



Local Plan Review Publication Plan Frequently Asked Questions

The Publication Plan (also known as a pre-submission plan) is published for consultation under Regulation 19 which is about the legal soundness of the plan.

This is the time in the plan process that residents, statutory bodies and other organisations, have the chance to put their views forward to the independent Inspector who will be appointed by the government to examine the plan. People will also have the opportunity to ask to be heard at the public examination sessions.

There will be full examination of the evidence, and how the council has developed the plan in the context of national planning policy, and whether the proposed sites and policies can be justified.

The examination is a democratic process, taking into account the views of all participants which will be heard by an independent planning professional. After the examination process, and subject to the plan being found sound, the final decision whether to adopt the plan rests with the Council.

We contacted DLUHC on 3 November 2022 to ask for advice on whether or not to delay the plan making process and received a firm response to say we should continue to Regulation 19 consultation and there should be no pause in plan making.

What is a Local Plan?

Every local planning authority must produce a Local Plan which sets out the planning framework for their area. It contains the amount of housing and employment growth being planned for in the next few years and where that growth will be located. It also contains policies which will be used to decide planning applications. The Local Plan is just that, local to the area it covers, so the policies in our Local Plan will be tailored to South Staffordshire.

Why are we reviewing our current Local Plan?

All councils must review their Local Plans at least every five years to take on board updated information. The government has made it very clear that plans should be put in place without delay and having a new, up to date adopted plan will put us in a very strong position to resist developer led, unplanned development in locations outside of our control, or planning by appeal and we believe this is in the best interests of our residents.



What stage is the Review at?

We carried out an Issues and Options consultation in 2018, a Spatial Housing Strategy consultation in 2019 and Preferred Options in 2021. This next stage is **Publication, or pre-submission**, which is the plan we want to be adopted, based on the planning evidence we have collected.

What is a Regulation 19 Consultation, why is it different to previous consultations?

The process for preparing and adopting a local plan is set out in law under planning regulations. Regulation 19 is different because it is about the legal soundness of the plan. Has the council prepared the plan positively? Is it justified and effective? Does it comply with national planning policy? Any comments you make should relate to these issues and they will be sent to the independent Planning Inspector who will be appointed to conduct a formal Examination into the plan, which will include public hearing sessions. We have prepared a guidance note to explain more.

What is the Council's approach?

We have used land already earmarked for development in our current plan, with new growth in villages with the most facilities and services and where there are infrastructure opportunities. With additional development through urban extensions along the border with the Black Country and Stafford, we propose to provide new homes across the district, both for South Staffordshire and for our neighbouring authorities, under our legal Duty to Cooperate (see below). This approach will lead to Green Belt release, and this is something that has been very carefully considered in arriving at the final draft plan. We have worked hard to bring forward brownfield options first, but there is very little available brownfield land in South Staffordshire. We know there are very difficult decisions to be made in providing new homes and protecting the Green Belt as much as we can, which is why less than 0.75% is being proposed to be released for housing.

Why do we have to help other Councils out?

All councils must meet a legal test known as Duty to Cooperate. This means we have to engage 'constructively, actively and on an ongoing basis' with our neighbouring authorities over matters which cut across administrative boundaries. If this duty is replaced with an alternative requirement to align with other plans, we can decide whether to withdraw or amend the plan. We do know that whatever might replace the Duty to Cooperate will still require councils to plan for development needs across boundaries, and we still need to prepare a plan which is legally sound.

The Black Country Authorities are now proposing to 'go it alone'. What does this mean for our plan?

We believe we have worked constructively with the Black Country authorities and remain in a position to submit our plan for examination. Dudley MBC's decision to withdraw from the joint Black Country plan is for their members to consider, bearing in mind the requirements of national policy and the need to prepare a sound plan that will pass examination. The four Black Country authorities will still need to move forward with their plans - they are not halting plan making indefinitely. However, delaying means they will have to revisit their housing numbers in the light of recently published evidence showing significantly higher housing shortfalls across the housing market area of now over 100,000 homes.



Housing numbers

The overall level of development is made up of our own district's local housing need, which is set by the government, and a contribution towards the wider housing market area shortfalls. We believe this additional contribution is based on robust evidence against calls from the development industry for much higher housing numbers. The Inspector will decide if our approach is sound, but if national government guidance for the calculation of housing figures changes, we can decide whether to withdraw or amend the plan.

