



PLANNING COMMITTEE

1st December 2022

REPORT OF HEAD OF PLANNING & BUILDING CONTROL

Responses to Birmingham City Council, Stafford Borough Council and South Staffordshire District Council Local Plan Consultations

1. PURPOSE OF REPORT

To consider draft local plans from neighbouring authorities that the council is being consulted about, and to make appropriate recommendations to Cabinet:

- Birmingham City Council – Birmingham Local Plan – Issues and Options Consultation;
- Stafford Borough Council – Stafford Borough Local Plan – Preferred Options Consultation; and
- South Staffordshire District Council – Local Plan Review Publication Plan.

2. RECOMMENDATION

a) Agree the responses to the following consultations as set out in the appendices, and refer them to Cabinet for endorsement:

- Birmingham Local Plan – Issues and Options Consultation (**Appendix A**). Note the significant emerging unmet housing and employment land need identified within the plan. Given Walsall's own shortfall in land supply, confirm that Walsall is unable to contribute to meeting these needs. We will expect Birmingham to explore all options to meet their housing and employment needs and maximise opportunities to deliver housing within their administrative boundary;
- Stafford Borough Local Plan – Preferred Options Consultation (**Appendix B**). Support the offer to provide 2,000 homes and significant employment land to meet unmet need from other authorities. However, it is not clear within the plan as drafted how these offers will be apportioned between neighbouring authorities. Agreement on apportionment will assist the preparation of those authorities' local plans. It is noted that the identified housing land supply exceeds the amount of development proposed during the plan period by approximately 17%, so we would suggest that some of this buffer could be added to the offer to other authorities.
- South Staffordshire District Council – Local Plan Review Publication Consultation (**Appendix C**). Support the Local Plan's provision of 4,000 homes to meet the needs of GBBCHMA which is considered to be an appropriate contribution. In addition the provision of employment land to meet unmet needs is also supported. The apportionment of 103ha of

employment land to serve the needs of the Black Country is welcome. However, it is not clear within the plan as drafted how the housing offer will be apportioned between neighbouring authorities. Agreement on apportionment will assist the preparation of those authorities' local plans.

b) Authorise the Head of Planning and Building Control to add additional comments to the responses as necessary, and to submit an initial officer response to the authorities in advance of endorsement by Cabinet.

3. FINANCIAL IMPLICATIONS

None arising directly from this report.

4. POLICY IMPLICATIONS

Cabinet on 2nd November 2022 agreed to cease work on the Black Country Plan (BCP) and begin preparation of a Walsall Local Plan (WLP). The WLP will aim to meet the needs of the borough for land for housing, employment and other uses. However, it is unlikely that there will be sufficient supply within our area, even with the use of land that is currently Green Belt. Engagement with neighbouring authorities will help to determine how much of Walsall's need can be met by them (exported), how much will still need to be addressed by our own emerging local plan, and what implications if any there might be for services in Walsall from development in neighbouring areas.

5. LEGAL IMPLICATIONS

Walsall Council is under a legal Duty to Cooperate with neighbouring planning authorities with regards to strategic cross boundary planning matters. The briefing of members in respect of neighbouring authorities' local plans will ensure members are aware of the ongoing dialogue and engagement between authorities on their respective local plans.

6. EQUAL OPPORTUNITY IMPLICATIONS

None arising from the report.

7. ENVIRONMENTAL IMPACT

Proposals within a Council's local plan are required to consider environmental issues and provide for mitigation where appropriate. Local plans are supported by sustainability appraisal and Habitat Regulations assessment which assess a local plan's environmental impacts.

8. WARD(S) AFFECTED

None.

9. CONSULTEES

Officers in Planning and Building Control have been consulted in the preparation of this report.

10. CONTACT OFFICER

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11. BACKGROUND PAPERS

All published.

