

Report to Economy, Skills, Transport and Environment Scrutiny Board

22nd July 2021

Subject:	Draft Black Country Plan –Consultation
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1 Recommendations

- 1.1 That the Board notes the contents of the Draft Black Country Plan, and, the implications for Sandwell.
- 1.2 That the Board provides comments to inform the next stage in the preparation of the Black Country Plan.






2 Reasons for Recommendations

- 2.1 The Draft Black Country Plan (formerly known as the Black Country Core Strategy) is the key document that will provide the framework to guide future planning decisions in Sandwell as well as the wider Black Country. It is based on national policy and guidance, an assessment of local housing and employment needs, as well as meeting objectives that have been defined through an Issues and Options consultation in 2017.
- 2.2 It is important that Sandwell is covered by an up-to-date Local Plan in order to meet statutory requirements, to support regeneration and investment in the Borough, and to protect areas of value from development.



- 2.3 The Draft BCP was approved for public consultation by the Cabinets at Dudley MBC on 5th July 2021, and at the City of Wolverhampton, Sandwell MBC and Walsall MBC on 7th July 2021.
- 2.4 A key element in the plan making process is the involvement of stakeholders, interested parties and the public. The views of the Board are an important part of this process. The views of the Board, along with other representations received during the consultation period will be reported to Cabinet at a future meeting and where appropriate will inform the next stage of the Plan's preparation.

3 How does this deliver objectives of the Corporate Plan?

	<i>Best start in life for children and young people</i> – The BCP will identify where educational infrastructure is required as a result of the growth in housing set out in the Plan.
	<i>People live well and age well</i> – The BCP will identify the health, leisure and other supporting facilities required to ensure the Borough is adequately provided for. The Plan will make provision for a comprehensive network of green infrastructure and an integrated and well-connected multifunctional open space network delivering opportunities for sport and recreation whilst establishing and supporting a strong natural environment.
	<i>Strong resilient communities</i> – The BCP will make provision for growth in housing and other land uses informed by public consultation so they can live in healthy places that build a strong sense of belonging and cohesion.
	<i>Quality homes in thriving neighbourhoods</i> – The BCP will identify locations for new housing and set out policies around design standards and affordable housing. It will also identify supporting education, health and other facilities required to contribute to strong local communities.
	<i>A strong and inclusive economy</i> – The BCP preparation makes provision for land use allocations including employment and residential use, thereby encouraging



	economic growth, enhancing the district and providing certainty for investment.
	<i>A connected and accessible Sandwell</i> – The BCP will identify the transport infrastructure needs of the Black Country which will in turn support the wider West Midlands Local Transport Plan – Movement for Growth which forms the basis for funding bids to Central Government.

4 Context and Key Issues

- 4.1 The development plan for Sandwell is currently comprised of the Black Country Core Strategy (BCCS) adopted in 2011, the Sandwell Site Allocations and Delivery Development Plan Document (2012) and Area Action Plans (AAPs) for Tipton (2008), Smethwick (2008) and West Bromwich (2012).
- 4.2 National planning policy states that development plans should be updated every five years and should identify requirements for 15 years from the date of adoption. It is intended that the Black Country Plan (BCP) will be adopted in 2024. On adoption it will replace the BCCS but, unlike the BCCS, the BCP will also allocate specific sites for different land uses. It will therefore ‘carry forward’ the allocations in the Site Allocations & Delivery Plan (SAD) the AAPs but will also allocate additional new sites to meet need over the longer time period. The BCP, once adopted, will roll forward the land use requirements to 2039 and will supersede the current Black Country Core Strategy and some policies contained within the SAD and AAPs.

Plan review

- 4.3 Preparation of the BCP commenced in 2016, followed by the publication of the Issues and Options documents consultation in 2017. This marked the first stage of the process and set out the scope of the local plan review and presented its key issues along with several options. The consultation took place for eight weeks between July and September 2017 and some 1,696 formal representations were received covering over 3,500 matters. A report setting out the Issues and Options



consultation responses was considered by Cabinet at its meeting on 17th October 2018.

