

## Cabinet – June 2022

### Black Country Plan: Additional Sites Consultation

**Portfolio:** Councillor A Andrew – Deputy Leader and Regeneration Portfolio

**Related portfolios** n/a

**Service** Economy, Environment & Communities

**Wards:** All

**Key Decision:** Yes

**Forward Plan:** Yes

#### 1. Aim

- 1.1 The Council and its partner authorities in the Black Country (Wolverhampton City Council, Dudley Council and Sandwell Council) are currently moving through the consultation stages of the Black Country Plan (BCP), which is in preparation and will form part of the development plan when adopted. The Council is required by law to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Development plans are therefore very important as the basis for economic development and regeneration, protecting land uses and supporting the physical enhancement of the Borough. Plans require careful preparation, are subjected to public scrutiny and examined by independent Planning Inspectors in public before adoption can be achieved.
- 1.2 The BCP will, once adopted, replace the existing Black Country Core Strategy (BCCS) and 'carry forward' most of the site allocations in the Walsall Site Allocation Document (SAD); the current BCCS and SAD run to 2026. The BCP will aim to provide sufficient land for homes and jobs to promote sustainable growth in the Black Country, as well as safeguarding and enhancing the natural and built historic environment, for the period to 2039.
- 1.3 The first stage of public consultation on the BCP addressed the Issues and Options Report in 2017; the outcome of that consultation informed the production of the regulation 18 version, known as the Draft Plan. As well as providing more detail about the number of additional homes and amount of employment land that the plan aimed to provide, the Draft Plan identified specific sites that we proposed to be allocated for development.
- 1.4 Regulation 18 required the Local Planning Authority to consult on the content of the draft local plan, including site allocations. As a result of the consultation, submissions have been received and reviewed for the introduction of new allocations of suitable sites lying within the Walsall area and the internal review

of a previously excluded call for site submission. This report seeks authorisation to consult on those additional suitable housing sites for the Draft Plan version of the Black Country Plan.

- 1.5 The next stage is the production of a regulation 19 plan. The regulation 19 publication will be informed by the previous consultation and this version for consultation would seek representations on the soundness of the plan which is the main criteria considered by the Planning Inspectorate at the future examination in public. However, for this reason it is not considered that new proposed site allocations can be added at regulation 19 stage and an additional regulation 18 consultation is therefore required for these new Walsall suitable sites.
- 1.6 By including the sites in the Reg 19 BC Plan we will be closer to meeting the housing need of the Black Country for the period up to 2039. This gives us a more robust and sound Plan.
- 1.7 Restrictions due to Covid meant that the decision was taken to make consultation for the regulation 18 plan predominantly on-line, although it was possible to hold several drop-in sessions as restrictions eased. The regulation 18 consultation generated a very large number of representations, however now that national Covid restrictions have been lifted Cabinet are asked to consider whether additional methods of public engagement should be used for the current consultation. These are set out in Appendix C below.
- 1.8 Another round of consultation gives residents, community groups and statutory bodies the chance to make their views about the additional sites known, and can help us to pick up any issues that we have not identified through the site assessment process.
- 1.9 Whilst the additional sites only lie in Walsall, similar reports are being taken to the respective cabinets of Dudley, Sandwell and City of Wolverhampton.

## **2. Summary**

- 2.1 This report seeks authorisation to consult on additional housing sites for the regulation 18 Draft Plan version of the Black Country Plan. The Regulation 18 Draft Plan as originally published is provided in full in Appendix A, the list of additional sites is provided in Appendix B. Appendix C outlines the main methods to be used in the consultation.
- 2.2 Approximately 76,000 additional homes and around 565 hectares of additional employment land (for industry and warehousing) need to be provided to meet the needs of the Black Country over the period 2020-39. We also need to plan for:
  - How we will address climate change
  - How we will create healthy and safe places
  - How we will protect and enhance the historic and natural environment
  - The design standards that new development should meet
  - How we will provide housing to meet the needs of different residents, including affordable housing

- How we will maintain vibrant and attractive town centres
- 2.3 Much of the land for these homes and jobs already has planning permission and/or is allocated in our existing development plans. The BCP will continue to focus on bringing forward for development previously developed land in the urban area. Officers are also exploring the capacity of our urban areas to accommodate additional homes through, for example, making use of land and buildings that are no longer required for other purposes such as retail and offices, and by increasing densities. Discussions are also being held with neighbouring authorities outside the Black Country under the Duty to Cooperate, to encourage authorities to allocate land in local plans to meet some of the need arising from the Black Country and Birmingham.
- 2.4 However, after thorough analysis of evidence, research and consultation, it is concluded that all these sources together would not provide sufficient land to meet our requirements. The regulation 18 Draft Plan therefore proposed to remove land from the Green Belt to provide in total around 7,700 homes and 47 hectares of employment land to be delivered by 2039. 7,100 homes (5,400 of which would be built by 2039) and 47 hectares of employment land (11ha of which is previously developed land) are in Walsall. A total of approximately 320 hectares of land is involved in Walsall, which equates to approximately 8% of the current area of Green Belt in the Borough. The additional sites that are now proposed would add a further 828 dwellings and involve 32.47ha.

