



## **PLANNING COMMITTEE**

**30 November 2023**

### **REPORT OF HEAD OF PLANNING & BUILDING CONTROL**

#### **Response to local plan consultations – Telford, Sandwell and Dudley**

#### **1. PURPOSE OF REPORT**

- 1.1 To consider and agree the council's response to local plan consultations from three neighbouring local authorities under duty to cooperate: Telford local plan; Sandwell local plan; Dudley local plan.

#### **2. RECOMMENDATION**

- 2.1 Agree the responses as set out in the appendices, and authorise the Executive Director for Economy, Environment & Communities, in consultation with the Portfolio Holder for Regeneration, to submit the responses to the three respective authorities.
- 2.2 Authorise the Head of Planning and Building Control to amend the responses as necessary.

#### **3. FINANCIAL IMPLICATIONS**

- 3.1 None arising directly from this report.

#### **4. POLICY IMPLICATIONS**

- 4.1 Following the decisions of the four local authorities to cease work on the Black Country Plan (BCP), each authority is now beginning work on their own local plans. They are also individually responsible for responding to consultations on local plans being prepared by neighbouring local authorities, both within the Black Country and elsewhere.
- 4.2 The nature of the Black Country is that the supply of land for housing, employment and other land use requirements overlaps between the authorities. The four authorities are also constrained, with much undeveloped land particularly in Walsall being Green Belt. We are therefore reliant on authorities outside the Black Country to contribute to meeting some of our needs through the allocation of land in their respective local plans, that is additional to that required to meet their local needs.
- 4.3 Engagement with neighbouring authorities on local plan preparation currently takes place through the Duty to Cooperate (DtC) under the Localism Act 2011. This duty is proposed to be abolished under the Levelling Up and Regeneration Act 2023

(LURA 2023). It is proposed that the DtC is to be replaced by an 'alignment test' to be defined further and detailed in a future government policy statement. However, the date for commencement of the relevant provisions of the LURA 2023 and details of the alignment test have yet to be announced. The success of any DtC engagement may affect the scale of development need that will have to be met in the Walsall Borough Local Plan (WBLP).

4.4 The three local plans are at different stages in their preparation, with different implications for Walsall, as detailed in the responses set out in the appendices. Responses to consultations on development plans have to meet strict deadlines. However, the DtC process is an ongoing one, so it is expected that officer discussions about our respective plans will be ongoing. The consultation periods are:

- Telford local plan - 25 October 2023 to 12 January 2024
- Sandwell local plan - 6 November 2023 to 18 December 2023
- Dudley local plan - 6 November to 22 December 2023.

4.5 The key issue for Walsall in relation to each local plan is the impact on the housing and employment land supply. There may also be cross-boundary infrastructure implications in relation to development in Sandwell close to the border that could add to pressures on Walsall, in particular school places. Some cross border waste and mineral issues may also arise. For example, some waste is exported from all three authorities to be processed in Walsall. Mineral working and infrastructure in Walsall, notably brickworks, also serve developments in the neighbouring authorities.

## **5. LEGAL IMPLICATIONS**

5.1 Local planning authorities are currently subject to a Duty to Cooperate with neighbouring planning authorities with regards to strategic cross boundary planning matters. The extent of engagement with neighbouring authorities will be tested as part of the examination of the respective authority local plans.

## **6. EQUAL OPPORTUNITY IMPLICATIONS**

6.1 The local plans will be required to ensure the needs of all sections of the community are met through equality impact assessments in particular.

## **7. ENVIRONMENTAL IMPACT**

7.1 The local plans are accompanied by a sustainability appraisal and Habitat Regulations assessment which are required to be updated as the plans are progressed.

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

8.1 All.

## **9. CONSULTEES**

9.1 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. Documents for the local plans can be viewed at the links in the appendices.

## Appendix 1

### Telford Local Plan – proposed Walsall Council response to draft local plan consultation

<https://www.telfordandwrekinlocalplan.co.uk/site/index.php>

The local plan is at the Regulation 18 draft plan stage. This is the second stage of the plan preparation and follows consultation on the issues and options in October 2020 to January 2021. The plan now contains draft policies. These include a strategic objective to deliver 20,200 homes (1,010 per year) and a minimum of 167ha of employment land over the period 2020-2040.

The draft plan is supported by several evidence documents that are intended to justify the plan. These include an economic and housing development needs assessment, and a housing requirement technical paper. The latter notes that the local housing need calculated using the Government's standard method produces a requirement of 475 dwellings per annum. However, Telford argue that their alternative method of calculating housing need produces a total need of 930 dwellings per annum. A separate assessment of demographic trends (projected population and household change) identifies a dwelling equivalent growth of 1,010 dwellings per annum. This represents a total of 80 dwellings per annum (1,600 over 20 years) that forms the basis of the council's proposed approach to contribute towards part of the Black Country's unmet housing need.

The proposed contribution to the Black Country's housing need is welcomed although it is modest relative to our total housing land supply shortfall. Telford is not constrained by Green Belt and we would wish to ensure Telford maximises the use of any housing capacity that it has. The supporting technical papers lack clarity about why the housing need figure is significantly in excess of that generated by the standard method. It is understood that housing completions in recent years have been higher than that required by the standard method. A clearer explanation of the methodology would help to make Telford's plan more robust.

Telford lies outside the Black Country's functioning economic area (FEMA, the area within the majority of workers travel for employment) and the Black Country's employment land shortfall would be better met by land closer to the Black Country. Telford's plan does not indicate that any part of its employment land supply would contribute to the needs of the Black Country and we would concur with this view.

