

Meeting of the Cabinet – 27th June 2018

Report of the Strategic Director Place

Black Country Core Strategy Review Update

Purpose of Report

1. To provide an analysis and initial response to representations made during the Issues and Options consultation for the Black Country Core Strategy and to seek approval to move on to the next stages of plan production including the commissioning of any necessary evidence in conjunction with neighbouring Black Country Authorities.

Recommendation

2. It is recommended that Cabinet;
 - Notes the attached report highlighting the matters raised during the Public Consultation on the Issues and Options Report for the Core Strategy Review;
 - Notes that the Core Strategy process requires Councils to ensure that all possible opportunities to meet the objectively assessed need for new housing and employment land within the existing urban area are fully utilised in order to protect Green Belt;
 - Confirms that officers can move onto the next stage in the production of the Black Country Core Strategy including the commissioning of any evidence to support the development of the Strategy in conjunction with neighbouring Black Country Authorities.

Background

3. The Black Country Local Planning Authorities adopted a joint Core Strategy in 2011. This strategy is an overarching planning and regeneration document and it sets out the development priorities for the Black Country area from its adoption 2011 until 2026. When this Strategy was adopted, there was a clear commitment from the four Local Authorities to start to review it after 5 years – this is necessary to ensure that the Strategy remains up-to-date, reflects the latest planning guidance, legal requirements and latest socio-economic trends including the future needs of the Black Country's residents and businesses.
4. The Review of the Core Strategy began in 2016 working on providing a planning and development framework for the Black Country up to 2036. The first stage of consultation, the publication of an Issues and Options Report, was carried out between July and September 2017.

5. Following the consultation and further discussion with Members, Dudley Council officers were asked to publish the findings of the public consultation at its March Cabinet meeting before approval could be given to continue with progress to the next stage in the production of the Core Strategy. At the meeting, Cabinet resolved that;
 - a further report detailing the actual issues raised from the findings of the consultation would need to be presented to a future Cabinet meeting;
 - before continuing with a Green Belt Assessment (as part of the evidence required to support the development and adoption of the Black Country Core Strategy), officers are to provide Cabinet with a comprehensive report to justify the need to carry out such an assessment;
 - if a Green Belt Assessment is required, ensure that it is suitably robust and comprehensive so it has fully considered the Green Belt against the five key purposes set out within the National Planning Policy Framework (NPPF) and ensures that high priority is given to the protection of the Green Belt as set out within the NPPF.

Findings of the Consultation

6. A summary of the initial findings of the Consultation into the Issues and Options Consultation stage has been attached as Appendix 1. As previously reported, a total of 1,696 formal responses covering over 3,500 matters, along with 132 site specific submissions and in the region of 300 social media comments were received. The responses will be taken into account and help shape the next stages in formulating the Black Country Core Strategy.
7. Responses were received on all aspects of the Issues and Options Consultation document including housing, business and employment, health and well-being, transport and other infrastructure as well as minerals and waste. Many of the representations were focussed on the subject of delivering future growth across the Black Country particularly in terms of housing and jobs. The consultation also invited landowners and developers to submit sites for consideration to be included in the Core Strategy as it evolves.
8. As expected, a large proportion of the responses with respect to future growth centred on the potential for development in parts of the existing Green Belt. There was a clear division between the views of local residents and those of the development industry. The majority of local residents questioned the need generally for further growth especially in the Green Belt and particularly without further improvements to infrastructure. This contrasted greatly to the views of the development industry, which included landowners and developers, which provided evidence to attempt to justify even more growth beyond that which had been estimated within the Consultation. Through these representations, the development industry also cast doubt over the viability of remaining brownfield sites within the Black Country and advocated the need for sustained development in Green Belt locations to meet the projected needs of housing and employment. Many of the sites submitted for consideration at future stages in the development of the Core Strategy were Green Belt sites along with evidence to demonstrate their inclusion in the plan going forward.

Further work on capacity of the Brownfield sites and the urban area

9. Since the consultation on the Issues and Options concluded, the four Black Country Authorities have continued to work together to ensure that all potential brownfield and urban sites have been identified and that the Black Country Core Strategy continues to be an “urban area first” strategy. This work is crucial in helping to determine the future ability to meet objectively assessed housing and employment needs within Dudley and the rest of the Black Country but is also crucial in justifying any need to consider any part of the Green Belt within that assessment. Further to the request from Dudley Cabinet, a joint Urban Capacity Review has been finalised and published to show that all possible sites and locations have been identified within the urban area for potential growth. This report can found on the Black Country Core Strategy website at <http://blackcountrycorestrategy.dudley.gov.uk/t2/>
10. For Dudley, this additional work has involved updating our Strategic Housing Land Viability Assessment to include the latest housing development figures and any new sites identified. Dudley officers, as well as those across the Black Country have also looked at individual sites to identify any opportunities to increase densities of development to ensure the development of sites has been maximised.

