

EXAMINATION OF THE WOLVERHAMPTON LOCAL PLAN
INSPECTORS' MATTERS, ISSUES AND QUESTIONS
STAGE 1 LEGAL COMPLIANCE AND STRATEGIC MATTERS

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[Wolverhampton Local Plan Examination](#)

Introduction

These matters, issues and questions (MIQs) relate to the examination of the Wolverhampton Local Plan (the Plan). They follow on from the Inspectors' initial questions (June 2025) and the Council's response (July 2025). They only refer to Stage 1 matters on legal compliance and strategic matters. The Inspectors will determine whether to proceed to Stage 2 of the examination following consideration of Stage 1 matters.

Further information about the examination, the conduct of the hearing sessions and the format of any written statements is provided in the Inspectors' Guidance Note. A Hearing Programme is also available.

All documents can be found on the examination webpage using the link above.

Please note that the Plan is being examined under the December 2023 version of the National Planning Policy Framework (the NPPF) and the associated version of the Planning Practice Guidance (PPG).

Matter 1 Compliance with statutory procedures and legal matters

The duty to co-operate relates to cross-boundary discussions on strategic matters during the preparation of a local plan. It covers the time up to the submission of the Plan for examination and not after that date. Q1 a-e are therefore concerned with the engagement undertaken by the Council during the preparation of the submitted Plan and not whether it is sound (which will be considered under other matters).

Issue 1.1 – Has the Council met the statutory duty to cooperate as set out under Sections 20(5)c and 33A of the Planning and Compulsory Purchase Act 2004?

1. Has the Council submitted robust evidence to demonstrate that the duty to cooperate has been met? In particular:

- a. Has the Council engaged constructively, actively and on an on-going basis with relevant local planning authorities (LPAs) and prescribed bodies on all relevant strategic matters?
- b. Is there robust evidence to document and support the engagement activities that have taken place?
- c. Have all relevant strategic matters been identified and has the process for identification been robust?
- d. What actions have been taken to address these strategic matters and have all outcomes been adequately evidenced?
- e. In relation to unmet needs has there been effective cooperation to address these?
- f. Have all statements of common ground relating to duty to cooperate been signed by the Council and all relevant LPAs and prescribed bodies?
- g. Taken as a whole, has the duty to cooperate been met? Is there any substantive evidence to indicate that the Council has failed to discharge its duty to cooperate in a manner consistent with the NPPF during the preparation of the submitted Plan?

Issue 1.2 – Has the Plan been prepared in accordance with other legal and procedural requirements?

Note: Responses to these questions should only relate to whether the Council has met the following requirements in ensuring the Plan is legally and procedurally compliant. Detailed matters relevant to soundness will be considered during later hearing sessions.

Sustainability appraisal (SA)

Paragraph 32 of the NPPF states that local plans should be informed throughout their preparation by a SA that meets the relevant legal requirements. Have these requirements been met in relation to this Plan? In particular:

2. Is the SA methodology robust? Does it clearly identify the key sustainability issues, and does it explain how these were identified? Are these key issues suitably reflected in the SA objectives?
3. Have the likely effects of the Plan's policies and site allocations been adequately considered and does it identify any necessary measures where relevant?
4. Does the SA adequately consider the likely significant effects of reasonable alternatives where these exist, including whether it is clear why some alternatives were discounted or rejected?
5. Overall, does the SA adequately assess the environmental, social and economic effects of the Plan in accordance with legal and national policy requirements?

Habitats Regulations Assessment (HRA)

We note that the HRA states at paragraph E2 that the 'WLP is not directly connected with or necessary to the management of any European site. Consideration was therefore given to potential links or causal connections between the effects of the WLP and European sites within the study area to identify Likely Significant Effects...' Following the screening and Appropriate Assessment processes and having factored in the 'protective policies set out in the WLP, alongside existing protection measures in existing high level strategic and planning policy frameworks...', the HRA concludes, at paragraph 8.1.4, that 'the WLP would have no adverse impact on site integrity at any European site, either alone or in-combination'. On this basis our questions are as follows:

6. Does the HRA adequately address whether the Plan would adversely affect the integrity of relevant European sites either alone or in combination with other plans or projects? Is the HRA conclusion robust?
7. Overall, does the HRA meet the legal requirements for Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended)?

