth and does not necessarily commit the Black Country authorities to accepting proposals for any particular site. The Call for Sites consultation is attached as **Appendix C**.
- 1.6 This report sets out the key themes and consideration of the 'Issues and Options' consultation report, which is provided in full in **Appendix B** (a summary leaflet for proposed consultation is provided as **Appendix A**). The reports seeks to describe the process and timelines associated with undertaking the Review and these have to be set out in advance in an updated version of the Council's Local Development Scheme (see **Appendix D**). The report also starts to describe the potentially important decisions that Cabinet and in time, Council, will be asked to take regarding future land use in Walsall and the Black Country.
- 1.7 Similar Reports are also being made to the Cabinets of Dudley, Sandwell and Wolverhampton Councils.

2. Recommendations

- 2.1 That Cabinet approves the Black Country Core Strategy Review 'Issues and Options Report', as set out in Appendix B, for consultation – to start on 3rd July and to run for 10 weeks.
- 2.2 That Cabinet approves the Black Country Core Strategy Review 'Call for Sites' as set out in Appendix C for inclusion in the consultation.
- 2.3 That Cabinet approves the approach to consultation as set out in Section 12 of this report.
- 2.4 That Cabinet approves Revisions to Walsall's Local Development Scheme (LDS) as set out in Appendix D.

- 2.5 That Cabinet delegates authority to the Executive Director Economy & Environment, in consultation with the relevant Portfolio Holder, to make any necessary amendments to the Issues and Options report and other consultation documents prior to the commencement of the consultation process.

3. Report detail

- 3.1 The Black Country Local Planning Authorities adopted a joint Black Country Core Strategy (BCCS) in 2011. This strategy is an overarching planning and regeneration document and it sets out the development priorities for the Black Country area for the period 2006-2026. The Black Country has therefore planned positively for its growth and identified sustainable ways to do so. The strategy has served the area well having facilitating new development and significant investment.
- 3.2 When this BCCS was adopted there was a commitment to review it after 5 years. This was deemed necessary by the Planning Inspectors who examined the Plan as it was felt necessary to ensure the spatial objectives and the strategy are continually up to date, and also to ensure that the Plan reflects up to date national planning policy and guidance. The review must also, as far as possible, take account of more recent and local changes including the aspirations of the West Midlands Combined Authority's Strategic Economic Plan and the Black Country Local Enterprise Partnership's Strategic Economic Plan.
- 3.3 The review of the BCCS will look further into the future – up to 2036 – and will need to consider the options and – eventually - take decisions about the quantum of new development needed across the area to sustain the Black Country's economic growth whilst also safeguarding the most important environmental assets, and put forward proposals for where the development will be located. The BCCS Review will provide the updated statutory framework within which the four Black Country Local Planning Authorities will make decisions about the use and development of land. It will support each Council's economic and corporate priorities, and enable the progression of regeneration plans, transportation strategies etc. The final stage of the plan will allocate land for development including housing (including affordable housing) and for industry and business (including investment in strategic and town centres), as well as including policies to protect the environment and important heritage assets.
- 3.4 The review of the BCCS will be undertaken in key stages – all of which are informed by legislation as part of the wider statutory planning system. This report covers the first stage of the formal review and plan preparation– the Issues and Options document (and its associated consultation). A proposed programme for the different stages of the Plan's is set out here and in the consultation, the process to review is complex, with each stage reliant on the previous stage to make progress. As such the timelines below will remain

indicative. However, they must be set out in the Council's Local Development Scheme, the programme for plan-making that each Council is required to keep up-to-date.

- Issues and Options consultation July- September 2017
- Preferred Option consultation – September 2018
- Draft Plan consultation – September 2019
- Publication – February 2020
- Submission (to government) June 2020
- Examination in Public – Autumn/Winter 2020
- Adoption – Autumn 2021

3.5 The 'Issues and Options' consultation starts the process of reviewing and updating the BCCS, it sets out details about the amounts of new development needed, for example for housing and jobs, and asks a series of questions about key topic areas. It does not look to allocate development sites. This would be done at a later stage of the plan preparation. This consultation on the Issues and Options Report is key for residents and businesses across the Black Country as it provides an opportunity to begin to engage in the process and help inform the next stage of the plan.