The Requirement for a Robust and Comprehensive Assessment of all Land

11. Ultimately, a Planning Inspector appointed by the Secretary of State for Housing, Communities and Local Government will determine, as part of an examination in public, whether the Draft Core Strategy is sufficiently robust and based upon a sufficiently comprehensive evidence base in order to be determined as sound and therefore, appropriate for adoption. In order to have a sufficiently comprehensive and robust evidence base, a detailed assessment of all land within the Black Country must be undertaken. The vast majority of the evidence base will focus upon land in the existing urban area. However, a comprehensive review of all land within the Black Country will require that the existing Green Belt be assessed in order to ascertain how it contributes towards the five defining principles upon which the Green Belt was originally created. This is as is set out in the Governments National Planning Policy Framework (NPPF). These principles are as follows;
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns;
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
12. It is important to reinforce the point that the purpose of such an assessment of the Green Belt is simply to assess – it cannot allocate any land for development. The Government’s NPPF makes it abundantly clear that protection of the Green Belt is paramount and that any draft plan will need to demonstrate that all possible opportunities to utilise land in the existing urban area have been taken.
13. Nor is an assessment of the Green Belt against the five key principles to be confused with a review of Green Belt boundaries. At present, Government guidance (as set out within the NPPF) and case law is used to determine whether a review of Green Belt boundaries is required, AFTER the full evidence base (including the Green Belt assessment) is completed.

14. The Council has also, for completeness, considered the implications of the draft changes to the NPPF proposed earlier this year which was publicly consulted upon. Whilst the text maintains the existing approach to Green Belt it also currently proposes further guidance as to the approach to be adopted as in respect of meeting the exceptional circumstances for altering Green Belt.

15. The draft NPPF at [136] currently proposes this additional text:

“Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic plan-making authority should have examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of the plan, which will take into account the preceding paragraph, and whether the strategy;

a) makes as much use as possible of suitable brownfield sites and underutilised land;

b) optimises the density of development, including whether policies promote a significant uplift in minimum density standards in town and city centres, and other locations well served by public transport; and

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

16. This further draft guidance is consistent with the relevant approach adopted to date and which the Council has in any event taken. Points a) and b) have already been considered as an integral part of the Urban Capacity Review referred to in paragraph 9 of this report. Negotiations between the four Black Country authorities and neighbouring authorities are also well established.

17. It should be noted that paragraph 209 of the Draft NPPF states that the existing NPPF is still to apply to the examination of local plans submitted within six months after the date the new NPPF is published. Therefore the Council will not be required to take the above text into account but nevertheless has taken an approach that is consistent with it.

Range of Evidence to support the next stage of plan preparation

18. As previously reported, the following evidence is a summary of the complex work to be undertaken to inform the development of the preferred option. Many of the studies and evidence are interlinked and their progress is vital for successful completion of the different stages in the development of the Core Strategy. It is not an exhaustive list and may be subject to change as the review progresses;

- Stage 2 Employment Land Study
- Review position regarding Housing Need
- Land Owners Intentions Study
- Urban Capacity Study
- Update greenspace audits/studies
- Green Belt Assessment – joint study with South Staffordshire
- Technical assessment of ‘call for sites’ submissions
- Centres and Retail Study

- Viability assessments of development sites and proposals
 - Strategic Flood Risk Assessment
 - Strategic Transport Study
 - Strategic policy updates
 - Sustainability and landscape assessments
 - Site-specific technical assessments – both brownfield and greenfield sites. Technical assessments are wide ranging to establish suitability, or not for development and include the following; infrastructure, access, transport, ecology, heritage, conservation, environmental, sustainability, financial viability, owners intentions and other relevant planning criteria – depending upon the particular site circumstances.
19. Given the complex nature of the evidence required; the fact that it is all interlinked; and there is a need to move forward, it is therefore important that Cabinet gives approval for Officers to now progress to the next stage of document preparation and consultation for the Black Country Core Strategy so that the timetable is not unduly delayed.

Finance

20. The costs of preparing the Black Country Core Strategy review is funded from existing budgets and resources dedicated to the production of Development Plan Documents and other such statutory planning documents. There are considerable savings to each local authority in undertaking a combined review in terms of resourcing, speed and cost sharing for commissioning of evidence and consultation.
21. There are potential financial risks that would arise if the Council failed to have an up-to-date Development Plan. In December 2015 the Government stated that it would be likely to take account of whether or not authorities have up-to-date Local Plans when assessing and rewarding (or sanctioning) authorities' planning performance including the allocation of New Homes Bonus. In addition to Government grants, support for new development will also be likely to generate Council Tax and Business Rates income.

Law

22. It is necessary to ensure that the Core Strategy 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.
23. It is crucial in terms of planning law that local authorities have an up to date Local Plan in place which has been passed as 'sound' by the Planning Inspectorate so that there is a framework for land use and for the making of local planning decisions in accordance with the statutory approach which gives precedence to development that accords with the plan. Such planning decisions would then be considerably more robust and if it is necessary, the Council would be more able to defend them at planning appeals. The failure to have a sound, adopted plan could ultimately lead to government intervention in both the preparation of such a plan and the future planning decisions made for individual development proposals.

24. In addition Section 2 of the Local Government Act 2000 allows the Council to do anything that it considers is likely to promote or improve the economic, social or environmental well-being of the area.

Equality Impact

25. Preparation of the Core Strategy includes the carrying out of an integrated Sustainability Appraisal at each formal stage – and at later stages an Equality Impact Assessment and Health Impact Assessment. The Core Strategy 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.

Human Resources/Transformation

26. This report does not have any implications for human resources or service transformation across the Council.



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List of Background Papers

Appendix 1: Black Country Core Strategy Issues and Options Consultation – Summary and Initial Commentary