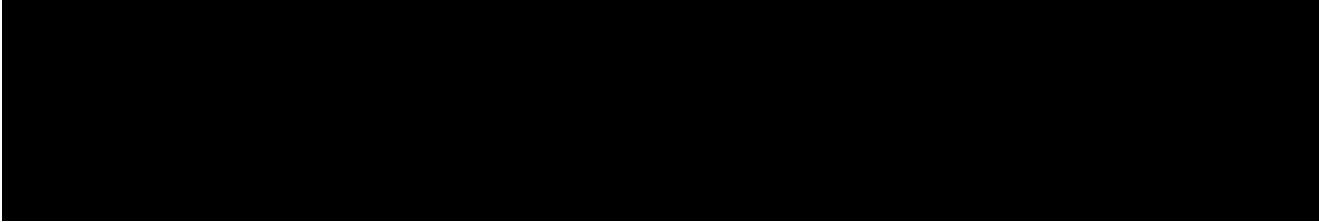




Walsall Council

Economy, Environment & Communities



Wolverhampton Local Plan (Reg.19) consultation

Thank you for your letter dated 25 November 2024, inviting Walsall Council to respond to the Wolverhampton Local Plan (WLP) Regulation 19 consultation.

This is the council's response to the consultation following a resolution of the planning committee on 16 January 2025, and with the councils' executive function carried through by our Executive Director.

This response follows on from an officer response on the consultation, dated 8 January 2025. Whilst the council's response is being submitted outside of the consultation period on the WLP, it is based on the officer response which was submitted in time, and it is hoped that, with particular regard to reasonable duty to cooperate protocols, can be accepted as representing our definitive, final position.

Previous Consultation

Walsall's planning committee commented on 7 March 2024 on the issues and options report (regulation 18). The key points we raised at that stage were as follows:

Scope of the Plan

We agreed that it is appropriate for the Wolverhampton Local Plan (WLP) to 'carry forward' the proposals that were to be contained in the Black Country Plan (BCP), where relevant to the area of the city. However, the BCP was to be an integrated document covering the whole of the Black Country. Development needs that could not be met in one part of the Black Country were to be met elsewhere. Notably in respect of housing and employment land, Walsall was to contribute to meeting the needs of Wolverhampton as well as Sandwell.

As a stand-alone plan however, the WLP should be positively prepared in accordance with NPPF (December 2023) paragraph 35 that "as a minimum, seeks to





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meet the area's objectively assessed needs¹⁹; 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".

Whilst the draft plan was supported by a Duty to Co-operate statement that refers to agreements with authorities outside the Black Country, no agreement had yet been made with the other authorities within the Black Country.

The sustainability appraisal referred to housing option H3 as the preferred option. This option assumes that the majority of housing need will be met outside the city. Walsall contend that this cannot be considered a reasonable alternative as the plan will not cover areas outside the city. It also assumes that sites outside the city will be in areas with a "strong relationship with Wolverhampton." We contend that there is no evidence of where these areas might be. Indeed, based on plans for neighbouring areas published to date, there is likely to remain a considerable shortfall in housing supply. For example, South Staffordshire are proposing to reduce their 'offer' to Birmingham and the Black Country from 4,000 to just 640 homes.

Evidence and Background Documents

Walsall consider that the sustainability appraisal should examine the impact of failing to meet over half the authority's housing need. Statements of Common Ground should also be agreed with the other local planning authorities within the Black Country.

Vision and Strategic Priorities

However, there is reference to providing a range and choice of homes, we contend that there is no reference to attempting to provide an adequate number of homes.

Preferred Housing Growth Option (H3)

Walsall contend that this option is not considered deliverable as it relies on housing provision in areas outside the area to be covered by the plan. No evidence has been formally tabled to date that neighbouring authorities are willing to make contributions of the size required.

Proposed Gypsy and Traveller Pitch Option (G2)

As is the case with general housing need, no evidence has been formally tabled of any agreement with neighbouring local authorities about the possible export of the 19-pitch shortfall. The revised South Staffordshire local plan does not propose to allocate sufficient sites to meet its own needs, so does not include any provision to meet need that might be exported from neighbours. Given the relatively small land requirement



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for this number however, we consider that it should be possible to accommodate this shortfall within the WLP plan area.

Preferred Employment Land Growth Option (E3)

This is similar to the proposals in the draft Black Country Plan. As with housing however, it is dependent on offers from neighbouring authorities being maintained.

