

## **Agenda Item No 6**

### **LDF Sub-Committee**

**21 May 2024**

#### **Report of the Chief Executive**

**South Staffordshire Council  
Local Plan Review – Publication  
Plan (Pre-Submission plan)  
Regulation 19 consultation April  
2024**

## **1 Summary**

- 1.1 This report seeks Members' agreement for comments on South Staffordshire District Council's Regulation 19 (Pre-Submission) Local Plan consultation.

### **Recommendation to Board**

- a That Members agree the comments on the South Staffordshire Local Plan review, Regulation 19 consultation;**
- b That the Regulation 19 Pre-Submission plan be supported in relation to the focus on and allocations proposed towards addressing Strategic Employment needs;**
- c Raise objection, concerns and reflect the Council's disappointment in the reduction made towards addressing the wider unmet housing needs of the GBBCHMA; and**
- d Include any additional comments and points raised by Members at the Planning and Development Board.**

## **2 Consultation**

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

## **3 Regulation 19 South Staffordshire Local Plan**

- 3.1 South Staffordshire District Council (SSDC) have previously carried out an Issues and Options consultation in 2018, a Spatial Housing Strategy consultation in 2019, a Preferred Options in 2021 and a Publication Plan consultation in 2022. As a result of changes to national planning policy and updated evidence, SSDC are carrying out a further Publication, or pre-submission, consultation. The Regulation 19 South Staffordshire Publication

Plan 2024 consultation runs for 6 weeks beginning Thursday, April 18 until 12 noon, Friday, May 31, 2024

- 3.2 Members may recall a previous Planning and Development Board report on 28 November 2022 responding to a consultation on the South Staffordshire Local Plan Publication. That Report included a Statement of Common Ground (SoCG) sought in agreement from all of the GBBCHMA local authorities on their approach to unmet housing needs. The report sought Members' agreement for support towards South Staffordshire District Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base, including addressing a significant element of Birmingham's unmet need.
- 3.2 South Staffordshire is a rural district on the north-western edge of the West Midlands Conurbation. Much of South Staffordshire (80%) lies within the West Midlands Green Belt (32,113 hectares), with the area beyond the Green Belt to the northwest of the district defined as 'Open Countryside'. The district adjoins the major urban area of the West Midlands Conurbation including the Black Country boroughs of Dudley, Walsall and the City of Wolverhampton. A 2018 Strategic Growth Study recommended a series of strategic growth locations across the housing market area, including a number of locations in South Staffordshire. Using this evidence, it was proposed to test an additional contribution of 4,000 dwellings to address the unmet housing needs of the GBBCHMA in the South Staffordshire council's Local Plan review, but also seeking support from other local authorities in the GBBCHMA area through a SoCG.
- 3.3 North Warwickshire supported the 2022 Regulation 19 South Staffordshire Local Plan at that time, in particular the ambition to accommodate 4000 homes towards Birmingham's unmet need. However, in relation to South Staffordshire's own needs the North Warwickshire Borough responded on the basis the Council didn't have capacity and were insufficiently related to South Staffs to accommodate additional housing but were happy to work with them and the GBBHMA to try and address shortfalls as they arise.
- 3.4 The Report minutes stated - *Support for South Staffordshire Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base. The report sought Members' agreement for support towards South Staffordshire District Council's approach to unmet housing needs and its alignment with the existing GBHMA evidence base, including addressing a significant element of Birmingham's unmet need.*  
The Resolution was: *a That the report be noted. b That observations or comments by Members be noted.*
- 3.5 A Draft SoCG between South Staffordshire and North Warwickshire was broadly agreed in discussions up to December 2022. However, the agreement was never finalised prior to their Reg 19 consultation, due to further irreconcilable differences around wording of the SoCG , primarily around the main point the NWBC that '*As there is no functional relationship between North Warwickshire and the Black Country it is not considered that North Warwickshire will deliver towards the housing shortfall identified in the Black Country.*' There remained a number of issues and areas where agreement was still being sought with a

number of local authorities. Most significantly there remained no agreed approach to accommodating the remaining shortfall across the GBBCHMA or other closely related Local Planning Authorities with an agreed functional relationship, or an agreed position on the scale of the shortfall to be planned for post-2031 with varied positions being taken on the emerging post 2031 shortfall from the Black Country.