3.6 This Issues and Options consultation, will focus on seeking feedback on nine key areas set out in the document and identified below. The consultation responses will be reviewed in detail and used to inform the next stage of the plan.

1. Meeting housing needs
2. Supporting the economy
3. Supporting our centres
4. Protecting the environment
5. Reviewing the Green Belt
6. Keeping the Black Country connected
7. Providing infrastructure to support growth
8. Working with our neighbours
9. Delivering regeneration across the Black Country

3.7 In preparing the Issues and Options Report for consultation (see **Appendix B**) it has been important to also refresh key pieces of evidence that provide important quantitative and qualitative data about the use of land in the Black Country and the constraints and opportunities this presents to deliver our regeneration - focused strategy. Work commenced in 2016 to scope and identify the new evidence that is needed to undertake the BCCS Review.

3.8 The review must take into account the expected population and economic growth over the plan period up to 2036. The Black Country should continue to plan for a growing population. The strategy in the existing BCCS will meet the majority of long- term needs and the Black Country should continue to prioritise the delivery of brownfield sites within the urban area. The evidence collected thus far does, however, suggest there is a gap between need and

anticipated supply of around 20-25,000 homes (around 40% of total need across the Black Country up to 2036).

- 3.9 The evidence so far indicates the economy is forecast to grow over the review period at a faster rate than we might have anticipated and there will be a need to find more land in the right places, at the right time and of the right quality to support it. The existing strategy can deliver a significant proportion of this need but as with housing, we will need to consider new locations for employment and there are genuine choices over where. This means that we should also protect existing sustainable employment areas and plan for a net increase in employment land. Extending the Plan period and delivering significant levels of housing and employment growth will in turn support the viability of our centres. The review will revisit the growth targets of key town centre uses and understand how changing consumer shopping patterns will impact on the role of the centres and the mix of uses they contain. The review also needs to reflect the recently adopted West Midlands Transport Strategy including key projects and programmes.
- 3.10 As with the current adopted strategy, it is considered the review will continue to focus on urban regeneration as a priority. This time however the challenge is expected to be more difficult as the emerging evidence is telling us it will not be possible to meet all the Black Country's development needs on brownfield sites alone. The evidence, which will be made available as part of the Issues and Options consultation, indicates that the Black Country needs to find additional land for more new housing and more employment sites. As a last resort, some development in the currently designated Green Belt, and on existing open space, might need to be identified and considered at the next stage of the review and in preparation for Preferred Options in 2018.
- 3.11 In the 'Issues and Options' report we set out these challenges and invite comments as to whether and how our evidence should mean that we have to consider the issues further at the next stage of the Plan's preparation. This approach towards reviewing the Green Belt is consistent with other Local Planning Authorities in the West Midlands. Government guidance states that; *"Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan."*
- 3.12 The Black Country Authorities do however believe that the approach of the existing BCCS remains broadly fit for purpose and can accommodate the majority of our long term growth needs. However, in light of the projected 'gap' between need and anticipated supply in relation to housing and employment land, the 'Issues and Options' Report provides a series of Strategic Options to address the issues. The Options are summarised in Table 1 below:

