

Cabinet – 13 December 2023

The Walsall Borough Local Plan - Call for Sites

Portfolio: Councillor Andrew - Deputy Leader and Regeneration

Related portfolios: Councillor Bird - Leader of the Council

Service: Planning and Building Control

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

1.1. The Walsall Borough Local Plan (WBLP) will deliver the site allocations and strategic and local planning policies to ensure that development is sustainable and locally distinctive and is in the right place and of the right type, nature and design. The local plan will carry forward the objectives and aims of We are Walsall 2040 and those of the Council Plan 2022 – 25, and any subsequent plans, to provide a framework to guide investment and growth into the borough to align with Walsall's regeneration objectives, while also promoting and enhancing the health and well-being of communities, addressing the need to tackle climate change, and delivering a cleaner, greener borough.

Summary

1.2. A call for sites is recommended prior to, and running into, the formal commencement of the Walsall Borough Local Plan which, under the proposed new plan-making regime, is likely to be autumn 2024 at the earliest.

1.3. This consultation will enable early engagement with landowners, developers and local communities, with the results from this exercise helping to influence and inform plan preparation, particularly as part of the evidence gathering on potential land use allocations.

1.4. In addition, in identifying land for homes, national planning policy states that planning authorities should have a clear understanding of the land in their area through the preparation of strategic housing land availability assessments. One of the main ways through which the council can identify and assess these sites is by initiating a call for sites.

- 1.5. Furthermore, it is recommended that the call for sites will be wide-ranging, and rather than just focusing on potential sites for housing and employment uses, will also be more locally specific and have more of a community focus. This would enable relatively small pieces of vacant land to be identified, including as potential land for local greenspaces and other community uses, as well as for nature conservation enhancement. Such an approach is important in enabling meaningful public engagement and participation. It will also raise the profile of the Walsall Borough Local Plan and its alignment with corporate strategy, particularly as set out within We Are Walsall 2040.

2. Recommendations

- 2.1. That authorisation be given to the publicising and implementation of a call for sites to commence from January 2024 onwards.
- 2.2. That delegated authority be granted to the Executive Director for Economy, Environment and Communities to agree the detail, scope and timing of the issuing of the call for sites in consultation with the Portfolio Holder for Regeneration.

3. Report detail – know

- 3.1. At a meeting on 2 November 2022, Cabinet agreed to begin work on a new Walsall Borough local plan with the progression of this local plan replacing the work undertaken on the Black Country Plan (BCP). The BCP was being progressed jointly by the Black Country Authorities (BCAs) until 19 October 2022 when a formal statement was issued by the BCAs to confirm that work had ceased on that plan, primarily on account of Dudley Council withdrawing from the plan-making process.
- 3.2. A timetable for the progression of the Walsall Borough local plan was also agreed at that Cabinet meeting - the Local Development Scheme (LDS) - with delegated authority granted to the Executive Director for Economy, Environment and Communities to make factual changes to the LDS.
- 3.3. The LDS stated that the council would be progressing the Walsall Borough local plan within the existing plan-making framework, with a programmed consultation on an issues and options report in September – October 2023 and with the plan submitted for examination in March 2026. The timeframe for consultation on the issues and options report has had to adapt to events set out below.
- 3.4. The government consulted on national planning reforms, to be set out in the Levelling Up and Regeneration Bill (LURB) and a revised National Planning Policy Framework (NPPF) on 22 December 2022. There was then a further associated government consultation which commenced on 25 July 2023 on the implementation of plan-making reforms. The LURB received royal assent on 26 October 2023 and now becomes an Act of Parliament.