- 3.6 In addition, North Warwickshire have not agreed to sign the Joint GBBCHMA SoCG because of the inclusion of Appendix 2 from the Growth Study 2018, which retained an earlier indication of housing capacity for the GBBHMA which didn't adequately reflect the actual 3790 housing contribution that North Warwickshire Borough Council had already committed to within their adopted Local Plan, and to which the borough had already signed a Memorandum of Understanding with Birmingham City Council.
- 3.7 Subsequently, South Staffordshire council undertook the consultation on a Publication Plan (Regulation 19) in November 2022 with the intention being that this would be the final draft Local Plan prior to submission of the Local Plan to the Secretary of State, for independent examination. However, significant proposed changes to national planning policy published in December 2022, specifically in relation to Green Belt policy, led SSDC to pause preparation of their Local Plan in January 2023 in order to await clarity on the government's intentions and changes to the National Planning Policy Framework (NPPF), which have subsequently been published in December 2023.
- 3.8 This, therefore, is the second Publication Plan consultation (as noted above the first was held in late 2022), undertaken in response to changes in the National Planning Policy Framework (NPPF) made by the government in late 2023 and more up to date evidence, The SSDC has prepared a revised strategy that reflects the changes to national policy, most notably relating to Green Belt, which will cover the period 2023 to 2041. The Publication Plan and supporting evidence are available to view online at <https://www.sstaffs.gov.uk/planning/planning-policy/local-plan-review>
- 3.9 The April 2024 Publication Plan (Regulation 19) contains the final sites for housing and employment, pitches for Gypsies and Travellers, and new and updated policies which will be used to decide planning applications when it is adopted. In particular, the Plan includes focus on six strategic employment sites, including the West Midlands Strategic Rail freight Interchange (WMI), at Four Ashes near Junction 12 of the M6, I54 and its extension adjacent to the M54 and at a site at M6 Junction 13, Dunston that addresses and contributes to both the Council's and the wider region's needs.
- 3.10 This approach to wider strategic employment needs is welcomed and supported by North Warwickshire. However, a significant change in approach from the earlier Reg 19 Publication Plan has been taken over housing. The earlier level of commitment of delivering 4,000 dwellings towards the unmet needs of the GBBCHMA is unfortunately not to be continued in the current consultation document, with an 84 % reduction of the housing figure from 4000 to 640 units.

- 3.11 This change in approach is being justified on the basis of the updated December 2023 NPPF which indicated that there is no requirement for Green Belt boundaries to be reviewed or changed when Local Plans are being prepared and that it is within authorities' gift to choose to review Green Belt boundaries through the Local Plan, only where they feel that exceptional circumstances for doing so exist and these can be fully evidenced and justified.
- 3.12 SSDC tested new options that considered different levels of growth, based upon capacity led approaches that further limited Green Belt release compared to other options tested, and with a greater focus on the district's most sustainable locations. The District Council's preferred approach was for a capacity-led approach focusing growth to sustainable non-Green Belt sites and limited Green Belt development in larger, "Tier 1 settlements" well served by public transport.
- 3.13 Furthermore, South Staffordshire assert that the delay to preparation of the Local Plan means that the Strategic Growth Study (2018) on which the previous 4,000 home contribution was based is no longer up to date. This assertion is made despite the 2018 Study indicating the unmet need is likely to be increasing, and of concern given the limited housing commitment and delivery since made towards Birmingham's unmet need outside BCC area within other LA's over the last 5 years since the study. The evidence to the Birmingham City Plan Inquiry also identifies a significant net inflow of 1200 workers (in-commuting minus out commuting) from South Staffordshire District, noted in the Birmingham City Commuting & Migration Flows Census Data Analysis of May 2015.
- 3.14 Nevertheless, South Staffordshire state that Proposals for updated evidence considering the housing market area shortfalls and potential growth locations are currently in discussion across the West Midlands Development Needs Group and South Staffordshire is committed to participating in updating the evidence base and considering its findings through future plan-making.