Consultation

8. Has the Plan been prepared in accordance with the Council's Statement of Community Involvement and statutory consultation requirements? Has all relevant and available evidence been made available for consultation, at the various stages of Plan preparation?

Other regulatory and procedural requirements

9. Has the Plan been prepared in accordance with the Adopted Local Development Scheme?
10. Is the plan period of 2024-2042 clearly set out in the Plan? Will the Plan cover a minimum 15-year period from the anticipated date of adoption?
11. Regulation 8(5) of the Town and Country Planning (Local Plan) (England) Regulations 2012 requires any new plan to list the policies in existing adopted plans which are to be superseded. The submitted Plan intends to replace the Black Country Core Strategy (2011) for the Wolverhampton area; parts of the Stafford Road Corridor and Bilston Corridor Area Action Plans (AAP) (2014); some parts of the Wolverhampton City Centre AAP (2016); and parts of the Wolverhampton Unitary Development Plan (2006). The Plan lists the policies and allocations that it is intended to replace in Appendix 1.
 - a. Is the Plan proposing to supersede all the policies in the existing Black Country Core Strategy (2011) in so far as they relate to Wolverhampton? If so, is this clearly set out within the Plan?
 - b. Is the Plan proposing to supersede any other adopted plans?
 - c. Is the list of policies and allocations that are proposed to be superseded (as set out in Appendix 1 of the Plan) complete?

12. Paragraphs 20-23 and 28-30 of the NPPF set out requirements for strategic policies and non-strategic policies respectively.

The Plan at paragraph 1.5 states that it 'sets out strategic policies for Wolverhampton...' and that it 'sits alongside non-strategic policies for Wolverhampton provided in the saved parts of the Wolverhampton Unitary Development Plan (2006) and Area Action Plans...'. Paragraph 1.17 identifies that the Plan includes all strategic policies for Wolverhampton and paragraph 1.116 states that Sections 3-12 of the Plan sets out the strategic policies. This means that all policies within the Plan are considered to be strategic.

- a. Does this approach accord with paragraphs 20-23 and 28-30 of the NPPF?
 - b. Site allocations are not set out in policies. Can the Council explain this approach please? Is it justified and consistent with national policy?
 - c. Are strategic and non-strategic policies clearly distinguishable?
13. In relation to the Public Sector Equality Duty, is it clear how the Plan seeks to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010, in relation to those who have a relevant protected characteristic?
14. Does the Plan include policies designed to ensure that the use of land and development in the Wolverhampton Plan area contributes to the mitigation of, and adaptation to climate change as required by section 19(1A) of the Planning and Compulsory Purchase Act 2004?

Matter 2 Spatial strategy and site selection methodology

Note: These questions relate to the overall spatial strategy and the site selection methodology. More detailed questions on site allocations will be considered under later matters.

Issue 2.1 – Does the Plan set out an appropriate spatial strategy, considering reasonable alternatives?

Vision and objectives

15. Does the Plan set out a suitably positive and realistic vision for the future development of the City of Wolverhampton area as a whole?
16. Are the thirteen strategic priorities listed in Table 2 of the Plan justified and are they consistent with the overall vision and priorities facing the city? What does the 'Further Work Required' column mean when it lists policies within the Plan? Is the Plan clear on what is proposed to be achieved through the policies in the Plan as regards meeting the strategic priorities?

Spatial strategy

The NPPF states that strategic policies should set out an overall strategy for the pattern, scale and design quality of places (paragraph 20). Chapter 3 of the Plan sets out the spatial strategy and includes Policies CSP1 – Spatial Strategy and CSP2 – Placemaking: Achieving Well Designed Places.

17. The Plan states that the spatial strategy was one of seven spatial options that were considered. Are the reasons as to why this pattern of development was selected sufficiently clear? Does it promote a sustainable pattern of development within the Plan area, in accordance with paragraph 11 of the NPPF?
18. Has the need for any strategic infrastructure requirements, particularly those relating to transport and utilities been robustly assessed as part of the spatial strategy decision-making process and are such requirements clearly set out in policy? Is the Plan clear on how such strategic infrastructure will be delivered and are the assumptions in terms of funding and timescales realistic?
19. Does the spatial strategy make effective use of previously developed land and is this based on a robust and up-to-date evidence base?
20. Will the spatial strategy promote the vitality of town centres in the area as required by national policy?
21. Has it been clearly demonstrated how the SA, HRA, infrastructure, viability and other relevant evidence have influenced the location of development and the overall strategy during plan-making?
22. Overall, is it clear how the spatial strategy will meet the overarching strategic objectives and achieve the Council's vision?