Table 1 – The Strategic Options

Stage	Purpose	Options
1	Test the capacity of the urban area to accommodate growth through restructuring options.	1A – Meet all of the housing and employment land shortfall outside the urban area in sustainable locations in the green belt. This involves protecting all existing viable employment land not allocated for other uses.
		1B – Release some areas of occupied employment land for housing and provide for some housing and all of employment land needs (including relocated businesses) in sustainable locations mainly in the green belt. This option would reduce the amount of housing needed outside the urban area but increase the amount of land required to meet employment needs outside the urban area.
2A	Identify strategic housing options outside the urban area	H1 – rounding off the green belt and meeting housing needs through a large number of small sites.
		H2 – identification of a limited number of large Sustainable Urban Extensions
	If it were not possible or appropriate to accommodate all of the projected housing growth within the Black Country then consideration would have to be given to the degree to which it might be possible to have it accommodated farther afield.	
2B	Identify strategic employment land options outside the urban area	E1 – Extend existing employment areas on the urban fringe in the green belt
		E2 – Provide new freestanding employment sites in sustainable locations
		E3 – Provide new employment land within sustainable urban extensions
		E4 – Export growth to neighbouring areas with strong economic links to the Black Country.

3.13 The Issues and Options consultation document has been informed by new, up-to-date evidence. This evidence provides key information to help make decisions about the updated planning challenges and priorities for the area. The Plan will also need to take account of other work being undertaken across the region to plan for growth – including in particular the strategic review being undertaken by the Birmingham Housing Market Area (“HMA”) Authorities (this includes the Black Country, Birmingham, Solihull, South Staffordshire, Cannock Chase, Lichfield, North Warwickshire and others) which will establish growth areas for future development across a wide area. The Black Country is required to plan to meet all of its needs within the Black Country in the first instance, but it may be the case that the Green Belt is either too constrained or does not have sufficient deliverable capacity. In that case, we would have to look to neighbouring authorities – an approach that has turned out to be necessary in the Birmingham HMA.

- 3.14 A key part of this first stage of consultation is a process known as a 'Call for Sites'. This asks for landowners and potential developers to suggest development sites as part of this review. As major landowners, it will also be necessary for the Black Country Authorities and other public bodies to review their land assets to see if any contribution to the review can be made through the use and release of their sites and assets.

4. Council priorities

- 4.1 Whilst the review of the BCCS is to bring benefits to the whole of the Black Country is it important to recognise the specific opportunities that the review can bring to Walsall. In the Corporate Plan 2017- 2020, the Council has agreed to focus its limited resources into four corporate priorities with these being;

- Pursue inclusive economic growth
- Make a positive difference to the lives of Walsall people
- Children are safe from harm, happy and learning well, with self-belief aspiration and support to be their best
- Safe, resilient and prospering communities

- 4.2 As per the existing BCCS, the Corporate Plan has a regeneration and economic growth vision which aligns to the corporate priorities. The review of the BCCS will aim to continue this vision and ambition as a means of meeting the needs of the Borough and in turn delivering the objectives of the Corporate Plan.

5. Risk management

- 5.1 Failure to have an up to date adopted Core Strategy, based on sound evidence, could result in the Borough having insufficient land to meet the need for housing, employment and other land uses that are necessary to meet the needs of residents and to support the economic and environmental well-being of the area. It could also result in development being placed in the wrong locations, leading to an inefficient use of resources, the loss of sites to meet local needs and to accommodate much-needed investment, traffic congestion, damage to the environment and other harm. Having a Local Plan in place is also essential in determining planning applications for development; to defend the Council's position in planning appeals and in justifying regeneration proposals and bids for resources including external funding.
- 5.2 Government policy requires areas to have up to date Local Plans that have to be found 'sound' at the point of Examination by the Planning Inspectorate. The definition of a 'sound plan' is that it should be: positively prepared (to meet the needs of the area); justified (considered against reasonable alternatives and based on evidence); effective (deliverable); and consistent with national policy. To mitigate the risks that might impede the future

adoption of any statutory Local Plan, it is important to meet the legal and procedural requirements and to ensure that policies and proposals across all of the issues are well-considered and properly justified. Consultation on the preparation of a Local Plan is an important part of this.