Is 'no development' an option?

The simple answer is no. The government is clear that housing growth is fundamental to revitalising the economy and the thrust of national planning guidance (NPPF) is to 'boost significantly the supply of housing'. The need for housing is not just a national issue, but a local one too. If we don't plan to deliver this growth ourselves, we will lose significant control over where it might go. Having a local plan in place which sets out firm locations and guidelines for development puts us in a **much stronger position** to defend the district from ad hoc applications

What evidence has been used to guide development?

Preparing a Local Plan is not a simple process. The Plan is supported by a robust **Evidence Base** which has looked at sustainability, the importance of the historic and natural environment, protecting and enhancing our landscapes, access to jobs and services and many other issues, including impact on the Green Belt. Our evidence has been published at each stage of the process so that you can see how the Plan has been developed.

Responses to the Preferred Options Consultation

A total of 1690 individuals or organisations including residents, planning agents, developers and statutory bodies made comments and all responses have been read and taken into account in reaching the final plan. As a result, some sites have changed based on the issues raised and updated evidence. A breakdown of the responses can be found in the Consultation Statement.

Green Belt and Landscape Studies

We have asked consultants to look at what impact development might have on our Green Belt and the landscape of the district. The studies have helped us to see where the most sensitive areas of landscape in the district are and which areas of Green Belt would be most affected by development.

Why isn't Green Belt land protected from new development?

The Council is committed to the protection of the Green Belt, and we know there are very difficult decisions to be made when we are looking for new sites. The government is clear in national planning policy that Green Belt boundaries may need to be reviewed through the Local Plan. We will have to show the Inspector, who decides if the Plan is sound, the reasons why we have chosen to release some Green Belt land.



How much Green Belt will be released?

Sites proposed to be released from the Green Belt amount to around 1.4% of the total Green Belt in the district. Of this, just over half is due to West Midlands Interchange (WMI), a strategic rail freight interchange that was given consent at a national level by the government in 2020. This means that **less than 0.75%** of Green Belt is proposed to be released for housing.

Are Green Belt and Greenfield the same?

No, greenfield sites are those which have not previously been built on, or where previous development has blended back into the landscape. Brownfield land is previously developed land, although this excludes agricultural buildings. Green Belt is a planning, not environmental, designation and the Green Belt can include land that is both greenfield and brownfield.

Climate Change

The Local Plan contains policies to achieve (regulated) Net Zero on new housing sites and large sites will have whole life carbon assessments. There is a suite of renewable energy policies, including electric charging points on new homes, and there will be a 10% biodiversity net gain on major sites through good design principles.

Consultation

The Publication plan consultation is carried out under formal planning regulations. There is a six week public consultation period for comments to be made. Comments must be made in writing between 11 November and 12 noon on 23 December 2022. **Comments made before or after these dates cannot be considered.**

Community Engagement

There will be opportunities to discuss the plan with the Local Plans Team throughout the consultation period. We will be holding five separate Locality online Question and Answer Sessions where officers will explain the proposals and you will be able to submit questions for the team to answer. We will also be holding face-to-face sessions at the Council Offices and in the five localities, by appointment, plus online appointments via Teams and telephone.

Consultation System

Our consultation system allows you to read the plan and make your comments direct. You can manage your own account and response and see details of other responses when they are published. It's very simple, all you need is your email address to register. Go to <https://sstaffs.oc2.uk/login>

If you made comments on previous consultations and we have your email address, you will already be on the system.

Comments can also be made by emailing localplans@sstaffs.gov.uk or by letter to South Staffordshire Council, Community Hub, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX



Stay Informed

We will keep our website and Facebook page updated with details of the consultation. We will write to everyone who has made comments previously, or who has registered on our database, to let them know about the consultation, where to find the documents and how to submit a response.

Next Steps

The Secretary of State will appoint an independent Planning Inspector to conduct an **Examination in Public**. The Inspector's role is to consider whether the Plan is **sound and legally compliant** (including the **Duty to Cooperate**). In doing this they will consider any representations received on the final draft and hold public hearing sessions where the main matters and issues raised in the representations can be discussed in person.

All the information on the Local Plan review to date and the supporting documents are available online at www.sstaffs.gov.uk/localplanreview



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