

**CABINET – 02 APRIL 2024**

**NEW LOCAL PLAN: AGREEING THE NEW PUBLICATION PLAN FOR CONSULTATION AND SUBMISSION – REPORT OF THE LEAD PLANNING MANAGER**

**LEAD CABINET MEMBER AND DEPUTY LEADER – COUNCILLOR V WILSON–CABINET MEMBER FOR BUSINESS ENTERPRISE AND COMMUNITY INFRASTRUCTURE**

**PART A – SUMMARY REPORT**

**1. SUMMARY OF PROPOSALS**

- 1.1 The latest iteration of the new Local Plan for South Staffordshire is now ready for public consultation, known as the Publication Plan (Regulation 19) consultation. The Council previous consulted on a Publication Plan in November-December 2022, however this has now been superseded by this new document for consultation, due to changes in the National Planning Policy Framework (NPPF) in December 2023, and the passage of time meaning the plan period needed to be extended.
- 1.2 The Publication Plan sets out the planning strategy for the district and the number of new houses the Council is proposing to plan for through the Local Plan. This includes the amount of new housing attributed to specific villages and identifies the sites for these new homes. The local plan for consultation also includes proposals to address employment land and gypsy and traveller needs.
- 1.3 The consultation document is the final consultation document and is the plan that the Council intends to submit to the Secretary of State for Examination in 2025. This plan includes policies that set out the approach to growth over the plan period (up to 2041), including the spatial strategy and approach to development in the Green Belt and Open Countryside. This plan also sets out the policies covering a wide variety of themes including infrastructure delivery, climate change mitigation, housing type and tenure, economic development and protecting the natural and built environment.

**2. SUMMARY IMPACT ASSESSMENT**

<p>POLICY/COMMUNITY IMPACT</p>	<p>Do these proposals contribute to specific Council Plan objectives?</p>	
		<p>The new Local Plan is a key enabler that will assist in creating vibrant communities and help deliver the aims of the Council Plan, contributing to the following Council Plan Objectives:</p> <ul style="list-style-type: none"> <li>• Provide a quality environment that we can all be proud of.</li> </ul>

		<ul style="list-style-type: none"> <li>Work with our communities and developers to bring forward new housing opportunities</li> </ul>
		Has an Equality Impact Assessment (EqIA) been completed?
	Yes	An EqIA is carried out at each stage of the review of the Local Plan.
SCRUTINY POWERS APPLICABLE	No	The final decision in respect of the Regulation 19 Publication Plan consultation is one for Council and therefore scrutiny powers are not applicable.
KEY DECISION	No	This is a Council decision not an executive decision.
TARGET COMPLETION/ DELIVERY DATE	Consultation on the publication document is anticipated to begin w/c 15 <sup>th</sup> April 2024.	
FINANCIAL IMPACT	Yes	There are no additional costs of preparing the new Local Plan over and above the relevant service functions costs which are contained within the Medium-Term Financial Strategy.
LEGAL ISSUES	Yes	The Council has a duty to prepare a Local Plan for the District under the Planning and Compulsory Purchase Act 2004 and the current regulations and national guidance. The Site Allocations Document (SAD) also sets out the Council's commitment to prepare a new Local Plan for South Staffordshire to be submitted. This commitment was needed to ensure the SAD was sound and failure to do so would put the Council at risk of challenge.
STRATEGIC RISK	Yes	The risk of not having a Local Plan in place and unplanned ad hoc development taking place across the district, is identified in the Strategic Risk Register, and in the report below.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<p>Preparing the Local Plan is identified in the Council's Strategic Risk Register. There is a risk that unsustainable development could take place contrary to our plan (both adopted and emerging), which would result in development being driven by opportunity (as a result of National Policy) rather than being planned.</p> <p>If the Council decides not to prepare a new Local Plan, or delay the plan making process, we would be failing to address development needs, and therefore we would be failing in our statutory duties. The development industry could challenge the Council's position through planning applications, potentially resulting in locations and levels of development being determined through appeals on an ad hoc basis with no strategic</p>

		overview of the impact of those developments including the cumulative impacts on infrastructure. This would effectively mean that the Council would lose control of determining where development is located, and how much development is acceptable.
IMPACT ON SPECIFIC WARDS	No	Districtwide.