Patrick Jervis

Principal Planning Policy Officer

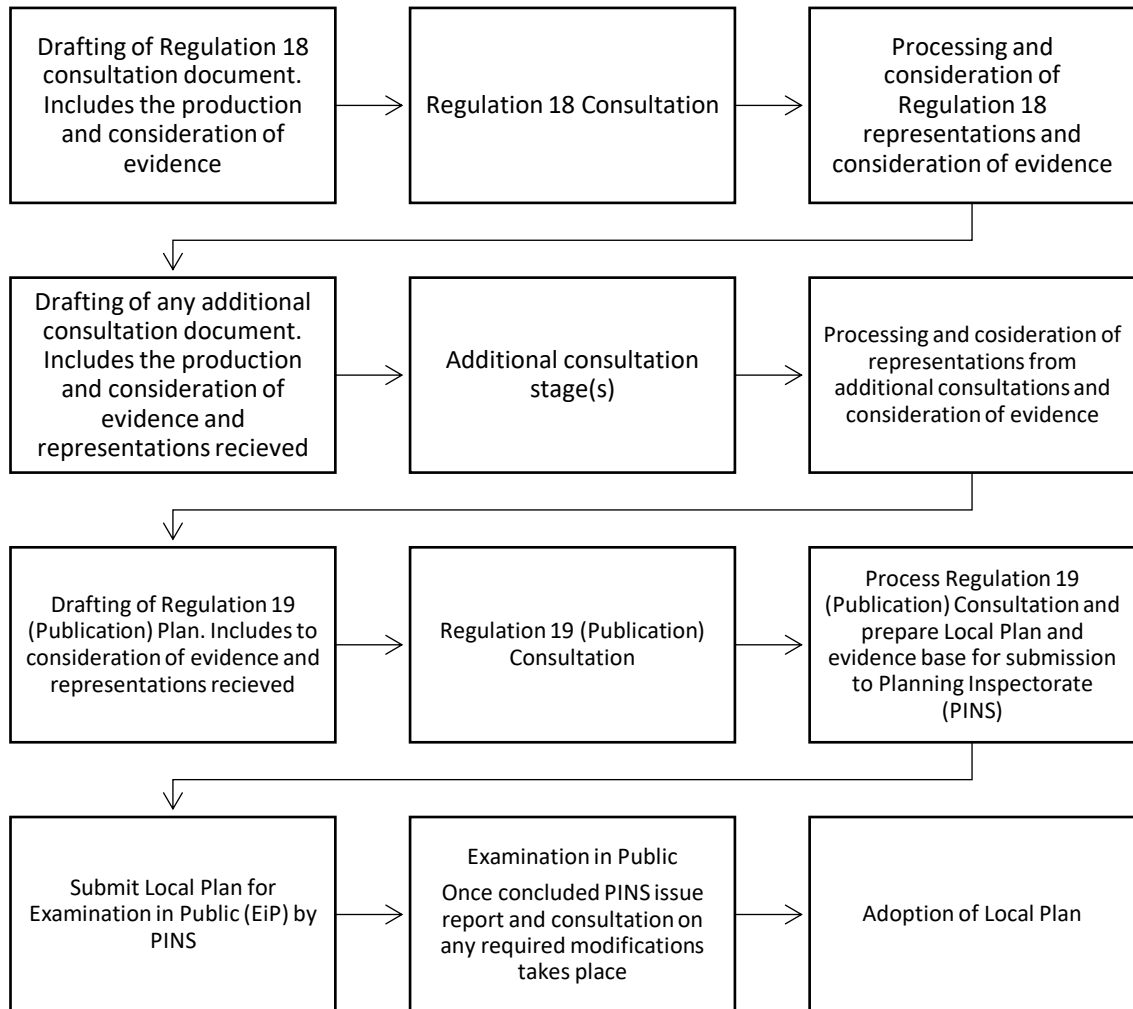
Local Plan Consultation Responses Report

Responses to Birmingham City Council, Stafford Borough Council and South Staffordshire District Council Local Plan Consultations

1 Background

- 1.1 The council is frequently consulted about local plans that are being prepared by neighbouring authorities. In recent years, formal responses have been agreed jointly by the leaders of the four Black Country authorities meeting as the Association of Black Country Authorities (ABCA). The decision to end work on the Black Country Plan however means that there is no longer a joint planning framework in which to consider responses to such plans. It is therefore now necessary for each authority to provide its own response. Under the Council's scheme of delegations, Planning Committee is authorised to consider development plans prepared by neighbouring authorities, and other consultations on planning policies and proposals by outside bodies and persons to make appropriate recommendations thereon to the Executive (i.e. Cabinet).
- 1.2 Responses to consultations on development plans have to meet strict deadlines. It is therefore sometimes necessary for officers to submit draft responses prior to authorisation by Planning Committee and/or Cabinet, but these are subject to agreement by the two bodies.
- 1.3 It is becoming increasingly important that Walsall plays an active role in the production of plans by neighbouring authorities. Both Walsall and the other Black Country authorities, as well as Birmingham City Council, have large needs for homes and employment land. However, much of our area is already developed and we are heavily constrained by Green Belt. We are therefore reliant on neighbouring authorities in Staffordshire and Shropshire to help meet some of these needs.
- 1.4 Currently the legal mechanism for discussing local plans with neighbouring authorities is the Duty to Cooperate (DtC). Regular discussions take place at officer level between the authorities in the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) as well as those further afield such as Shropshire. Authorities are expected to agree and sign Statements of Common Ground with their neighbours when plans are submitted for examination. The Levelling-up and Regeneration Bill that is currently being considered by Parliament proposes to abolish the DtC and replace it with a more flexible alignment test that is yet to be defined.
- 1.5 Walsall has been consulted by three neighbouring local authorities about their plans. These plans are each at different stages. For information, details of the local plan preparation process is illustrated in figure 1 (below) and details of the key consultation stages are set out below. The appendices below provide a summary of key issues in each plan that are of relevance to Walsall, and an outline of the response that should be made to each.