Policy CSP1

23. Part 1 c) of Policy CSP1 will 'Ensure that sufficient physical, social, and environmental infrastructure is delivered to meet identified needs.' The Plan is not proposing to meet all the identified housing and employment needs for the Plan area, so is this part of the policy clear and effective, recognising what is stated in part 3 of the policy?
24. Part 2 of Policy CSP1 appears to set out statements on how the spatial strategy will be delivered. Is the policy wording clear and effective? Is it consistent with national policy, such as in relation to green belt, heritage assets and open space, as well as other policies within the Plan?
25. Part 3 of Policy CSP1 states that 'Those development needs that cannot be accommodated within the Wolverhampton administrative area will be exported to sustainable locations in neighbouring local authority areas through the Duty to Cooperate'.
 - a. In accordance with legislation and national planning policy a development plan is required to set out policies for the development and use of land within its area. Is the policy wording requiring development to be exported outside the Plan area consistent with this?
 - b. How will the Council ensure that unmet needs will be delivered by neighbouring authorities during the plan period, considering the evidence submitted regarding the ability of such authorities to take any unmet needs?
26. Parts 4, 5 and 6 of Policy CSP1 describe the Growth Network (comprising Wolverhampton City Centre and the three Core Regeneration Areas of Stafford Road,

Wednesfield and Bilston) and state that this will be the primary focus for new development, regeneration and infrastructure investment.

- a. Does this adequately reflect the strategic priorities set out in Table 2 of the Plan?
 - b. Table 3 in the Plan indicates that the city centre will be the focus for housing development, whereas the Core Regeneration Areas will be the focus for employment development. Is the policy clear as to the different roles and functions of these areas and why different levels and types of growth will be directed towards them?
 - c. Table 3 of the Plan has no employment land allocations within the city centre area. How will the Plan ensure that sustainable economic growth is achieved in this area? Is this approach consistent with the Plan's strategic priorities (specifically number 8) and para. 3.18 which states that the city centre is the engine of the city economy?
27. Parts 7 and 8 of Policy CSP1 sets out the approach to development in Neighbourhood Areas and the Green Belt, stating that the Neighbourhood Areas will meet 28% of the Plan's housing supply and 0% of employment land supply.
- a. The policy refers to Neighbourhoods Areas but the explanatory text, such as at paragraphs 3.12 and 3.36, only reference one Neighbourhoods Area. Is it singular or plural? Can the Council confirm which is correct please and explain what the term means in the context of the Plan? Is the role of Neighbourhood Areas in meeting the needs of local communities and businesses clear? How will housing and employment growth needs be met in these areas given that the spatial strategy directs only some small-scale development to these areas?
 - b. The policy states that regeneration benefits will spread from the city centre and Core Regeneration Areas to Neighbourhood Areas via access and design improvements. What does this mean and how will it be achieved?
 - c. Does the Spatial Strategy strike the right balance between seeking to protect the openness, integrity and function of the green belt whilst at the same time ensuring that sufficient economic and housing growth is delivered to meet the needs of local communities and businesses within the green belt area?
 - d. A shortfall in both housing and employment land was identified at an early stage of the plan making process. A decision was taken not to review the green belt in line with paragraph 145 of the 2023 NPPF in place at the time. Nevertheless, given the substantial extent of the shortfall identified, did the Council consider whether this constituted the exceptional circumstances required to review green belt boundaries?
 - e. Green belt designation is a spatial planning tool and not a landscape or public access/recreation/heritage/wildlife designation. As such can the Council please explain the reasoning why the wording within Policy CSP1 is not consistent with national policy on green belt? In particular clarity as to why there are references to 'green belt landscapes' and enhancing 'the value of the green belt' as set out in part 8 of the policy would be most helpful?
28. Will the Growth Network and Neighbourhood Areas taken together ensure that growth is sustainably achieved?