- 5.3 There are potential financial risks that would arise if the Council failed to have an up to date development plan. In December 2015 the Government stated that it would be likely to take account of whether or not authorities have up to date Local Plans when assessing and rewarding (or sanctioning) authorities' planning performance including the allocation of New Homes Bonus. Similar statements were included in the Housing White Paper published in February 2017, which also referred to recent legislation that would enable Government intervention to direct the preparation of a plan at the local authority's expense. On the other hand, in addition to Government grants, support for new development will also be likely to generate Council Tax and Business Rates income.
- 5.4 As suggested elsewhere in this report, the process to review and prepare the BCCS will be a complex one, fraught with potential risks that the Plan is not prepared in accordance with the planned timescales. Whilst there are identified resources to deliver the review (see section 6 and 10), good programme management will be needed and resources deployed to the appropriate tasks. This might, from time-to-time, require officers and consultants to prioritise work on the review over other matters that may concern their own Planning Authority.

6. Financial implications

- 6.1 To support the preparation of evidence, to facilitate consultation and to service the commissioning of external and independent consultancy expertise each Local Authority allocated an internal budget of £250,000 to deliver the review, through all its stages through to adoption. In Walsall's case this is in addition to a revenue reserve allocated in 2013/14 of £130,000, although some of this will be needed for the Examinations of Walsall's SAD and AAP.
- 6.2 As at 31 March 2017, costs incurred between the four authorities have totalled £100,774. An exercise is currently underway by all of the four authorities to ascertain whether the initial budget created for the Review will be sufficient to complete it. Due process will be followed if it is identified that an additional budget is required.

7. Legal implications

- 7.1 It is necessary to ensure that the BCCS review is undertaken in accordance with various legal provisions as set out in the Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework NPPF (and associated guidance) 2012. The Planning and

Compulsory Purchase Act 2004 (Section 38(6)) requires that where a planning decision is to be made *“the determination must be made in accordance with the plan unless material considerations indicate otherwise”*. Under the Town and Country Planning (Local Planning Regulations) 2012 (Regulation 5), any document that allocates sites for particular types of development has to be a local development document (otherwise known as a ‘Local Plan’). This means the proposed documents will have to be prepared according to requirements set down in legislation (including the Planning and Compulsory Purchase Act 2004, the Planning Act 2008, related regulations, EU Directives especially on Strategic Environmental Assessment and of Habitats)¹ as well as Government Policy.

- 7.2 The preparation, content and delivery of plans and proposals has also to take account of potential impacts in terms of matters that are the subject of other legislation (such as on equalities, or Listed Buildings and Conservation Areas or on the environment and nature conservation).
- 7.3 The review is being prepared in accordance with the approach to consultation as set out in legislation and national policy, as well as in the Council’s Statement of Community Involvement. The work on the plan requires continuing positive engagement with nearby local authorities and with various statutory bodies under the ‘Duty to Cooperate’ introduced by the Localism Act 2011.
- 7.4 The Government strongly encourages authorities to have up-to-date plans, and the 2004 Act (as amended) requires that each authority should maintain a Local Development Scheme for plan preparation and that it should monitor the implementation of its plans. The Neighbourhood Planning Act, which was enacted at the end of April makes it a legal requirement for every local planning authority to have an up-to-date statement of its strategic priorities in a statutory Local Plan. The Housing White Paper stated the Government’s view it ought to be beyond doubt that all areas should be covered by an up-to-date plan. Government say that authorities failing to ensure an up-to-date plan is in place are failing their communities, by not recognising the homes and other facilities that local people need, and relying on *ad hoc*, speculative development that may not make the most of their area’s potential.

8. Property implications

- 8.1 There are no direct property implications arising from this report.
- 8.2 As referred to in Section 3, during the ‘Call for Sites’ consultation, the Council might wish to consider what contribution its land and assets make to achieving the levels of growth deemed necessary from the evidence base collected to date. Such an approach, acting as a landowner, should not be

¹ EU Directives and UK legislation deriving from the EU will continue to have effect unless or until rescinded, replaced or amended.

applied in any manner that could prejudice the Council's role as local planning authority.

