

Report title	Black Country Plan Draft for Consultation	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Stephen Simkins Deputy Leader: Inclusive City Economy	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Michele Ross	Lead Planning Manager (Sub-Regional Strategy)
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Report to be/has been considered by	Regeneration Leadership Team	8 June 2021
	Strategic Executive Board	17 June 2021

Recommendations for decision:

The Cabinet is recommended to:

1. Approve the Draft Black Country Plan (Appendix 1), Draft Wolverhampton Policies Map (Appendix 2), Sustainability Appraisal Reports (Appendix 3), and Wolverhampton Summary Leaflet (Appendix 4), for consultation during summer 2021;
2. Delegate authority to the Deputy Leader: Inclusive City Economy, in consultation with the Director of Regeneration, to make any necessary minor amendments to the Draft Black Country Plan, Wolverhampton Policies Map, Sustainability Appraisal Reports and Wolverhampton Summary Leaflet prior to commencement of the consultation process;
3. Request a further report summarising key issues raised during the consultation, to inform preparation of the Publication Black Country Plan;
4. Approve the Wolverhampton Local Development Scheme, attached as Appendix 5 to this report.

1.0 Purpose

- 1.1 To gain approval for consultation on the second formal stage of the Black Country Plan preparation process (the Draft Black Country Plan), to summarise the implications for Wolverhampton and outline the consultation process and next steps, and to approve a new Wolverhampton Local Development Scheme.

2.0 Background

- 2.1 The Black Country Core Strategy (BCCS), which was adopted in 2011, is the key strategic planning and regeneration document covering the Black Country authorities of Dudley, Sandwell, Walsall and Wolverhampton. The BCCS covers the period to 2026 and contains a commitment to a review in 2016. Work on the review began with the production of key evidence in 2016, followed by consultation on an Issues and Options Report in summer 2017. On 17 October 2018, Cabinet received a report summarising key issues raised during the consultation and agreed to widen the scope of the review to include detailed site allocations and to change the name of the document to the Black Country Plan (BCP). This Plan will identify where new employment and housing development will be located and where investment for new infrastructure such as transport, schools and health facilities will be made and will set out policies to guide development.
- 2.2 The timetable for the BCP was revised in July 2020, following the onset of the Covid-19 pandemic, and the end date of the Plan was extended to 2039. The current timetable, which is reflected in the amended Wolverhampton Local Development Scheme 2021 attached as Appendix 5 to this report, is as follows:

Consultation on Draft Plan (Regulation 18)	Aug – Sept 2021
Consultation on Publication Plan (Regulation 19)	Aug – Sept 2022
Submission of Plan to Secretary of State for Examination	March 2023
Examination in Public	April 2023 – March 2024
Adoption	April 2024

- 2.3 This timetable is realistic and will be subject to ongoing review as the Plan progresses. The scale and nature of responses to the Regulation 18 consultation will have a significant impact on the overall programme, and it may be possible to shorten the period between Regulation 18 and Regulation 19 if fewer responses are submitted than is currently anticipated.
- 2.4 A key issue identified early in the review was a shortage of land suitable for new housing and employment uses. Therefore, a “call for sites” was opened in 2017-2018, and again in 2020, inviting land owners and developers to put forward potential development sites, both in the urban area and the green belt. The information submitted on these sites can be viewed at: <https://blackcountryplan.dudley.gov.uk/t2/p3/>

2.5 Evidence has been completed during 2019-2021 to support the draft BCP, covering a wide range of planning issues, including:

- Housing need and urban housing land supply;
- Employment land need and supply;
- The value of the Black Country Green Belt - in terms of green belt function, landscape character, historic character and ecology - and the sensitivity of different parts of the green belt to potential change;
- The financial viability and deliverability of potential development sites and the infrastructure required to support them;
- A full Sustainability Appraisal of the Draft Black Country Plan, and also of alternative options and sites not selected for allocation.