## **PART B – ADDITIONAL INFORMATION**

### 3. INFORMATION

#### **Publication Plan consultation**

- 3.1 The Council has been preparing its new Local Plan since 2018 and this new Publication consultation document (Appendix A) is the fifth public consultation on the emerging South Staffordshire Local Plan following the first Publication Plan consultation in November 2022, the Preferred Option consultation in November 2021, the Spatial Housing Strategy and Infrastructure Delivery (SHSID) consultation in October 2019 and the Issues and Options consultation in October 2018.
- 3.2 Throughout the production of this plan, workshops with Members have been undertaken to discuss site options and policy directions. The new Publication Plan 2024 is a culmination of these stages of consultation, significant evidence gathering and engagement with Members.
- 3.3 The previous Publication Plan consultation took place in November/December 2022 and was planning for approximately 10,000 homes, including a 4000 home contribution of unmet needs of wider Greater Birmingham and Black Country Housing Market Area (GBBCHMA) within which South Staffordshire sits. This 4000 home contribution was directly informed by the 2018 Strategic Growth Study recommendations.
- 3.4 The day before the Local Plan 2022 Publication Plan consultation closed, the Department for Levelling Up, Homes and Communities (DLUHC) published a consultation on a revised National Planning Policy Framework (NPPF) that included significant proposed changes to Green Belt policy (para 142 of consultation document) that made it clear that Green Belt boundaries would not need to be reviewed if it was the only way of meeting housing needs. As the 2022 Publication Plan included significant Green Belt release in order to meet our own needs plus a 4000 home contribution to unmet needs of the GBBCHMA, and in light of the proposed changes to the NPPF, after careful consideration, the council announced in January 2023 that the plan would be paused to await a revised NPPF. Progress once again resumed in July 2023 on the evidence base to support a new Publication Plan consultation, whilst still awaiting the clarity on the NPPF under the assurance that the new NPPF was imminent. An updated Local Development Scheme (LDS) published in September 2023

set out the revised timeline for progressing the Local Plan under the current legislative framework, including the additional Publication Plan consultation in April 2024.

- 3.5 A new NPPF was published in December 2023, confirming the national position on Green Belt. Paragraph 145 states:

*'Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process...'*

#### New Publication Plan consultation

- 3.6 The new Publication Plan sets out a revised strategy to that consulted on during the previous Publication Plan following these changes the NPPF wording around Green Belt (now para 145). For housing this will mean that that the Council will still meet our own needs (based on the Standard Method calculation) but with a reduced 640 dwelling contribution towards unmet needs of the wider Housing Market Area. The revised spatial strategy does not completely avoid Green Belt release, but now limits it to only suitable sites at the districts Tier 1 settlements (i.e. with greatest access to services and facilities) within walking distance of a train station. A key difference is that rather than finding sites to meet a top-down target (own needs + 4000 home contribution) the revised approach seeks to maximise all suitable non-Green Belt sites, whilst only releasing Green Belt on suitable sites at the Tier 1 settlements, in order to derive our housing target. This is also related to the fact the 2018 Strategic Growth Study on which the previous Publication Plan had determined its contribution is now in excess of 5 years old, and it would not be a sound plan to rely on it. We remain committed to working positively with the HMA authorities on updating this study, once agreement has been reached. The Council's Sustainability Appraisal will be updated alongside the new Publication Plan to ensure that this new spatial strategy is considered alongside 8 other reasonable alternative spatial distribution strategies. Equally, reasonable alternative sites will also be considered through the SA. The updated Publication Plan consultation will be supported by an exceptional circumstances topic paper that sets out our case for exceptional circumstances at the strategic and site-specific level.
- 3.7 For employment land, the Council's emerging Economic Developments Needs Assessment is showing a need for 62.4ha of employment land to meet our own (labour demand based) needs. Although evidence on strategic employment needs is showing a strong market demand for new strategic employment sites across the region. In addition to the sites already in the pipeline, the Council is proposing an additional allocation on non-Green Belt land at Junction 13 of the M6. With this it will see the Publication Plan propose to meet our own needs, plus a circa 45ha contributions towards unmet needs from the Black Country Functional Economic Market Area (FEMA). This is excess of the proposed contribution to the Black Country FEMA in the previous Regulation 19 consultation (36ha).

- 3.8 With regard to Gypsy and Traveller needs, the council identified sites to allocate 37 pitches against a need for 121 pitches in our previous Publication Plan plan. Further attempts identify additional supply have been made through Duty to Cooperate requests, exploring if site promoters of housing sites are able to set aside part of their site, and a review of council owned land (including Staffordshire County Council owned), however no additional sources of supply have been identified. The council's Gypsy and Traveller Accommodation Assessment has now been updated to reflect our revised plan period, and the proposed overall number of pitches allocated remain unchanged from what was previously proposed, however the need has increased further to 162 up to 2041. A pragmatic and flexible windfall policy is also included to help address the shortfall through the planning application process.