- 3.5. It became apparent from these emerging planning reforms, particularly on the plan-making process, that the programmed submission date for the Walsall Borough local plan (March 2026) would be later than the submission date set out in the reforms (June 2025) by which a local plan could have proceeded under the existing planning regime.
- 3.6. The Walsall Borough local plan will therefore need to proceed under the new planning regime. Within this new regime, the earliest date by which work on a new local plan can commence is autumn 2024 when all regulations, policy and guidance for the new plan system are expected to be in place. An autumn 2024 start date would also be dependent on Walsall being selected as one of around 10 frontrunner authorities, which the council will seek to pursue. The LDS is currently being updated under delegated authority to reflect this potential timetable, with a view to the LDS, which under the proposed new regulations is termed the local plan timetable, being updated on a regular basis.
- 3.7. The council sought the advice of the Planning Advisory Service (PAS), who recommended that a Local Plan Advisory Board (LPAB) be established, as well as providing general advice on how the council should proceed with, resource and project manage the plan-making process.
- 3.8. The LPAB, comprising officers, and elected members from both of the main political parties, has met on a number of occasions and provides effective advice and steer on the local plan. Through the LPAB it was agreed that the progression of the Walsall Borough local plan should be paused until the detail on the extent and nature of the plan-making reforms became more apparent. A similar position has been adopted by numerous other local authorities throughout England and Wales (100 plus). However, it was also agreed, through the LPAB and endorsed by PAS, that preparatory work on the local plan should continue to be undertaken, including a call for sites.
- 3.9. The emerging planning regulations on plan-making, as shown in **Appendix A**, set out a scoping and early participation stage and then leading into a formal 30-month plan preparation period which includes 2 mandatory public consultations, 3 gateway checks, as well as an examination in public and the adoption of the plan.
- 3.10. It is proposed that this early scoping stage should be used to define what will be included in the local plan and that planning authorities will be required to invite a range of relevant persons and bodies, including communities and neighbouring authorities to participate. A project initiation document (PID) will be produced which will set out the results and findings from this stage and details on the intent and project planning going forward. There is no time limit placed on this stage, however it is proposed that planning authorities will be required to provide a 4-month notification period prior to the formal commencement of the 30-month plan-making period. A call for sites can therefore be seen as part of the evidence necessary to inform plan preparation, leading into the formal timeframe for the plan-making process.
- 3.11. In addition, in identifying land for homes, the NPPF states that strategic policy-making authorities should have a clear understanding of the land in their area

through the preparation of a strategic housing land availability assessment (SHLAA). From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability, with small and medium sized sites recognised as making an important contribution to meeting the housing requirements of an area. One of the main ways through which the council can identify and assess these sites is by initiating a call for sites.

- 3.12. Furthermore, it is recommended that the call for sites will be wide-ranging, and rather than just focusing on potential sites for medium-large scale housing and employment uses, it should be more locally specific and have more of a community focus. This would give an opportunity for local communities to identify relatively small pieces of vacant land within their neighbourhoods, as well as including potential land for local greenspaces and other community uses, as well as nature conservation enhancement.
- 3.13. Such an approach would enable meaningful public engagement and participation and raise the profile of the local plan and its alignment with corporate strategy and planning, particularly We Are Walsall 2040. The local plan would, as appropriate, use the platforms and networks successfully utilised in We Are Walsall 2040 seeking to align with its vision and strategic aims through spatial planning to meet evidenced needs and sustainable planning objectives.
- 3.14. The second recommendation on this report is to delegate the decision on the detail of the call for sites exercise to the Executive Director for Economy, Environment and Communities in consultation with the Portfolio Holder for Regeneration. Notwithstanding this recommendation, it is expected that the call for sites will be:
 - open-ended in terms of its duration when initiated and run into the commencement of the formal plan-making process, but eventually have a prescribed end-date, and contain a protocol for the running of the exercise through any pre—election periods
 - make it clear that the identification of a site does not guarantee its allocation within the development plan and/or receiving planning permission for the proposed use

be wide-ranging, and include:

- contact with owners and developers who previously made a call for sites submission within the borough as part of the Black Country Plan
- an opportunity for new call for sites for housing, employment, retail and other uses to be submitted
- contact with owners on existing sites within the strategic housing land availability assessment
- an opportunity for the local community to identify sites for appropriate uses within their local environment
- an opportunity to identify local green space sites, as well as land which could potentially be suitable as biodiversity net gain offset sites

Council Plan priorities

3.15. The Council Plan 2022 – 25 sets out the council's aims of reducing inequalities and maximising potential. The outcomes of the local plan, which in part will evolve from evidence gathering as part of the plan preparation, will align with the council plan objectives in:

- supporting a dynamic, resilient, and diverse economy where businesses invest, and everyone has the right jobs and the right housing
- people are supported to maintain or improve their health, wellbeing and quality of life
- children and young people have access to high quality education and training
- the people of Walsall feel safe in a cleaner, greener borough

The consultation process behind plan-making, including the call for sites, also provides real opportunities for communities to engage in the future of the borough.

Risk management

3.16. Government requires all councils to have an up-to-date local plan. If plans are not progressing or severely delayed, the government has powers to intervene by directly appointing government officials, at a cost to the council, to prepare a plan for its area.