Preferred Approach to Policies

The proposed policies reflect those previously considered for the Black Country Plan with amendments to address issues that have arisen since the BCP was prepared, and consultation responses made to the BCP.

However, it is noted that parts of policies in the draft BCP relating to climate change that would exceed the requirements of the building regulations are proposed to not be carried forward (paragraphs 23 and 24 under section i of the draft CWC plan on page 53). Regard should be had to the recent High Court judgement in West Oxfordshire. See <https://www.bailii.org/ew/cases/EWHC/Admin/2024/359.html>

Proposed Site Allocations

We agree, apart from the omission of Green Belt housing allocations which will have consequential effects on the housing need to be exported to neighbouring local authorities

Current Consultation

The current consultation under regulation 19 can only consider whether the plan is 'sound' under the tests of soundness set out in paragraph 35 of the December 2023 NPPF. Your letter pre-dated publication of the December 2024 NPPF, but under the transitional arrangements in the latter, plans that are submitted for examination by 12 March 2025 will continue to be examined under the December 2023 NPPF. Paragraph 236 of the December 2024 NPPF states however that in such circumstances if the housing requirement in the plan to be adopted meets less than 80% of local housing need, the local planning authority will be expected to begin work on a new plan, under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (as soon as the relevant provisions are brought into force in 2025), in order to address the shortfall in housing need.

WLP policies CSP1 and HOU1 propose 9,330 net new homes over the period 2024-2042. This equates to less than 48% of the local housing need of 19,548 (1,086 per annum) under the December 2024 NPPF. Walsall Council view this matter with a strong concern, particularly if this has implications for Walsall's housing land supply



and the need to allocate sites not only to meet our needs, but also your needs as part of the wider GBBCHMA.

Walsall, therefore, contend that the draft plan is likely to have a limited lifespan. This by itself would not make it 'unsound'. However, the concerns we raised at the regulation 18 stage remain that the plan may not be seen to have been positively prepared. The plan has chosen to omit the allocation of sites in the Green Belt, although it had been demonstrated in the draft BCP that there was capacity on such land for 1,014 homes. No formal agreement has been reached either with neighbouring authorities to export need, with the exception of Shropshire. The examination of Shropshire's local plan is currently suspended.

The statement *"Those development needs that cannot be accommodated within the Wolverhampton administrative area will be exported to sustainable locations in neighbouring local authority areas through the Duty to Cooperate"* it is contended would not appear to be effective. While the delivery of the authority's needs may require provision outside the area, a policy cannot make proposals for development outside the area of the authority.

No other strategic policies in the regulation 19 WLP raise soundness issues of concern to Walsall. Most of these policies are site-specific or are about development management. The plan 'carries forward' mostly existing site-specific proposals. Again, these are not of direct concern to Walsall.

However, we do have some concerns about the wording of a couple of the policies in the Centres chapter of the WLP, as we are conscious of the need to make relevant elements of these policies as tight and unambiguous as possible, in particular to prevent further out of centre retail and leisure development in inappropriate out of centre locations negatively impacting on the existing network of centres, including those in Walsall.

Policy CEN1 – Centres and Centre Uses

Elements of this policy appear to be unclear. In particular, paragraph 5 would not appear to be effective. It states, "Where planning permission is granted effective planning conditions will be used as set out in para 8.12." Firstly, it is not stated what types of application the policy relates to. It is assumed that it is to be used in relation to planning permissions for main town centre uses but this is not explicit. Secondly, it refers to text in a supporting paragraph rather than text in the policy itself. Paragraph 8.12 then describes a proposed condition as an example instead of stating full details of all the types of restriction that will be used.



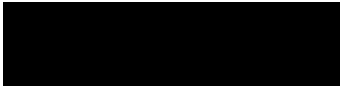
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Policy CEN2 – Wolverhampton’s Centres

Similar concerns apply as with policy CEN2. Under Wolverhampton City Centre, paragraph 2 A iii d) refers to paragraph 8.7. This describes housing as highly compatible with town centre uses. However, while housing can complement town centre uses, the proposed policy would appear to give housing equal weight to such uses. If so, this could result in the loss of town centre uses or their displacement to out of centre locations. In addition, some town centre uses are not compatible with housing, notably those that form part of the nighttime economy.

I trust that this response is satisfactory, and we look forward to continuing, constructive engagement with CWC under duty to co-operate in the future.

Yours sincerely



DAVE BROWN
Executive Director