Much of this evidence had already been published and is available at:

<https://blackcountryplan.dudley.gov.uk/t2/p4/> and the remainder will be published at the start of the draft BCP consultation period. The Sustainability Appraisal documents are attached as Appendix 3 to this report for consideration alongside the draft BCP. The preparation of up-to-date evidence on gypsy and traveller housing needs and playing pitch needs has been delayed due to Covid-19 and this evidence is in development to inform the BCP Publication stage.

3.0 The Draft Black Country Plan

- 3.1 The draft BCP (attached as Appendix 1 to this report) is written as a complete Plan with a full set of policies and proposals. The draft Wolverhampton Policies Map, which forms part of the draft BCP, is attached as Appendix 2. References to how the issues and options consultation responses have been addressed are provided throughout the Plan. A number of strategic and spatial options for the Plan were considered when selecting a preferred strategic and spatial strategy for the draft BCP, in light of available evidence. These are set out in an Options Paper which will be published alongside the draft BCP and the options have been subject to sustainability appraisal, as set out in the Sustainability Appraisal appended to this report.
- 3.2 The draft BCP consultation will allow stakeholders and local residents the opportunity to comment on all details of the Plan in advance of the formal Publication (Regulation 19) stage, when consultation responses will be invited only on the legality and soundness of the Plan. Following the draft BCP consultation and the completion of outstanding evidence in 2021-2022, an amended version of the draft BCP will form the Publication Plan for consultation in summer 2022, subject to Cabinet approval.

Vision and Spatial Strategy

- 3.3 The Vision for the BCP is: Creating a prosperous, stronger and sustainable Black Country. The Vision will be delivered through eight objectives (set out below) and 15 Strategic Priorities linked to these objectives.

Climate Change	Enhancing the vitality of our centres
Housing that meets all our needs	Promoting sustainable transport and active travel
Improving the health and wellbeing of residents and promoting social inclusion	Enhancing our natural and built environment
Enabling a strong, stable and inclusive economy	Meeting our resource and infrastructure needs

- 3.4 Following consideration of options, the Spatial Strategy selected for the BCP is to focus growth and regeneration into the Strategic Centres (including Wolverhampton City Centre) and Core Regeneration Areas (CRA) – this represents a development of the Growth Network approach used in the BCCS and fully aligned with the City’s priority regeneration locations. For Wolverhampton, there are three CRAs extending from Wolverhampton City Centre towards Bilston in the south east, Wednesfield in the north east, and north along the Stafford Road to i54. 90% of new homes and 100% of new employment land in the Wolverhampton urban area will be located in Wolverhampton City Centre and these CRAs – the majority on sites with planning permission or carried forward from existing Area Action Plans.
- 3.5 The BCCS planned for all development needs to 2026 to be met within the urban area, based on evidence of a forecast contraction in the amount of land needed for industrial uses, which would ‘free up’ sufficient land to be redeveloped for new housing. However, the industrial sector has proved to be more resilient than was anticipated and more recent evidence indicates that the great majority of our existing employment areas remain viable, and will continue to be needed to accommodate a range of business needs. They will not, therefore, provide a significant source of development land to meet the needs of other land uses, including housing. Indeed, additional employment land will be required over and above the existing stock to support the recovery and growth of the economy. Over the Plan period, around 565ha of new employment land is required to be available to provide for development needs.
- 3.6 Housing need is now determined by the standard method set by the Government. This currently generates a total need for 76,076 new homes across the Black Country up to 2039. Although historic housing completions have been largely in line with the targets set in the BCCS, the removal of surplus industrial land from housing land supply and the extension of the Plan period to 2039 means that the Black Country is quickly running out of land to meet housing need. The Black Country Urban Capacity Review 2020 demonstrates that existing sites, together with potential density increases and additional

capacity in Strategic Centres (primarily Wolverhampton City Centre) can accommodate 39,257 homes and 205 hectares (ha) of employment land up to 2039.

