



Walsall Council

Economy, Environment & Communities

Via e-mail: localplans@sstaffs.gov.uk

Date: 12 August 2024
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Dear Strategic Planning Team

South Staffordshire District Council Regulation 19 Publication Plan Consultation

Thank you for your letter dated 18 April 2024.

You have already received an officer response on the South Staffordshire District Council Regulation 19 Local Plan Review (LPR) (April 2024) on 29 May 2024 within the consultation period.

The response below has been authorised in accordance with Walsall's scheme of delegation by planning committee at a meeting on 25 July 2024, and with the final wording agreed by the executive director.

This representation is based on the national policy and legal situation as it existed prior to the general election, and when the LPR was consulted on. Clearly, you will be aware of the consultation on the reforms to national planning policy, issued on 30 July 2024. You will no doubt be aware that these reforms, including the proposed transitional arrangements, will have to be taken into account in your local plan, especially in the event that it is submitted for examination after the proposals have been adopted. This is particularly the case with regard to changes to required housing provision targets, regardless of any contribution to the needs of the housing market area beyond meeting local need, and the implications that this might have in terms of the planning strategy in the current version of the plan. On this basis, you may wish to reconsider the plan's strategy to avoid the risk of it being found unsound at examination.

As previously stated, under the planning system, the duty to co-operate remains at least until the relevant provisions of the Levelling Up and Regeneration Act 2023 come into effect. Section 33A (2) of the Planning and Compulsory Purchase Act 2004 (as amended) states that the duty requires local planning authorities to engage constructively, actively and on an ongoing basis. We therefore trust that, while this response is outside of the consultation period, that you will give due and constructive consideration to its content as part of your plan-making process.

The strategy of the South Staffordshire local plan is largely as proposed in your letter dated 24 October 2023 which we responded to on 22 January 2024. We stated in our letter that National Planning Policy Framework (NPPF) paragraph 35 still stands. This

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states that plans are 'sound' if they are positively prepared in 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.

NPPF footnote 19, which is referenced to paragraph 35, states that housing needs should be assessed using a clear and justified method, as set out in paragraph 61. Paragraph 61 states "in addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for".

We note the wording in paragraph 145 of the December 2023 NPPF. However, we contend that the framework should be viewed as a whole. We consider that the proposal in the plan to reduce the number of homes proposed to contribute to meeting the needs of neighbouring authorities from 4,000 to 640 does not align well with the test of soundness requiring plans to be positively prepared.

There is strong evidence that Birmingham and the Black Country do not have capacity to accommodate our housing or employment land needs, even if land was used that is currently allocated as Green Belt. This is evidenced within:

- the adopted Birmingham Development Plan;
- work carried out for the demised Black Country Plan and regional evidence prepared by the Greater Birmingham and Black Country Housing Market Area (GBBCHMA); and
- as set out within your regulation 18 plan.

We note that South Staffordshire have taken an active role in the preparation of this above evidence. In our view, the December 2023 NPPF revision does not alter this need or the supply shortfall.

We acknowledge that the duty to cooperate paper submitted as part of the evidence base for your local plan includes a statement of common ground (SoCG) with Walsall. While it is marked draft, we wish to make it clear that it has not been endorsed either by Walsall's officers or members. We intend to respond to the SoCG in due course, following our appropriate scheme of delegation.

Nevertheless, we welcome the acknowledgement by South Staffordshire in the draft SoCG that there are very significant shortfalls in housing arising from the Black Country. In view of this acknowledgement, we remain to be convinced how you are then able to conclude that "SSDC no longer considers that all of the previous proposed Green Belt sites are justified by exceptional circumstances."

NPPF paragraph 145 states "strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt



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boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non- strategic policies.”

In our view the need for changes to Green Belt boundaries should be established by the evidence of housing need at the strategic level, and there has been no demonstrable change in the evidence to justify exceptional circumstances that might support detailed amendments to boundaries in relation to individual sites.

With respect to specific policies in the draft plan, we would comment as follows:

Policy DS1 – Green Belt:

The new plan will replace, rather than alter, the previous local plan. The penultimate sentence which begins “The Green Belt boundary is altered” should therefore form part of the supporting text rather than be part of the policy itself. The revised Green Belt boundary will be defined on the amended policies map as referred to in the first sentence of the policy.

It is considered that an alternative to the term “damaged and derelict land” should be used as it could provide justification for development on land that has been damaged intentionally. It might be preferable to use the term “previously developed land” as this is defined in national policy.

Policy DS2 – Green Belt Compensatory Improvements:

Following on from our comments on policy DS1, to be effective, this policy should refer to the specific sites that the policy will apply to.

Policy SA5 – Employment Allocations:

The employment types to be allowed on the listed sites should refer to class E(g)(ii) and (iii) to exclude offices within class E(g)(i), as offices are a main town centre use.

Policy HC3 – Affordable Housing:

The term “major housing development” should be defined to ensure that the policy is sound. We recommend that it should refer to developments of 10 or more homes in accordance with the definition of major development in the GDPO.

We look forward to further engagement with your council especially under duty to cooperate/alignment test protocols as we progress our respective local plans.

Yours sincerely

DAVE BROWN
Executive Director