- 4.4 The Draft Plan document results from extensive work which has taken place since 2016 when the process of reviewing the Local Plan began. It has been informed by a significant body of technical evidence which has identified the Black Country's future housing need (both the overall number of homes required but also the breakdown between tenure and dwelling size that is likely to be required), the employment land need and supply (including the suitability of existing employment premises for long term retention), and studies of town centres, waste and minerals, environmental and infrastructure studies and viability and deliverability assessment. Alongside this, a detailed assessment of around 420 potential sites to be allocated in the Plan (including 37 in Sandwell) has been carried out by officers within each authority.
- 4.5 Using the representations that were made at the Issues and Options consultation and the updated evidence base, the next stage of the Plan preparation process, the Draft Plan has now been produced.
- 4.6 At its meeting on 9th September 2020, Cabinet approved a revised Local Development Scheme (LDS) which sets out the revised timetable for the future stages of the Plan preparation as follows:

Milestone	Date
Cabinet consideration of Draft Plan	July 2021
Draft Plan Public Consultation	August-September 2021
Cabinet consideration of Publication version of BCP	July 2022
Publication Plan Public Consultation	August-September 2022
Submission of Plan	March 2023
Examination in Public	April 2023 - March 2024
Adoption	April 2024

Key elements of the Draft Black Country Plan

- 4.7 The Draft BCP has now reached an advanced and important stage of its preparation and will make key decisions on:



Climate change - how can we adapt and mitigate against the impacts?

New housing - How much new housing is needed? How much can be provided in sustainable locations and where will it go? What type and density of housing should be provided and how much affordable housing is required and achievable?

Employment land - Where does employment land need protection? How much new employment land is needed and where should it go?

Supporting infrastructure and services - What improvements to transport, schools, green space, etc. will be needed to support new development? Where will new services be located?

How we will create healthy and safe places to promote better health and wellbeing?

In the face of new development how will the natural and historic environment be protected and improved?

- 4.8 Cabinet will note that the full text of the Draft BCP (Appendix A) provides detailed wording of all policies and proposals. This section of the report provides a brief overview and summary of some of the key aspects of the draft BCP.
- 4.9 The Draft Plan sets out the Preferred Options in terms of the spatial strategy for the Black Country, including proposed strategic sites for housing and employment and a suite of policies which are principally focussed on Development Management issues relevant to the determination of planning applications, for example those setting open space standards, building design standards and the levels of affordable housing to be required.
- 4.10 Previously, the BCCS envisaged that development needs to 2026 could be met entirely within the existing urban area. This was based on the principle that there was a declining need for industrial land which could then be redeveloped for housing.
- 4.11 However, industry has proven to be more resilient than expected, particularly in Dudley and Sandwell. Economic evidence indicates that most of the existing employment areas remain viable and accommodate



the vast majority of our growth sector businesses and should therefore be protected. These areas provide a key source of employment for local people in Sandwell and the wider Black Country. Whereas previously the area was considered to have surplus employment land, we now need a different strategy to maximise local employment, not only as an end in itself but also to support projected population and housing growth.

- 4.12 The growing population of the area in turn means that the total number of jobs needs to increase in order to provide adequate economic activity. More land is therefore required for employment. The draft BCP estimates that the Black Country requires around 565 hectares of additional employment land.
- 4.13 Housing need is now determined by the standard method set by the Government. This indicates that an additional 76,076 homes need to be provided across the Black Country over the period 2020-2039. This compares with the requirement of 63,000 net new homes which the BCCS requires for the period 2006-2026. Housing completions since 2006 have been largely in line with the trajectory set by the BCCS. The result, however, is that this means that we are effectively running out of land for new housing.
- 4.14 The urban capacity review for the Black Country, which was published in May 2021 as part of the preparation of the BCP, demonstrated an existing urban land supply to accommodate 205 hectares of employment land and 39,257 homes. The majority of development in the existing urban area is making use of brownfield land (i.e. previously developed land), vacant properties and surplus industrial land. This land is located in:
- The Strategic Centres of Brierley Hill, West Bromwich and Walsall Town Centres and Wolverhampton City Centre.
 - Core Regeneration Areas in and around town/district centres and along transport networks.
 - Existing Towns and Neighbourhoods Areas.