3.17. Under the current plan-making regime, failure to have a local plan that is 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 support the economic and environmental well-being of the area.

3.18. Lack of sound evidence could also make it difficult to oppose development in inappropriate locations, especially housing proposals, and place the council at risk of planning by appeal, resulting in development being placed in the wrong locations, leading to an inefficient use of resources, traffic congestion and other harm. While emerging national policies and guidance may alter this position, it is unlikely to be radically departed from and therefore these risks are likely to remain apparent.

Financial implications

3.19. The call for sites exercise will be implemented using existing internal resources, including the likely use of the Commonplace engagement platform which the council already subscribes to.

3.20. There may be a need for additional, external support in the assessment of sites which come forward as a result of the call for sites, however it is envisaged that any associated costs would be covered through existing budgets.

Legal implications

- 3.21. The process for the preparation of development plans is set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) Regulations 2012.

Procurement Implications/Social Value

- 3.22. Any external support through consultants to help facilitate the call for sites exercise, specifically in the assessment of sites which are put forward through this process, will need to be commissioned through the council's procurement process.

Property implications

- 3.23. It is envisaged that an opportunity will be given for appropriate and eligible council owned land and sites to be put forward for assessment under the call for sites process.

Health and wellbeing implications

- 3.24. While there are no direct health and wellbeing implications associated with a call for sites, plan-making objectives include the need to ensure that new developments are sited within sustainable locations and contribute towards the health and wellbeing of residents. These criteria are likely to be factored into the assessment of any sites put forward through this process.
- 3.25. In addition, the call for sites could result in sites being identified for potential community uses which would contribute positively to health and wellbeing. There are also potential links to projects such as Walsall in Bloom and Feeding our Future small grants, as the call for sites exercise could potentially move on from identifying sites to empowering communities to take ownership of land, even if it is on a temporary or leasehold basis.

Reducing Inequalities

- 3.26. It is envisaged that the call for sites exercise will reach out more to local communities than previous such engagements, which were primarily aimed at landowners and developers, using the experience and contacts gained through the We are Walsall 2040 consultation.
- 3.27. Proposals under the emerging new plan-making regime will remove the requirement to prepare a statement of community involvement (SCI), however local planning authorities (LPAs) will be required to outline their overall ambitions and approach to engagement through project initiation documents (PIDs). The council's approach to consultation is expected to be ambitious and subject to independent oversight. For instance, planning authorities will need to demonstrate through the PID how they intend to connect with groups who have

had traditionally low levels of engagement, and how the use of hybrid approaches to engagement might contribute to overcoming this.

- 3.28. This approach aligns with the council's commitment to engage effectively with all communities, including minority ethnic communities, disabled groups and individuals, young people, people on low incomes and the business community.

Staffing implications

- 3.29. Work on the issuing of the call for sites, as part of the plan-making process, will be primarily led by the planning policy team, with strong support from the communications team. The call for sites' assessment is likely to require support from other service areas, such as highways, environmental protection, public health and healthy spaces.

Climate Impact

- 3.30. The call for sites exercise could be undertaken in a manner which not only reduces the need for additional council resources but lessens the impact on climate change: for instance, an emphasis on using digital means of engagement and exploring the potential for publicity to be sent out with council tax bills.
- 3.31. Ultimately, the local plan will need to address the impact of, and minimising the effect of, climate change through appropriate policies and planning strategies.

Consultation

- 3.32. Consultation is the main theme of the call for sites exercise. It is recognised that this needs to be undertaken appropriately and effectively in line with both planning regulations and guidance, and also to meet council corporate objectives and commitments. A detailed consultation and communications plan will be prepared and updated throughout the process.

4. Decide

- 4.1. Consultation on the Walsall Borough Local Plan along with the evidence gathering involved, including the call for sites, will allow the local community and other stakeholders to influence the final version of the plan. This will inform future decisions by the Cabinet about the version to be submitted for examination by the secretary of state and ultimately adopted by the council.

5. Respond

- 5.1. Progression of the local plan will require the preparation and commissioning of a range of evidence to support future consultation.

6. Review

- 6.1. Versions of the local plan will be presented to Cabinet for agreement prior to them being published for consultations, as required under the proposed new plan-making process.

Appendices

Appendix A: the proposed new 30-month plan timeframe

Background papers

- plan-making reforms: consultation on implementation - [Plan-making reforms: consultation on implementation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation)

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Appendix A: the proposed new 30-month plan timeframe for plan-making