- 3.7 The existing and new sites proposed for allocation in the urban area make significant headway into addressing housing and employment land needs, providing 40,117 homes and 307ha of employment land. However, given the scale of the housing and employment land required, a significant gap between need and supply remains and the need for a Green Belt review has been triggered in line with Government planning policy. This work has led to the identification of a limited number of Neighbourhood Growth Areas (NGA), where it is proposed to remove land from the green belt in highly sustainable locations on the urban fringe. These sites will provide an additional 7,720 homes and 47ha of employment land. There will also be a number of small sites released from the green belt in other sustainable locations.
- 3.8 As outlined above, the Councils have undertaken an extensive review of the green belt, taking into account evidence on historical, ecological and landscape value and local character. A comprehensive site assessment process has taken place to ensure that all sites selected for removal from the green belt can deliver sustainable development and all necessary supporting infrastructure by 2039, and will not cause harm to the natural or historic character of the Black Country or breach any other planning policies.
- 3.9 The majority of land proposed to be released from the green belt is located in Walsall, which has by far the largest area of green belt of the four local authority area, and where it is proposed to release 8% of existing Walsall green belt land. In Wolverhampton, 1,013 homes are proposed, retaining 95% of existing Wolverhampton green belt land. Where sites are removed from the green belt, developers will be required to pay for improvements to the environmental quality and accessibility of remaining green belt land nearby. The new Black Country green belt boundaries are intended to be defensible and permanent and should not need to be changed in future.
- 3.10 The NGA developments have high levels of access to local residential services or are able to deliver new services which will achieve high levels of access and ensure local services have the capacity to absorb new residents. There are two NGAs in Wolverhampton, at Bushbury and Fallings Park, which together are proposed to deliver 835 homes and significant improvements to existing community facilities, including a potential new Primary School, a 10ha extension to Northcote Farm Country Park and a 1ha high quality recreational open space. Masterplans will be prepared for the NGAs, which will set out high quality design guidelines and infrastructure requirements, including improved accessibility for walking, cycling and public transport and necessary highways improvements.
- 3.11 The sources of land supply identified in the draft BCP will deliver 47,837 homes and 354ha of employment land, meeting the majority of the Black Country's housing and employment land needs. However, there will be a shortfall of 28,241 homes and 211ha of employment land up to 2039. The Government requires neighbouring local authorities

to work together under the duty to cooperate to meet housing and employment land needs when producing Local Plans. The Black Country authorities have asked neighbouring authorities, such as South Staffordshire, Lichfield, Cannock Chase, Shropshire and Telford & Wrekin, to provide additional housing and employment land in their areas to meet the needs of the Black Country. Currently there have been offers from neighbouring authorities which total around 9,500 homes and a minimum of 102ha of employment land. The latter includes land already consented at West Midlands Interchange in South Staffordshire, of which the 'apportionment' to meet needs arising in the Black Country is being addressed through the Duty to Cooperate.

Changes in Policy

- 3.12 There have been a number of changes in national planning policy and guidance since adoption of the BCCS which are reflected in the draft BCP. There are new policies on climate change, sustainable construction, trees, biodiversity net gain and mitigation for loss of green belt land. Inside space, water efficiency and accessibility standards for new housing have been set to improve build quality and meet the needs of residents, and contributions will be sought for improvements to education and health services where viable. Given the significant amount of housing growth planned within 15km of Cannock Chase Special Area of Conservation (SAC) - in the north of Walsall, and to a lesser extent in north east Wolverhampton – housing developments falling within this zone will be required to make a small payment to mitigate harm to the wildlife value of the SAC caused by new visitors.
- 3.13 A comprehensive Viability and Delivery Study has been completed to test the likely impact of draft BCP policies on the financial viability of different types of sites across the Black Country, in accordance with new Government guidance which aims to remove the need to carry out financial viability assessments for individual planning applications. For the purposes of housing, the Study divided the Black Country into low, medium and high housing value areas. Taking into account existing and new policy requirements, the Study concluded that a maximum of 10% affordable housing will be viable in low value areas, 20% in medium value areas and 30% in high value areas. The majority of housing sites in Wolverhampton are located in low value areas and the NGAs are located in medium value areas.