### **3. Recommendations**

- 3.1 That Cabinet approves additional regulation 18 consultation to include in the BCP the additional sites as set out in the draft consultation document Appendix B.
- 3.2 That the approach to the consultation as set out in Appendix C of this report be approved.
- 3.3 That delegated authority be made to the Executive Director of Economy, Environment and Communities in consultation with the Cabinet portfolio holder for Regeneration to make any necessary amendments to the Draft Plan and other consultation documents prior to the commencement of the additional regulation 18 consultation process.

### **4. Report detail – know**

- 4.1 The BCP will form a key part of the statutory development plan once adopted. The development plan is a document, or collection of documents, that identifies future needs for homes, employment and other land use requirements, and contains policies to safeguard open space, areas of value for nature conservation or built heritage. It forms the basis in law of decisions on planning applications, and is used to guide decisions on investment and regeneration.
- 4.2 The development plan for Walsall currently comprises ‘saved’ policies of the Walsall Unitary Development Plan (UDP), the Black Country Core Strategy (BCCS), the Walsall Site Allocation Document (SAD) and Walsall Town Centre Area Action Plan (AAP). The BCCS, adopted in 2011, sets a strategy and

targets for homes, employment land, retail and offices for the period to 2026. Specific sites to meet these targets are allocated in the SAD and AAP, which were adopted in 2019. Parts of the UDP, which was adopted in 2005, have been replaced by the BCCS, but many policies in the UDP, especially those that do not relate to specific sites, remain in place.

- 4.3 The BCP will set out land use requirements to roll forward to 2039. National planning policy states that development plans should identify requirements for 15 years from the date of adoption. It is intended that the BCP will be adopted in 2024. The BCP will replace the BCCS but, unlike the BCCS, the BCP will also allocate specific sites for different land uses. It will therefore 'carry forward' the allocations in the SAD but will also allocate additional sites to meet need over the longer time period.
- 4.4 Preparation of the BCP began in 2016 and consultation on the 'Issues and Options' to be considered in the plan took place in 2017. Since then, a great deal of work has taken place to examine potential sites to be allocated in the plan (over 200 of these have been examined in Walsall alone), as well as studies of housing need (both the overall number of homes required but also the breakdown between tenure and dwelling size that is likely to be required), the employment land need and supply (including the suitability of existing employment premises for long term retention), and studies of town centres, waste and minerals. These studies, and responses received to the issues and options consultation, have informed the reg 18 draft plan.
- 4.5 The BCCS envisaged that development needs to 2026 could be met entirely within the existing urban area. This was based on the principle that there was a declining need for industrial land as work moved to offices, which has a higher employment density (the amount of floorspace per job). The redundant industrial land could then be redeveloped for housing.
- 4.6 However, industry has proven to be more resilient than expected, particularly in Dudley and Sandwell. There are a number of reasons for this. Firstly, much of the industry in the Black Country is specialist manufacturing, with a skilled and loyal workforce. Companies have been reluctant to relocate to newer and better quality premises both because of the cost but also because of concern that they will lose their workforce. They have chosen instead to invest in their existing premises. Second, many older industrial areas are in fragmented ownerships, often with absentee or unknown owners, and there is no practical means of consolidating land parcels to allow a comprehensive redevelopment.
- 4.7 Even prior to Covid-19, demand for offices in the Black Country was low. Growth in retail employment has also failed to occur. Warehouses and other premises to serve internet-based shopping tends to have a low employment density. However, the growing population of the area also means that the total number of jobs needs to increase in order to provide adequate economic activity. More land is therefore required for employment. The draft BCP estimates that around 520 hectares of additional employment land is required.
- 4.8 Housing need is now determined by the standard method set by the Government. This indicates that an additional 76,076 homes need to be provided across the Black Country over the period 2020-2039. This compares

with the requirement of 63,000 net new homes which the BCCS requires for the period 2006-2026. Housing completions since 2006 have been largely in line with the trajectory set by the BCCS. As a result however, this means that we are effectively running out of land for housing.