### **Managing risks**

- 3.9 It is the Council's view that the decision to reconsult on a further Publication Plan is entirely justified, particularly given the previous Regulation 19 plan is out of date and the recent changes to the NPPF on Green Belt. However, paragraph 230 of the new NPPF regarding transitional arrangements is not expressly clear for authorities like South Staffordshire who have already undertaken a Publication Plan consultation and need to undertake a new Publication Plan consultation in order to have a sound plan. Having sought legal advice, and advice from DHLUC and PINS, it remains the position that we need to proceed to another Publication Plan consultation. Ultimately it would be unlawful to take forward the previous Publication Plan to submission as we no longer consider it to be a sound plan. This is because the evidence that the previous contribution to HMA shortfalls was based upon is now out date, and it is no longer possible to proceed with the previously consulted plan period, as the delay means the plan can no longer plan for 15 years post adoption with a 2039 end date. Hence the reason why the new Regulation 19 will now run to 2041.
- 3.10 There will also be the need to manage the risk of challenge to the plan from interested parties. Namely those sites now discounted, our approach to cross boundary housing shortfalls, and our approach to Green Belt. However, whilst these risks will need to be carefully managed, submitting the plan for examination and getting a plan in place to manage development across the district remains the priority.

### **Evidence base and supporting topic papers**

- 3.11 Alongside the new Publication Plan 2024, there are key pieces of evidence that are iterative and sit alongside each consultation stage of the Local Plan such as the Sustainability Appraisal and Habitats Regulations Assessment (HRA). All supporting evidence, policies maps and topic papers will be available on the Council's website alongside the main consultation document and be available for residents and other stakeholders to comment on throughout the consultation.

### **Public Consultation**

- 3.12 Subject to agreement by Members, it is proposed that the 6 week consultation will start week commencing 15<sup>th</sup> April 2024 and run until the end of May 2024. During the

consultation officers will encourage engagement through the Council website, social media, with direct mailshots to registered interested parties on our Local Plans database. This includes stakeholders such as parish councils, infrastructure and service providers and neighbouring authorities. Consultation will also be targeted at our Duty to Cooperate bodies and service providers to ensure that we capture all relevant views. At this stage comments are limited to those relating to soundness of the plan. All responses must be received in writing via our consultation system or via email or hard copy.

- 3.13 A Communications Plan has been prepared to support the consultation so that key messages can be communicated clearly to our communities and so we can manage the responses effectively. The Publication Plan needs to meet specific planning requirements and it follows best practice and as such is a large document. We will prepare a separate Publication guide and Frequently Asked Questions (FAQs) to sit alongside the full consultation document. The Strategic Planning Team will liaise directly with the Customer Services Team to ensure that they are fully briefed and able to answer queries. Updates will be issued during the consultation where necessary.
- 3.14 It is planned that consultation events will take place virtually, similar to the methods that were used during the previous Local Plan consultation which received a certificate of excellence. To supplement these consultation events there will be an opportunity for members of the public to speak face to face with planning officers, via pre-arranged appointments in each of the 5 localities (subject to venue availability). Officers will also be available to speak to residents by phone via a call back protocol.

#### **Next steps**

- 3.15 Following the close of the Publication consultation, all responses will be considered and summarised and sent to the Secretary of State who will appoint an Inspector to hold an Examination in Public into the Local Plan. This will be the Publication document consultation (Regulation 19) which is the final draft of the Local Plan prior to submission of the plan to the Secretary of State which is scheduled for 2025.

#### **4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

- 4.1 No impact assessment required.

#### **5. PREVIOUS MINUTES**

- 5.1 No previous minutes

#### **6. BACKGROUND PAPERS**

- 6.1 None

## 7. APPENDICES

- 7.1 Appendix A - Publication consultation document  
Appendix B – Sustainability Appraisal (SA) (available electronically)

### **8. RECOMMENDATIONS**

#### **That Cabinet recommend to Council:**

- 8.1 That the Publication Plan (Appendix A) be subject to public consultation and following consultation be submitted to the Secretary of State.
- 8.2 The Strategic Planning Team Manager, in consultation with the Cabinet Member for Planning and Business Enterprise, has delegated authority, prior to consultation, to make any minor changes to the text, format and appearance of the documents or the background documents in the interests of clarity and accuracy if considered necessary.
- 8.3 The Strategic Planning Team Manager, in consultation with the Cabinet Member for Planning and Business Enterprise, has delegated authority following Regulation 19 consultation to submit the Local Plan to the Secretary of State for Examination, and propose minor modifications to the plan to the Secretary of State prior to submission; noting that any main modification changes arising from this Regulation 19 consultation would necessitate a new Regulation 19 consultation.

Report prepared by:

Kelly Harris – Lead Planning Manager