4.0 Implications for Wolverhampton and Consultation Process

- 4.1 The draft BCP proposals for Wolverhampton will provide enough land to build 12,100 new homes and provide 65ha of new employment land up to 2039. The draft BCP includes a separate chapter for each local authority, setting out background information, the local spatial strategy and local growth targets, and listing local allocations. A Wolverhampton Summary document (attached as Appendix 4) has been produced, which pulls out the key information from this chapter to assist with the public consultation process.

- 4.2 It is proposed to undertake a public consultation on the draft BCP for an eight-week period, which is anticipated to commence in August 2021 and run to early October 2021. The consultation will be carried out in accordance with the Council's adopted Statement of Community Involvement (SCI) and will follow the latest guidance in relation to the Covid-19 pandemic.
- 4.3 The consultation responses will then be analysed and used to inform revisions to the draft BCP. Any new evidence and changes to national guidance will also feed into production of the Publication Plan, which is programmed for consultation in summer 2022.
- 4.4 The draft BCP contains strategic policies¹ for Wolverhampton and housing and employment allocations for all parts of the City excluding Wolverhampton City Centre. Non-strategic policies for Wolverhampton are contained in the saved parts of the Wolverhampton Unitary Development Plan and the three Area Action Plans (AAPs) covering the City. Parts of these documents will be replaced when the BCP is adopted. The draft BCP sets out the intention to review the Wolverhampton City Centre AAP in 2023 to update site allocations for Wolverhampton City Centre in the light of new development targets and policies in the emerging BCP and recent evidence.
- 4.5 The change to the BCP timetable creates the need to update the Wolverhampton Local Development Scheme (LDS). Every local planning authority (LPA) is required to produce a LDS setting out the timetable for Development Plan Document review or preparation, make it available publicly and keep it up-to-date. A proposed new Wolverhampton Local Development Scheme covering the period 2021-2024 is attached as Appendix 5.
- 4.6 During 2019-2021, ecological surveys were completed for all potential development sites in the Wolverhampton green belt and other relevant sites. Approval will be sought later in 2021 to use this evidence to make changes to Site of Importance for Nature Conservation (SINCs) and Site of Local Importance for Nature Conservation (SLINCs) designations.
- 4.7 Draft Conservation Area Appraisals have been prepared for all existing Conservation Areas in the Wolverhampton green belt. Approval will be sought for public consultation on these Appraisals alongside the draft BCP.

5.0 Evaluation of alternative options

- 5.1 City of Wolverhampton Council is committed to the Black Country Plan preparation process. The alternative option would be to make no change to the existing Wolverhampton Local Plan. This would mean that the City would not have an up-to-date Local Plan in place for a number of years.
- 5.2 Failure to have a Local Plan that is based on sound evidence could result in the City having insufficient land to meet the need for housing, employment and other land uses

¹ National Planning Policy Framework para's 17-23

that are necessary to support the economic and environmental well being of the area. It could also result in development taking place in the wrong locations, leading to an inefficient use of resources, traffic congestion and other harm. Having an up-to-date Local Plan in place is also essential to defend the Council's position at planning appeals. Lack of an up to date Plan risks intervention from central government and may compromise our ability to make decisions locally.

6.0 Reasons for decisions

6.1 It is important that Wolverhampton is covered by an up-to-date Local Plan and Local Development Scheme, in order to meet statutory requirements and to support regeneration and investment in the City and protect areas of value from development. Cabinet approval is required for each consultation stage of the Black Country Plan preparation process.