- 4.9 The capacity of the urban area has been assessed as part of the preparation of the BCP. This shows that only 205 hectares of employment land and land for 39,255 homes is available in the area. There is therefore a shortfall of over 300 hectares of employment land and land for 36,821 homes.
- 4.10 Work under the Duty to Cooperate is ongoing with neighbouring authorities in Staffordshire, Shropshire and Solihull to accommodate some of this shortfall in their areas. Discussions to date suggest around 150 hectares of employment land and 9,500 homes could be exported to them. The remainder however will need to be met in the Black Country, by developing land that is currently in the Green Belt.
- 4.11 In Walsall the Draft Plan proposed that land for 5,418 homes and 47 hectares of employment land will be allocated for development by 2039 on areas that are currently in the Green Belt. This equates to approximately 8% of the current area of Green Belt.
- 4.12 As well as allocating sites, the BCP will also replace the existing policies in the BCCS and elsewhere that apply to various existing and proposed land uses. The BCP policies will take account of changes to legislation and national planning policies since the BCCS was adopted, requirements arising from the evidence prepared for the plan and new challenges such as the need to address climate change and enhance provision for nature conservation.
- 4.13 The Council is required to assess the environmental and sustainability effects of any development plans it produces. Preparation of the Draft Plan has been informed by Sustainability Appraisal (incorporating the requirements of Strategic Environmental Assessment). The sustainability appraisal considers the anticipated sustainability effects of the Draft Plan, potential mitigation measures, and appraises the reasonable alternative options considered during the plan preparation process.
- 4.14 At the same cabinet as this report officers are seeking approval of the following timetable (the Local Development Scheme – LDS) for the future stages of the plan. Set out as follows:

Focussed consultation on additional sites	July - September 2022
Cabinet/ Council consider Publication Plan (Regulation 19)	October 2022
Regulation 19 Consultation	November – December 2022
Submission	March – May 2023
Examination	Summer – Autumn 2023
Adoption	Early 2024

- 4.15 The need to process the large volume of representations received in response to the 2021 consultation, and the additional consultation stage that is proposed in this report, has meant that it has not been possible to follow the previous timetable to date, although measures are being examined to bring the later stages of the timetable back on course.
- 4.16 Following a review of the representations from the previous regulation 18 consultation these additional sites have been considered potentially suitable for housing and require an additional regulation 18 consultation:

WSA257	Land West of Chester Road North of Little Hardwick Road, Streetly	655 Houses
WAH258	Land east of Skip Lane and North of Woodfield Close	135
WAH259	Pacific Nurseries (extension to area already proposed in Draft Plan)	30

- 4.17 Most of these sites will include land to be used as open space and to enhance biodiversity.
- 4.18 Because of Covid restrictions at the planning stage, consultation for the Draft Plan in 2021 was predominantly on-line, including through the council’s social media platforms. There was also widespread coverage in local mainstream media and several well-attended drop-in sessions were held around the borough. A large number of representations were received and these related to nearly all the major site allocations proposed in the Plan, as well as most of the other policies. Whilst the consultation techniques were agreed by Cabinet, and complied with the legislation and the council’s Statement of Community Involvement, concerns were raised that many existing residents were not aware of the proposals.
- 4.19 The BCP could potentially affect all residents and businesses across the Black Country and beyond. However, it would be costly and ineffective to directly contact all addresses in the borough. A high proportion of residents do not live close to the sites proposed for allocation in the BCP so would be unlikely to respond. It is therefore recommended in addition to contacting people who have already engaged with the plan, making printed copies available at key Council buildings, press releases that a focussed consultation takes place within Walsall wards that contain or lie adjacent to the proposed new Green Belt housing sites as set out in Appendix C, including letters and a face to face drop in session.

***Council Corporate Plan priorities***

- 4.20 The Council’s Corporate Plan 2021-2022 sets out the Council’s purpose along with the priorities, with the aim of reducing inequalities and maximise potential. Having a plan that looks to deliver development in the borough in the right locations directly links to the Council’s priority of “economic growth for all people, communities and businesses”. It also links to the Council priority of ensuring “communities are prospering and resilient with all housing needs met in safe

and healthy places that build a strong sense of belonging and cohesion” by ensuring we have a programme of plans that continue to identify land to meet our housing needs. Having a plan also supports the Council priority of ensuring our residents have “increased independence, improved health and can positively contribute to their communities”. Planning documents provide the mechanism for ensuring communities have access to opportunities, services and facilities, which can support healthy living and independence. The consultation process behind plan making also provides real opportunities for communities to engage in the future of the borough.