#### **4 Observations**

- 4.1 There are concerns that the 2024 Reg 19 Plan's changed approach effectively pushes the issue of addressing Birmingham's unmet need further into the future, which may potentially lead to an increasing level of unmet need needing to be addressed, rather than "positively" and "effectively" addressing that need now, 'justified' on the proportionate evidence available.
- 4.2 Unfortunately, in light of the Governments changes to the NPPF, which was amended to remove the requirement for local authorities to review and alter their Green Belt boundaries when plans are being prepared or updated, if this is the only way of meeting their housing need in full as calculated by the standard method in national planning guidance. This has meant that if local housing need assessments indicate local housing need can be provided outside of the Green Belt then no review of the local Green Belt is seen as necessary. And if review or release of Green Belt is the only option or realistic opportunity to increase the potential supply of housing to address the wider unmet need, this can be avoided and will result in a significant reduction in

available land opportunities to address that unmet need. As indicated in the revised Reg 19 Submission this has resulted in a potential 4000 housing figure being reduced to 640 units or only approximately 16% of that original proposed amount proposed to be delivered in the 2022 Reg 19 Plan.

- 4.3 Members should be aware that this stage of consultation is different to previous stages because it is about the legal soundness of the plan. Has the council prepared the plan positively? Is it justified and effective? Does it comply with national planning policy? Has the Duty to Cooperate been satisfied? Any comments should relate to these issues and will be sent to the independent Planning Inspector who will be appointed to conduct a formal Examination into the plan, which will include public hearing sessions.

## 5 **In Summary**

- 5.1 The South Staffordshire Publication Plan does address a significant issue of interest to North Warwickshire, that of addressing strategic employment needs which should be welcomed and supported. The Plan addresses South Staffordshire's own local housing needs, and sites for Gypsy and Traveller needs and, albeit on a significantly reduced level, does still include a small contribution towards the wider GBBCHMA unmet housing needs.

- 5.2 In light of the changed NPPF guidance the SSDC Reg 19 Plan is considered legally sound and still positive in addressing the wider strategic employment needs. As a result, it is recommended that support for SSDC's Publication Plan is maintained around the issue of strategic employment needs.

- 5.3 However, North Warwickshire should raise concerns and disappointment around the changed approach towards assisting the unmet housing needs of the GBBCHMA. It is not seen therefore that the Plan is positively prepared, justified or effective especially in light of the previous Reg 19 Publication Plan (i) 2022, and the evidence for that Plan which still exists. It does not adequately address the unmet need in relation to the housing shortfall for the Greater Birmingham and Black Country housing market area. The resulting major reduction in the housing proposed to address that unmet need within the latest Reg 19 Publication Plan, will have an impact on the level of unmet need remaining overall, increasing pressure on other adjoining authorities future local plan reviews, particularly where major accommodation of that need has already been committed to by those authorities.

- 5.3 Members views are requested.

## 6 Report Implications

### 6.1 Environment and Sustainability Implications

6.1.1 Although there may be environmental impacts from the South Staffordshire District Local Plan generated development, these will not directly impact on North Warwickshire Borough and may have the benefit of reducing pressure on the Borough to accommodate further development.

### 6.2 Equalities Implications

6.2.1 By providing enough homes, particularly affordable homes, and employment land are key measures to address inequality.

### 6.3 Financial Implications

6.3.1 There are not considered to be any direct financial implications as a result of this Report, beyond cost involved in representing the Borough Council at any resultant Public Inquiry, if required.

### 6.5 Links to Council Priorities

6.5.1 The Council's priority of protecting its rural character and heritage is put at risk through increased development pressures in the event of other authorities within the GBBCHMA not adequately addressing the wider unmet need.

The Contact Officer for this report is Mike Dittman (719499).

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>