7.0 Financial implications

7.1 The costs of preparing the Black Country Plan are shared on an equal basis between the four Black Country Local Authorities with Sandwell taking the lead role in procurement. Costs incurred by Wolverhampton during 2020-2021 totalled £68,853, which was met from Planning revenue budgets for 2020-2021. Based on current estimated costs for 2021-2024, these could be met through Planning revenue budgets including approved budgets for 2021-2022 and future budgets subject to budgetary approval processes. An indicative breakdown is provided in the table below:

	2021-2022 £000	2022-2023 £000	2023-2024 £000	Total £000
Black Country cost	260	220	300	780
Of which Wolverhampton cost	65	55	75	195

7.2 The numbers in the table above are estimated and are subject to change. The recurrent budget for this area is circa £70,000, however, where the forecast suggests costs will be in excess of this budget, planning grant is available to fund the additional costs.
[SM/10062021/P]

8.0 Legal implications

8.1 The legal implications are set out in the body of this report and its appendices. The Black Country Plan will form part of the adopted Local Plan for the City. [JM/11062021/U]

9.0 Equalities implications

9.1 Preparation of the Draft Black Country Plan includes the carrying out of an integrated Sustainability Appraisal at each formal stage, and at later stages an Equality Impact Assessment. The Black Country Plan seeks to ensure that sufficient homes, shops and employment, social and recreational facilities are planned and provided for in that time to

meet the needs of the communities in the City. This will include meeting the needs of children and young people by seeking to provide sufficient facilities for them as well as having a positive effect for future generations.

- 9.2 The Issues and Options consultation involved engagement with a wide range of organisations and individuals and information from this will be used to inform the Equality Analysis. On-going equality analysis will be undertaken and completed in a phased manner as the development of the Review progresses, with a particular focus on housing and employment issues to ensure that the needs of the people and the City are addressed.

10.0 All other implications

- 10.1 A Sustainability Appraisal (SA) is being carried out throughout the plan preparation process. SA is a process for evaluating the environmental consequences of proposed policies and proposals to ensure sustainability issues are fully integrated and addressed at the earliest appropriate stage. The overall aim of the SA process is to inform and influence the development of the Plan and maximise its sustainability value.
- 10.2 The review is being produced by a team of officers working across the four Black Country Councils. Within Wolverhampton, around two full time equivalent posts are currently dedicated to the review, with further support from colleagues in City Development and City Environment and Housing. Delivery of the timetable will to a large extent be dependent upon the retention of key staff and maintenance of staffing resource up to adoption.
- 10.3 The policies and proposals in the review will apply to any Council land and property which is subject to a development proposal. A number of the sites proposed for allocation in the draft BCP are owned by the Council. Liaison with City Assets has been and will continue to take place on an on-going basis.
- 10.4 The Black Country Plan addresses a wide range of issues relating to health and wellbeing and includes a specific chapter and policies on health and wellbeing. The policies recognise the importance of a range of wider policy areas to health and wellbeing and includes measures to address them including: provision of sufficient open space and residential services in locations easily accessible by foot and cycle to local residents; air quality improvements; providing enough housing of the right type and tenure to meet local needs; improving access to biodiversity; addressing climate change and fuel poverty; providing a range of jobs so that local people can work close to where they live; and supporting a range of uses in centres which encourage healthy lifestyles. The Draft Black Country Plan also includes specific policies on developer contributions for health infrastructure and on Health Impact Assessments.

11.0 Schedule of background papers

- 11.1 Black Country Core Strategy 2006-26, adopted February 2011

11.2 Cabinet – 27 June 2017 '[Black Country Core Strategy Review – Issues and Options Report](#)'

11.3 Cabinet – 17 October 2018 '[Progress on Black Country Core Strategy Review](#)'

12.0 Appendices

12.1 Appendix 1 – Draft Black Country Plan for consultation

12.2 Appendix 2 – Draft Wolverhampton Policies Map

12.3 Appendix 3 – Draft Black Country Plan Sustainability Appraisal

12.4 Appendix 4 – Wolverhampton Summary Leaflet

12.5 Appendix 5 – Wolverhampton Local Development Scheme (2021-24)