### ***Risk management***

- 4.21 Failure to have a development 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. It could also result in development being placed in the wrong locations, leading to an inefficient use of resources, traffic congestion and other harm. Having a development plan in place is also essential in order to defend the Council’s position in planning appeals. Without an up to date development plan, the Council and other Black Country Authorities risk intervention from central government, which may compromise our ability to make decisions locally. Delays in the timetable means it is important to consider the implications of the commitments made to Government as part of the West Midlands Housing Deal. This requires Local Plans for both constituent and non-constituent local authorities ‘to be updated, as necessary, by the end of 2019 to deliver and accommodate 215,000 homes by 2030/31’. A delay to the timetable is a risk to these commitments.

### ***Financial information***

- 4.22 The Council’s contribution to the work on the BCP is being met through existing mainstream revenue budgets which provides the staffing and strategic resource towards the plans preparation and a balance of a one- off revenue reserve of £26,643 which is provided for the preparation of the evidence base through external experts and each stage of the plans preparation including stages of consultation and the Examination in Public.

### ***Legal Implications***

- 4.23 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) (England) Regulations 2012

### ***Procurement Implications/ Social Value***

- 4.24 None arising directly from this report. Preparation of the BCP has involved the commissioning by the Black Country Authorities of a number of pieces of evidence from external consultations. Procurement is carried out by Sandwell Council on behalf of the four Black Country authorities

### ***Health and wellbeing implications***

- 4.25 Preparation of the BCP includes the carrying out of an integrated Sustainability Appraisal, Equality Impact Assessment and Health Impact Assessment. One of the objectives of plan making is to ensure that the siting of new developments contributes to the health and well-being of residents of the borough, for example by being located where they can be accessed by walking and cycling. The

inclusion of the new sites in the BC Plan gives us the opportunity to ensure that future housing is in the most sustainable locations and provides for the enhancement of environmental living conditions with modern housing built to a high standard

***Staffing implications***

- 4.26 None arising directly from this report. Work on the BCP is carried out by the Planning Policy Team in the Economy, Environment & Communities Directorate with officers from the other authorities.

***Reducing Inequalities***

- 4.27 Preparation of the BCP includes the carrying out of an integrated Sustainability Appraisal, Equality Impact Assessment (EqIA) and Health Impact Assessment. One of the objectives of the BCP will be to ensure that jobs, homes and services are provided for all residents of the borough including children and young people, and groups such as gypsies and travellers. All Local Plans need to be produced in accordance with the Statement of Community Involvement (SCI) which sets out the Councils commitment to engagement with all communities, including minority ethnic communities, faith based communities, disabled groups and individuals, young people, people on low incomes and the business community. This approach is designed to ensure that those communities that traditionally have not had their say on planning decisions are able to influence the planning process.

***Climate impact***

- 4.28 Part of the assessment of the new sites includes considering climate change impacts, and the BC Plan itself contains policy requirements to address climate change.

**5. Decide**

- 5.1 Consultation about the Draft Plan will allow the public and other stakeholders to influence the final version of the document. This will inform future decisions by Cabinet about the version to be submitted for examination by the Secretary of State and ultimately adopted by the Council.

**6. Respond**

Should Cabinet resolve to approve consultation on the inclusion of the additional sites in the Draft Plan as set out in appendix B. A revised Draft Plan will be finalised with supporting documents to be used in an 8 week public consultation.

**7. Review**

The outcome of the public consultation will provide the opportunity to review the content of the next version of the plan, the Publication Plan (reg 19), which is intended to be prepared in 2022 for approval by Cabinet and public consultation before being submitted for examination in 2023.

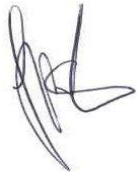
**Background papers**



The BCP is supported by a range of evidence documents that are published on the BCP web site at [Black Country Plan \(dudley.gov.uk\)](http://dudley.gov.uk)

## Authors

Stuart Crossen  
Planning Policy Team Leader  
01922 652704  
✉ [stuart.crossen@walsall.gov.uk](mailto:stuart.crossen@walsall.gov.uk)



Simon Neilson  
Executive Director

Date

Alison Ives  
Head of Planning & Building Control  
07385 348298  
✉ [alison.ives@walsall.gov.uk](mailto:alison.ives@walsall.gov.uk)



Councillor Andrew  
Portfolio Holder

Date

## Appendices

APPENDIX A1 Draft Black Country Plan Written Statement

APPENDIX A2 Draft Black Country Plan Policies Map

APPENDIX B Draft Plan Consultation Additional housing Sites in Walsall.

APPENDIX C Public Consultation Engagement Techniques

APPENDIX D Draft Sustainability Appraisal