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South Staffordshire Local Plan Examination

South Staffordshire Council response to consultation on changes to Planning Practice Guidance (PPG)

Dear Louise,

Please see below South Staffordshire Council's response to the consultation on changes to the Plan-Making section of the Planning Practice Guidance:

On the 26 June 2025 the Plan-making part of the Planning Practice Guidance was updated as follows:

"How do the implementation aspects of the NPPF apply to plans where more than one round of Regulation 19 consultation has been undertaken?"

Some local planning authorities may undertake more than one round of Regulation 19 consultation on a plan. Where this is the case, for the purposes of implementing Annex 1 of the Framework, a plan is normally to be taken as having reached the Regulation 19 stage at the date on which the first round of Regulation 19 consultation commenced.

However, in some limited circumstances, a plan is to be taken as having reached Regulation 19 on the date that a subsequent round of consultation commenced. These limited circumstances could include instances such as when the content of an emerging plan has changed significantly from the one presented at the initial Regulation 19 stage.

Paragraph: 86 Reference ID:61-086-20250616"

As the Council undertook two Regulation 19 consultations, the first in November 2022 [PC1] and the second in April 2024 [CD1], consideration is needed to understand if this change to the PPG has any implications for the examination of the South Staffordshire Local Plan.

NPPF (December 2024)

Where the PPG refers to 'implementing Annex 1 of the Framework', it is taken to mean the current NPPF (published in December 2024) [hereafter referred to as NPPF 2024]. Annex 1 of the NPPF 2024 does include transitional arrangements for the purpose of plan-making, confirming that this version of the NPPF (NPPF 2024) applies, other than where one or more of the



circumstances set out in points a-e of paragraph 234 apply. A number of these points (specifically **a, d and e**) refer to where a plan has ‘reached Regulation 19’. Therefore, authorities progressing a plan who had undertaken two Regulation 19 consultations, and where one of these circumstances apply, would then need to consider when they ‘reached Regulation 19’, having regard to the new PPG guidance. However in the case of South Staffordshire Council, **point b** of paragraph 234 applies which states:

“b. the plan has been submitted for examination under Regulation 22 on or before 12 March 2025”

Given point b of paragraph 234 does not relate to when the plan ‘reached Regulation 19’, it is not considered that this PPG change has any implications for the South Staffordshire Local Plan, when considering the implementation of Annex 1 of the NPPF 2024.

The provision instead will have relevance for other emerging local plans which have two Regulation 19 stages – one which occurs before the 12 March 2025 and one which occurs afterwards. This is not the situation here.

NPPF (December 2023)

Notwithstanding the view that the PPG is referring to the implementation of the current NPPF 2024, the version that the Council believes to be the relevant NPPF for the purposes of the examination (published in December 2023) [hereafter referred to as NPPF 2023], does also include Annex 1, and a section on transitional arrangements for the purpose of plan-making. At paragraph 230 of the NPPF 2023 it states:

“The policies in this Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements...”

As previously highlighted, the Council’s first Regulation 19 consultation began on 11th November 2022, whereas the second Regulation 19 consultation began on 18th April 2024. Based on NPPF 2023 paragraph 230, it needs to be considered when the Council ‘reached Regulation 19’, and whether this was after 19 March 2024. Should it be concluded that the plan ‘reached Regulation 19’ after 19 March 2024 then this would indicate that the plan should be examined under the NPPF 2023. Should the plan have ‘reached Regulation 19’ on or before 19th March 2024, then this would indicate that it should be examined ‘under the relevant previous version of the Framework’.

The version of the NPPF prior to the December 2023 version was published in September 2023. Therefore, in summary, if it is considered that the Council’s second Regulation 19 (April 2024) is



the stage at which the council 'reached Regulation 19' then the NPPF December 2023 would be the relevant NPPF for the examination, as is the Council's current position.

If it is considered that the Council's first Regulation 19 (November 2022) is the stage at which the Council 'reached Regulation 19' then the previous September 2023 NPPF would be the relevant NPPF for the examination. The council's firm position is that for the purposes of this examination, the council reached Regulation 19 in April 2024 for this Plan.

The recently introduced PPG Guidance provides some clarity for the implementation aspects of the NPPF where more than one round of Regulation 19 consultation has been undertaken. The PPG confirms that it would normally be the case that the first Regulation 19 consultation would normally be taken as the point the Local Plan 'reached Regulation 19', but there may be 'limited circumstances' where this is not the case. The PPG states:

*"These limited circumstances **could** include instances such as when the content of an emerging plan has changed significantly from the one presented at the initial Regulation 19 stage"*

Based on the above, a judgement is required on whether the contents of the emerging plan 'changed significantly from the one presented at the initial Regulation 19 stage'.

Clearly, significant changes had been proposed to national policy through the draft December 2022 NPPF that led the Council to take stock and pause plan preparation in order to understand the impact of national policy changes for the emerging plan. Whilst changes proposed under the revised April 2024 Regulation 19 Plan broadly fell within the scope of reasonable alternative options tested during Regulation 18 stage, there were still significant changes between the two Regulation 19 consultation stages.

Due to the change in national policy previously outlined, the April 2024 Regulation 19 plan proposed a 640 home contribution to unmet needs of the Greater Birmingham Housing Market Area (GBBCHMA), compared to a 4000 home contribution in the 2022 Regulation 19 Plan. The strategy to meet the Council's housing requirement changed to a capacity based approach that limited Green Belt release to Tier 1 settlements, from the previous strategy that had proposed green belt release at some lower tier settlements and urban edge locations. Furthermore, due to the pause in plan-making, the plan period was extended from 2039 (in the 2022 Regulation 19) to 2041 in the submitted Local Plan. The submitted plan also proposes a newly allocated employment site to take on board updated employment evidence (M6, Junction 13) in contrast to the 2022 Regulation 19 consultation. These are all individually significant changes from the previous version of the Plan (and warranted a significant amount of new and updated evidence to support the change in strategy). This evidence included an updated Sustainability Appraisal [EB2, EB2a-b]. Economic Development Needs Assessment [EB44], Housing Market Assessment [EB26], and supporting Spatial Housing Strategy Topic Paper [EB14].

Taken together, it is clear that there were significant changes to national policy and the emerging plan from the one presented at the initial Regulation 19 stage. Therefore it is considered that



South Staffordshire's situation would fall under the 'limited circumstances' where the plan is taken as having reached Regulation 19 on the date that the subsequent round of consultation commenced – i.e 18th April 2024. As this is after 19th March 2024 as referenced in paragraph 230 of NPPF 2023, **it is correct that the emerging plan is examined under the December 2023 NPPF.**

Conclusion

This response has considered the clarification introduced through the PPG where authorities have undertaken more than one Regulation 19 consultations, as is the case with South Staffordshire Council. This response has considered the implication of this new guidance in relation to both the implementation sections of the NPPF 2024 and NPPF 2023. It is demonstrated through this response that the new Guidance does not have any implications for the examination of the South Staffordshire Local Plan, as it does not change the position that the Plan should be examined under the December 2023 NPPF.

Yours sincerely

Ed Fox

Strategic Planning Team Manager – South Staffordshire Council