Figure 1: Local Plan Process



1.7 The statutory process for preparing a Local Plan is set out in [the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#). The process of preparing a local plan is ongoing (as illustrated above), however, legislation requires a local plan to be subject to two formal consultation stages, these are;

- Regulation 18 Consultation; and
- Regulation 19 Consultation (also known as the Publication Consultation).

1.8 **Regulation 18 Consultation:** This is the first stage of consultation on a local plan and will take place for a period of at least six weeks. At this stage the council are required to set out the scope of the proposed local plan and seek comments from residents, stakeholders, and organisations upon this. At this stage the Local Plan will usually identify the key issues which the plan will look to address and a range of options which could be used to achieve this. This stage is often called the 'Issues & Options' stage.

1.9 Once completed a council will consider all comments received during the consultation and, alongside evidence which it collects, this will inform the following the formulation of proposals and policies within the draft plan.

- 1.10 Following the initial Regulation 18 Consultation council's will often undertake additional rounds of consultation during the preparation of their local plans. Such consultations enable a greater level of engagement with stakeholders to further inform the local plan. Such consultations are in essence additional Regulation 18 consultations which assist in further refining the plan prior to its Publication (see below). For example, the current Stafford Borough Preferred Options consultation is an additional consultation being undertaken by the Council in order to provide a further opportunity for stakeholders to provide comment on the plan before its final stage.
- 1.11 Following the conclusion of any additional consultation stages the Council will begin preparing the draft Local Plan for the Regulation 19 Consultation.
- 1.12 Regulation 19 Consultation: The Regulation 19 consultation (also known as Publication Consultation) takes place on the final draft version of the plan which a Council intends to submit to the Planning Inspectorate for independent examination. Once a plan reaches this stage there is limited opportunity to make changes to the plan before it is submitted for examination. If the Council does seek to make changes it would be required to undertake a further Regulation 19 Consultation.
- 1.13 The Regulation 19 Consultation is a formal consultation where the Council are required to specifically invite comments on whether the draft plan meets the 'tests of soundness' which a Local Plan is examined against as set out within the NPPF¹ and whether the plan meets legal and procedural requirements.
- 1.14 The National Planning Policy Framework (NPPF) and the Localism Act 2011 place a legal Duty to Cooperate (DtC) on all local planning authorities to engage "constructively, actively and on an ongoing basis" with one another in relation to strategic cross boundary matters.
- 1.15 Whilst the DtC is an ongoing process, a key part of this is for authorities to consult and be consulted on each other's local plans as they emerge. This provides a formal opportunity for a Council to provide comments on a Local Plan which can then be considered by the authority progressing the plan. This provides a key opportunity for Walsall Council to identify areas of support and concern with another authorities emerging plan.

¹ The tests of soundness are whether a local plan is; **Positively prepared** - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs²¹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; **Effective** - deliverable over the plan period, and 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; and **Consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Appendix 1

Birmingham Local Plan – Issues and Options Consultation

1. Birmingham City Council have begun the process of reviewing their existing Local Plan (The Birmingham Development Plan) which was adopted in 2017. The document currently being consulted on is the Birmingham Local Plan (BLP) Issues & Options document. This represents the first stage of consultation of being undertaken under regulation 18 (as described at paragraphs 1.8 and Table 1 above).
2. The consultation document summarises the key planning challenges and opportunities for the Local Plan to address and sets out a draft vision and series of objectives for the Local Plan to achieve. The document proposes policy options and approaches to meet these objectives and for the future development of Birmingham. The consultation invites views and comments from stakeholders to a series of 54 questions.
3. The proposed response to the consultation is set out below. Responses are provided to those consultation questions where it is considered appropriate for Walsall Council to make comment at this stage. It should be noted that not responding to a specific question in the consultation document does not preclude Walsall Council from making further comments in relation to such matters in the future.
4. The key issues to which the representations relate and outline of the proposed response are summarised as follows:

Housing Requirement and Supply

5. The Birmingham Issues and Options document identifies a housing need for the city of 149,286 dwelling between 2020 and 2042. Based upon a current assessment of available land within Birmingham a potential shortfall in housing supply of 78,415 dwellings for the city by 2042 is identified. This is clearly a significant shortfall and would be in addition to the shortfall identified previously in the BCP.
6. The BLP identifies a range of six options to be explored in order to deliver housing within the city, these are; increasing housing densities; active public sector land assembly; housing regeneration; utilisation of poor quality under-used open space; use of some employment land; release of Green Belt. The issues and options document makes clear that it is unlikely any single or combination of these options will be sufficient to deliver all of Birmingham's housing requirement.
7. The Issues and Options document does recognise that the ability of neighbouring authorities to assist in meeting the unmet need will be challenged by the need to deal with their own housing requirements. However, it is anticipated that given the significant extent of the unmet need identified that Birmingham City Council will seek assistance from neighbouring authorities. Members will be aware the evidence prepared as part of the BCP had demonstrated that Walsall Council would need to release land from the Green Belt to meet its own housing needs.
8. It is proposed that representations on this matter will make clear that Walsall Council will continue to engage with Birmingham City Council on the strategic matter of unmet housing need through the Duty to Cooperate. It will be expected that Birmingham City

Council explore all options to deliver housing within the city to ensure that all opportunities to maximise the level of growth Birmingham can accommodate are maximised.

9. Given the extent of unmet need with the GBBCHMA, many authorities across the HMA, including Walsall, have already exhausted potential options to meet their own needs along with the needs of neighbours. As such it is considered highly likely that Birmingham City Council will need to consider further opportunities within the Green Belt to deliver its housing need. The City Council should be proactive over this and make clear from this early stage of plan-making that it will likely require changes to the Green Belt within Birmingham to deliver development needs.

Climate Change

10. The Issues and Options document identifies the climate emergency as a key issue which the BLP will seek to address. The City Council declared a climate emergency in June 2019 and is seeking to be net zero carbon by 2030. A range of potential options to help development achieve this target are provided within the document. Whilst it is considered a challenge to meet the target it is pleasing to see the City Council seeking to be proactive in this regard.
11. It is suggested that Walsall's response to the consultation is supportive of Birmingham's approaches to meeting the climate challenge.

Economy and Centres

12. The Issues and Options document identifies an employment land requirement of 295.6 hectares for the city between 2020 and 2042 against a supply of 221.98 hectares. As with housing land this means there is potentially a shortfall of 73.64 hectares of employment land to meet the city's needs.
13. As with housing growth it is suggested that representations make clear that the City Council will be expected to rigorously explore all options to meet need within their administrative boundaries before seeking assistance from neighbouring authorities. As members will be aware there are limited further options beyond those already identified to serve Walsall's own employment needs and as such there is limited scope to help in meeting unmet need.
14. It should be noted that the Issues & Options stage is the first in the review of the Birmingham Plan. As such issues including, but not limited to, those described above will continue to develop as the BLP progresses and officers will continue to engage on such matters in order to ensure that Walsall Council's views are considered.

Appendix 2

Stafford Borough Local Plan – Preferred Options Consultation

1. Stafford Borough Council have been reviewing their local plan for a number of years and have now published a Preferred Options document for consultation. This is an additional stage of consultation as described at paragraph 1.10 (and illustrated in Figure 1) of this report.
2. The Preferred Options document provides an additional opportunity to provide comment upon Stafford's draft policies and proposed site allocations.
3. The proposed response to the Stafford Preferred Options consultation is set out below.
4. The key issues to which the representations relate are summarised as follows:

Housing

5. The Stafford Borough Preferred Options document sets out to deliver 10,700 (535 per year) new homes between 2020 and 2040. This consists of 435 dwellings each year to meet Stafford's housing need with 100 homes per year (2000 between 2020 and 2040) to meet unmet housing needs from other authorities.
6. Given the significant unmet need established through the BCP and the emerging Birmingham Local Plan (see above) the proposal to provide 2000 dwellings is supported. However, the Preferred Options document does not set out whose unmet housing need the contribution will provide for. Given the likely extent of unmet need arising from authorities within the GBBCHMA, it is suggested that it be made clear how the contribution is to be apportioned between authorities demonstrating unmet need. This is required to give clarity and certainty as to how unmet needs are being addressed.
7. A housing market area (HMA) comprises the area within which the majority of household moves take place. Stafford lies between the GBBCHMA and North Staffordshire, so potentially some of its housing supply would meet the needs of Stoke-on-Trent.
8. The document suggests that the actual supply is in fact 12,580 homes. This surplus is intended to provide a 'buffer' against the potential non-delivery of some of the sites identified in the plan. However, some of this surplus could be potentially be added to the offer made to other authorities.

Cannock Chase Special Area of Conservation (SAC)

9. The Preferred Options document includes policy in relation to strategic mitigation approaches for the Cannock Chase SAC. As members will be aware Walsall Council became a member of the Cannock Chase SAC Partnership following the decision of its Cabinet on 7th September 2022. The Council is supportive of proposed Policy 48: Cannock Chase Special Area of Conservation (SAC) which provides protection to the SAC through the requirements of any development within a 15km radius of the SAC

providing appropriate avoidance and/or mitigation of any adverse effects.

10. This approach is consistent with other authorities within the SAC Partnership and with the latest technical evidence which has been prepared and published by the Partnership. Walsall Council is supportive of the policy approach proposed and will continue to work with Stafford Borough Council through the Cannock Chase SAC Partnership.

Appendix 3

South Staffordshire District Local Plan – Publication Consultation

1. South Staffordshire District Council have now reached the Regulation 19 (Publication) stage of their Local Plan Review. As described at paragraphs 1.12 and 1.13 this is the final formal stage of consultation on the draft Local Plan ahead of its submission to PINS for examination.
2. The proposed response to the South Staffordshire Regulation 19 consultation is set out below. As noted at paragraph 1.13 the Regulation 19 consultation specifically relates to the tests of soundness, as such the consultation response (and form) are designed to address these matters.
3. The key issues to which the representations relate are summarised as follows:

Duty to Cooperate

4. It is considered that through ongoing cooperation South Staffordshire District Council and Walsall Council have engaged effective, cooperatively and on an ongoing basis. As such there are no concerns that South Staffordshire District Council have satisfied the legal Duty to Cooperate.

Housing

5. The South Staffordshire Local Plan (SSLP) proposes a housing requirement of 9,089 dwellings between 2018 and 2039 which includes 4,000 dwellings to meet unmet needs from the GBBCHMA. This contribution is consistent with that previously proposed in the South Staffordshire Preferred Options document, which was published in 2021 and to which Walsall, through a joint response from the Black Country authorities responded.
6. It is welcomed that the South Staffordshire Local Plan maintains the proposed contribution of 4,000 dwellings to meet unmet needs from the GBBCHMA. The Black Country authorities have previously made representations that given the close geographical, migration and commuting links between the Black Country authorities and South Staffordshire it should be made clear that the whole of the 4,000 contribution is specifically allocated to meet needs from within the Black Country. It is recommended that this need is apportioned between the four Black Country authorities and the Councils work together to agree that apportionment.

Employment

7. The SSLP notes that there is 103.6 hectares of employment land, including 67 hectares of the West Midlands Interchange, within South Staffordshire available for strategic cross boundary unmet need from the Black Country. The plan then notes that this will be subject to agreement through a Statement of Common Ground.
8. As members will be aware the BCP had previously identified significant unmet employment need within the Black Country Authorities and this issue had been raised

in previous representations to the South Staffordshire Local Plan. As such it is pleasing to see that further evidence base work has indicated there is sufficient land to make a significant contribution to unmet employment needs from the Black Country. However, it is recommended that through the Duty to Cooperate the authorities seek to agree the apportionment of the additional employment land so that this can be clearly set out within the SSLP.

Cannock Chase SAC

9. The SSLP includes proposed Policy NR3: Cannock Chase SAC which provides protection to the SAC through the requirements of any development within a 15km radius of the SAC providing appropriate avoidance and/or mitigation of any adverse effects.
10. This approach is consistent with other authorities within the SAC Partnership and with the latest technical evidence which has been prepared and published by the Partnership. Walsall Council is supportive of the policy approach proposed and will continue to work with South Staffordshire District Council through the Cannock Chase SAC Partnership