## Appendix 2

### **Sandwell Local Plan – proposed Walsall Council response to draft local plan consultation**

<https://www.sandwell.gov.uk/planning/sandwell-local-plan>

The local plan is at the Regulation 18 or Draft Plan stage. This is the second stage of a local plan. Its purpose is to set out the policies and site allocations that are proposed for inclusion in the final plan. The policies include a strategic objective to deliver at least 11,167 net new homes (587 per annum) and at least 42ha of new employment land over the period 2022-2041. It also allocates 1,177ha of existing occupied employment land to be retained in this use.

These figures are well below the identified need based on the government standard method for 29,773 homes (1,567 per annum), and 185 hectares of employment land, by 2041. The plan acknowledges that Sandwell will be unable to meet these needs either within the borough or across the whole of the plan period without resorting to significant and harmful levels of overdevelopment. The identified shortfall in housing provision is 18,606 homes, while the shortfall in employment land is 143ha. It will be necessary to 'export' this unmet need to neighbouring authority areas.

Sandwell is heavily constrained, being surrounded by other urban authorities. It has very little Green Belt (most of this comprises Sandwell Valley) and very few vacant or unused open spaces. Walsall's planning committee on 9 March and cabinet on 22 March 2023 recognised this in response to consultation on the earlier issues and options report for Sandwell's local plan. Walsall's response was that the plan should aim to ensure that Sandwell is able to accommodate as much housing and employment as possible to meet its own needs by making effective use of land and maximising densities.

The housing and employment numbers proposed in Sandwell's plan are higher than in the BCP after allowing for the slightly different time periods to be covered by the two plans. The BCP proposed 9,158 homes (482 per annum) and 29ha of new employment land. This increase in provision means that the number of homes and amount of employment land that will need to be exported to neighbouring authorities (including Walsall) will be reduced. As such, the draft plan can be supported.

The Sandwell plan contains a large number of policies about other topics. Most of these are site-specific or are about development management and are similar to those proposed in the BCP. As such, they raise no direct concerns for Walsall. The plan 'carries forward' existing proposals for sites that lie close to the boundary with Walsall. In particular, land at Friar Park is allocated for housing with an indicative capacity of 630 homes.

## Appendix 3

### Dudley Local Plan – proposed Walsall response to draft local plan consultation

<https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/>

The local plan is a draft plan at Regulation 18 stage. Unlike the Telford and Sandwell plans however, this is the first stage of the plan. This is because it is based on the proposals in the BCP and the consultations carried out for that plan. It also contains draft policies. The plan is intended to replace all previous development plan documents covering Dudley Borough including the Black Country Core Strategy and Areas Action Plans for Brierley Hill, Dudley, Halesowen and Stourbridge.

A significant difference compared with the draft BCP however is that a reduction in the supply of land for housing is proposed. This is as a result of the intention not to allocate land that is currently in Green Belt. The BCP proposals for Dudley included the provision of housing slightly in excess of local need to contribute towards the needs of Sandwell, and to a lesser extent Wolverhampton. The draft Dudley local plan however proposes to supply less than enough to meet local needs, which means that this shortfall will need to be exported to neighbouring authorities.

As was the case with the BCP, the Dudley local plan also significantly under-supplies sufficient employment land to meet the borough's needs, although the proposed supply is slightly higher than that in the BCP.

A direct comparison with the BCP is not straightforward because the two plans were intended to cover different time periods, and the need for both housing and employment has changed since the preparation of the BCP as a result of the way in which need is calculated, as well as the different time periods for the two documents. The Dudley local plan however appears to under-state the extent of the proposed housing supply shortfall.

The BCP proposed that 13,235 net additional homes would be provided in Dudley over the period 2020-39. The local need under the national standard method was 636 homes per year (2021 basis). This meant that 1,151 homes would have been available to meet needs arising elsewhere in the Black Country.

The Dudley local plan proposes 10,876 homes over the period 2023-41. Need in Dudley over this period is 11,954 homes (664 homes per year). The plan states that this will result in 1,078 homes having to be provided in other authority areas. The reduction in supply compared with the BCP however is effectively this 'export' figure added to the number that are no longer proposed to meet need arising elsewhere in the Black Country, i.e. 1,078 plus 1,151 or 2,229 homes.

We recognise the local concerns have resulted in Dudley being unwilling to consider the use of Green Belt to help meet the need for housing. However, the resulting under-supply will place additional pressures on the housing supply in other authority areas, and make it more difficult to demonstrate to authorities outside the Black Country that authorities within the Black Country have sought to maximise their supply before seeking to export some of it.

At the time of writing, paragraph 35 of the NPPF (dated September 2023) states that "local

plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are a) positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; 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."

Given that the draft BCP has already demonstrated that it is practical for Dudley to accommodate some unmet housing need from neighbouring authorities, a question needs to be raised as to whether the draft Dudley local plan may be considered as unsound. The Government consulted in December 2022 on proposed changes to the NPPF that would delete this text in paragraph 35. However, the outcome of this consultation has not yet been published.

The Dudley local plan proposes 25ha of additional employment land compared with the 22ha proposed in the BCP. Both these figures are well below the net need of 72ha. This means that 47ha of employment land to serve Dudley will need to be 'exported'. The supply of suitable land for employment development in Dudley is physically constrained, so it is recommended that no concerns are raised on this topic.

The Dudley local plan contains a large number of policies about other topics. Most of these are site-specific or are about development management and are similar to those proposed in the BCP. As such, they raise no direct concerns for Walsall.