- 4.15 Considering additional sites that could come forward as part of the Draft BCP, the urban area has made significant 'headway' into addressing these needs providing 40,622 homes and 205 hectares of the Black Country's employment requirements. But there remains a significant shortfall of over 300 hectares of employment land and land for a further 36,819 homes.
- 4.16 As anticipated in the Issues and Options document, evidence has shown that the Black Country is unable to meet its housing needs without some release of land from the Green Belt. The NPPF advises that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. (Para 136, NPPF). The NPPF adds that when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be considered. The NPPF further advises that where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously developed and/or is well served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. In addition, the authority will need to set out the exceptional circumstances to consider Green Belt release as outlined in paragraph 137 of the NPPF.
- 4.17 The Black Country Authorities have undertaken an extensive review of the Green Belt, taking into account evidence on historical, ecological and landscape value and local character. A comprehensive and robust site assessment process has taken place by officers to ensure that all sites selected for removal from the Green Belt can deliver sustainable development and 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. It is proposed that land for 7,719 houses and 47.8 hectares of employment land be allocated on land that is currently in the Black Country Green Belt. This equates to a little under 6% of the total Black Country Green Belt.



4.18 Due to Sandwell's relatively small amount of Green Belt and the significant constraints, such as Nature Conservation protection and Flood Zone restrictions, land to accommodate 171 homes will be allocated on three sites that are currently in the Green Belt. This equates to approximately 5.2 hectares of land which is 0.6% of the current area of Sandwell's Green Belt.

4.19 The proposed sites are:

Site	Ward	Type	Capacity
Charlemont Community Centre	Charlemont & Grove Vale	Housing	1
Painswick Close	Great Barr with Yew Tree	Housing	120
Tanhouse Avenue	Newton	Housing	50

The location of these sites is shown on the plan at Appendix E along with the other sites proposed in the Borough.

4.20 Where it is proposed to remove sites from the Green Belt, developers will be required to pay for improvements to the accessibility, biodiversity and environmental quality of remaining Green Belt land nearby. Where required, highway improvements and onsite or financial contributions towards education and healthcare provision will be made available on the back of development. Concept masterplans will be prepared for the next version of the Plan (Publication Plan) which will guide development and set out design codes to ensure efficient use of land, good quality design standards, adequate provision of open space, and accessibility improvements for walking and cycling as well as access to local services and public transport.

4.21 The public, through the consultation process, will have an opportunity to provide responses which will be considered by the Cabinets of all four Councils during the next stage of the Plan's preparation, with regards to



any proposals for the removal of sites from the Green Belt anywhere in the Black Country and their allocation for development.

4.22 Taking into account both urban and Green Belt land, there is potential across the Black Country to accommodate 48,341 homes and 354ha of employment land but there remains a shortfall of 27,735 homes and 211 hectares of employment land. Considering this shortfall, the Black Country Authorities have undertaken Duty to Cooperate discussions with neighbouring authorities in Staffordshire, Shropshire and Solihull to accommodate some of this shortfall in their areas. Discussions to date suggest between 102-173 hectares of employment land and 9,500 homes could potentially be exported to them, subject to their own local plan reviews. This leaves an outstanding shortfall of 18,235 homes and between 39 and 109 hectares of employment land to be pursued through further Duty to Cooperate discussions.

4.23 The Draft Plan includes a number of new and updated policies. The existing Black Country Core Strategy, Site Allocations & Delivery Plan and Area Action Plan policies have largely been carried forward into the Plan with some updating. There are a number policy changes or updates which include:

- Climate Change policies on Climate Change mitigation, energy infrastructure and managing heat risk.
- Cannock Chase Special Area of Conservation (SAC) (contribution from Wolverhampton & Walsall)
- Refresh of the previous Policy CEN3: Growth In Strategic Centres to ensure it is effective and fit-for-purpose, reflecting the delivery of the Wednesbury to Brierley Hill metro extension and informed by the Car Parking Study.
- The affordable housing policy has been amended to reflect different levels of affordable housing on a geographical value area basis setting out a 10%-30% Affordable Housing requirement.
- Building design standards have been updated in line with national guidance.