9. Health and wellbeing implications

- 9.1 There are no direct health and well being implications arising from this report.
- 9.2 The initial stage of the plan is subject to a Sustainability Appraisal, and later stages will build upon this and include Health Impact Assessments of the strategy and of large development sites. An element of this review will be to examine how spatial planning can influence health and well being outcomes; this is explored in the current consultation and could be developed further in later stages of the plan preparation.

10. Staffing implications

- 10.1 The work to undertake the BCCS review is being done in collaboration with the other Black Country Authorities. In the case of Walsall, the work is being led by staff in the Regeneration and Development Service, with support from staff from within the Economy and Environment Directorate and others. As the BCCS review is a multi-dimensional strategy it will require professional input from a range of technical disciplines and statutory consultees at all stages of production.

11. Equality implications

- 11.1 There are no immediate equality implications arising from this report.
- 11.2 Preparation of the BCCS review includes the carrying out of an integrated Sustainability Appraisal at each formal stage –and at later stages an Equality Impact Assessment and Health Impact Assessment. The Core Strategy seeks to ensure that sufficient homes, shops and employment, social and recreational facilities are planned and provided for to meet the needs of the population now and in the future. The plan should therefore support social inclusion. Not to plan for sufficient homes and /or jobs could be detrimental in this respect.

12. Consultation

- 12.1 A consultation and engagement programme has been prepared for the 'Issues and Options' stage of the Plans preparation and it will continue to be developed for later stages of the Plan. A consultation database has been established and this will enable easier follow up consultation with all interested parties. Some of the key elements of consultation in this 'Issues and Options' consultation are:

- The consultation period runs for 10 weeks, note that this is longer than the statutory requirement of 6 weeks.
- A press release will announce the start of the consultation period to raise awareness
- A workshop event for key stakeholders will take place in July 2017
- A media campaign during the consultation period including press interviews and articles in local papers
- Leaflets summarising key information will be available at events and online
- Use of social media and re-branded web site to help engagement <http://blackcountrycorestrategy.dudley.gov.uk/cs-rev/>
- A consultation video including key messages about the Core Strategy Review- to be played on web sites, social media, drop in events etc.
- The use of 'pop up' boards at structured events; these will also be available for use at receptions in Council Buildings and stakeholder events when not in use at formal consultation events
- A series of questions included seeking a wide range of responses and feedback on all aspects of the consultation document.

12.2 This variety of approaches aims – within the resources available - to reach the broadest audience possible to help encourage more responses to the consultation.

12.3 Within Walsall it is proposed to hold a drop in event within each of the borough's four 'localities'. Officers will be available to answer questions and receive comments at each event. In addition, consultation material will be displayed in the reception area of the Civic Centre in Walsall town Centre and copies of the Issues and Options Document and consultation material will be provided in the borough's libraries. This represents that maximum that can be achieved with the resources available. The other Black Country authorities are taking a similar approach.

Background papers

Black Country Core Strategy Examination in Public – Inspectors' Report , October 2010

Black Country Core Strategy 2006-2026, adopted February 2011

Black Country Core Strategy Review Sustainability Appraisal (Lepus Consulting) June 2017

Black Country Core Strategy Review Strategic Housing Market assessment (Peter Brett Associates and HDH Planning) June 2017

Black Country Core Strategy Review Employment Development Needs Assessment (Warwick Economics and Development) June 2017

Authors

Mike Smith
Regeneration Manager- Planning Policy
☎ 01922 658024
✉ Mike-E.Smith@walsall.gov.uk

Jo Nugent
Place Development Manager
☎ 01922 655742
✉ joanne.nugent@walsall.gov.uk

A handwritten signature in blue ink, appearing to be 'SN', with a large loop on the right side.

Simon Neilson
Executive Director

12 June 2017

A handwritten signature in black ink, appearing to be 'LJ', with a large loop on the right side.

Councillor Lee Jeavons
Portfolio Holder

12 June 2017