- A range of new and amended planning obligations are recommended for inclusion in the Draft Plan, in relation to climate change, net biodiversity gain and Green Belt mitigation, education and health care provision

Infrastructure Provision

4.24 Officers have engaged with colleagues in Education, Utilities, Healthcare and Transport. Evidence so far is indicating that there are no major infrastructure 'showstoppers' which would prevent the deliverability of the proposed sites. Further transport modelling work will be carried out to inform the next stage of the Plan process. Infrastructure provision such as open space, schools and health provision have been factored in new policies for planning obligations. In the case of some larger sites it may be the case that infrastructure provision (such as schools) is delivered on the sites.

Sustainability Appraisal

4.25 The Council is required to assess the environmental impacts of any plan which it produces. Accordingly, a Sustainability Appraisal Scoping report accompanied the earlier Issues and Options version of the plan. The subsequent version of the emerging Local Plan (the Draft Plan) has been accompanied by a Sustainability Appraisal and a Habitat Regulations Assessment. These documents form an important part of the supporting evidence to the local plan review and help the Council to assess the possible impacts of the plan and its policies and therefore how impacts can be addressed or mitigated against. A copy of the latest Draft Sustainability Assessment is included at Appendix C.

Next steps

4.26 It is proposed to undertake a public consultation on the Draft BCP for an eight-week period, to be agreed by the Interim Director of Regeneration and Growth in consultation with the Cabinet Member for Strong and



Inclusive Economy. It is anticipated that the consultation will commence in August 2021 and run to the end of September/early October 2021. A copy of the approach to consultation is set out at Appendix B of this report.

- 4.27 The consultation will be carried out in accordance with the Council's adopted Statement of Community Involvement (SCI) approved in September 2020, taking account of temporary legislation regarding Covid-19 (Coronavirus) to ensure that any consultation which takes place follows the latest guidance in relation to the pandemic.

5 Alternative Options

- 5.1 The preparation and adoption of a Local Plan is a statutory requirement resulting from Government planning legislation. The Draft Black Country Plan results from the outcome of the 2017 Issues & Options consultation, the 'Call for Sites' and the gathering and robust assessment of evidence in the period since.

6 Implications

Resources:	<p>Work on the BCP is carried out by the Planning Policy Team in the Regeneration & Growth Directorate with assistance from officers in other directorates where necessary.</p> <p>Preparation of the BCP has involved the commissioning by the Black Country authorities several pieces of evidence from external consultants. All procurement is carried out by Sandwell Council on behalf of the Black Country authorities with funding split equally across the four authorities.</p> <p>Within Sandwell, funding for externally commissioned work has been and will continue to be met from resources previously allocated specifically for the purpose of supporting preparation of the Plan.</p>
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Legal and Governance:	It is necessary to ensure that the Black Country Plan review is undertaken in accordance with various legal provisions as set out in the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework NPPF (and associated guidance) 2012.
Risk:	Failure to have a development plan that is based on sound evidence could result in the borough having insufficient land to meet the need for housing, employment and other land uses that are necessary to support the economic and environmental well-being of the area. It could also result in development taking place in inappropriate or harmful locations, leading to an inefficient use of resources, traffic congestion and other harm. Having a development plan in place is also essential to defend the Council's position at planning appeals. Without an up to date development plan, the Council along with the other Black Country Authorities, risks intervention from central government which may compromise the ability to take decisions locally.
Equality:	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 Borough. 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.
Health and Wellbeing:	The Black Country Plan addresses a wide range of issues relating to health and wellbeing and includes a specific section and policies. The issues include: 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; and providing a range of jobs so that local people can work close to where they live. The Draft Black Country Plan includes a range of policies which aim to address these issues.
Social Value	There are no direct social value implications arising from this report as the Plan does not directly authorise projects or construction of infrastructure. The social value implications of individual proposals will, where the Council is directly involved in delivery, be assessed as part of the individual approval processes for those projects.

7. Appendices

Appendix A- Draft Black Country Plan consultation document
Appendix B- Proposed Draft Plan Consultation approach and Non-Technical Summary
Appendix C- Draft Sustainability Assessment
Appendix D- Draft Black Country Plan Policies Map
Appendix E- Draft Black Country Plan Sandwell Proposals Map

8. Background Papers

Black Country Core Strategy Issues and Options
[Issues & Options Consultation](#)
Cabinet Report - 17th October 2018
Cabinet Report - 20th September 2020
Cabinet Report - 7th July 2021