Policy CSP2

29. In relation to Policy CSP2 on placemaking:

- a. How does this policy specifically relate to the spatial strategy?
- b. Does it mainly set out Council statements rather than policy requirements which are covered by other policies?
- c. Are all relevant policies listed? If not, what is the reason for this and is it effective?
- d. In accordance with paragraph 16 f) of the NPPF does the policy serve a clear purpose and does it avoid unnecessary duplication of national and other local policies?

Issue 2.2 - Has the site selection process used an appropriate methodology that is based on proportionate evidence and is it justified and consistent with national policy?

Note: Our questions here relate to the site selection methodology for housing and economic development. Detailed questions on specific site allocations will be set out under later matters during stage 2.

The Council's methodology for site assessment and selection is set out within the Local Plan Site Assessment Report (latest version November 2024). The report states that the majority of sites are already committed and are within the urban area (defined as the areas outside of the green belt).

30. Is the site selection methodology justified, and does it accord with national planning policy and guidance? In particular:

- a. Has it been suitably informed by relevant studies/assessments and site constraints, and has it included a sufficiently robust assessment of potential development impacts including in relation to heritage, flooding, water quality and the effect on biodiversity?
- b. Has the sequential test, and exception test, where necessary, been correctly applied in the assessment of flood risk (including surface water flooding) for the selection of potential development sites? Is this adequately evidenced for all sites as part of the site selection process? Do any of the sites in the Plan fall within, wholly or partially, Flood Zones 2 or 3?
- c. Does the methodology include clear and robust processes to show how decisions on sites have been made to determine whether they should be taken forward through the Plan process or discounted?

31. The site assessment methodology applied at Issues and Options stage (February 2024) was largely based on that developed during the development of the Draft Black Country Plan (2021). Why was this methodology determined to be the most appropriate for the Wolverhampton area?

32. As part of the methodology, sites with 'gateway constraints' (including biodiversity; flooding and heritage designations; existing residential and operational sites; and the willingness of landowners to develop the site), were screened out at an early stage of the process. How was this list of constraints defined, is it comprehensive and is it justified?
33. The site assessment and selection process has not been applied to the City Centre area (as defined). The Site Assessment Report states that 'Instead, broad targets for housing, retail and office floorspace have been provided' and that this approach is robust 'due to the recently adopted detailed Area Action Plan' that covers that area, and an up to date Strategic Housing Land Availability Assessment (SHLAA). Notwithstanding this, we note that the Plan does not propose retail, leisure and office space in the City Centre area, but this issue will be considered under later matters. Nevertheless, is the approach to the City Centre area in terms of the site selection methodology justified? Does this have any effect on the robustness of the site selection methodology for the submitted Plan?
34. The Site Assessment Report proposes (at paragraph 2.2) to bring forward a supplementary plan for the City Centre should any further housing sites require allocation in the future. Is this approach justified?
35. In seeking to identify sites, the methodology has adopted a minimum size criterion of 0.4 ha for employment sites and 10 dwellings for housing sites without planning permission and 50 dwellings for housing sites with planning permission. Are these thresholds appropriate and justified by the evidence?
36. Is it clear how the methodology has considered any relevant findings from the SA and HRA processes?
37. Sites were assessed against a variety of different criteria across the broader economic, social and environmental themes. Each site was then given a RAG rating (Red, Amber, Green) for each individual criterion. How was the list of criteria identified and is it comprehensive and justified?
38. Overall, is the site selection methodology robust and consistent with national policy and guidance?

Matter 3 - Housing needs and requirements

Note: Some general questions on affordable housing and housing needs for specific groups are included here. Detailed questions on the policies for the supply and provision of all forms of housing, including site allocations and delivery, will be set out under later matters.

Issue 3.1 – Are the identified housing needs and housing requirement figures supported by robust and credible evidence, have they been positively prepared and are they justified and consistent with national policy?

General housing need and requirement

The housing need for the City has been established through the Wolverhampton Housing Market Assessment, including the August 2024 update (HMA), using the standard methodology, as defined in national planning policy and guidance. The evidence confirms that

the local housing need for the Plan period 2024-2042 is 1,096 net homes per annum which equates to 19,728 in total.

Policy CSP1 of the Plan states that 'at least 9,330 net new homes' will be delivered over the Plan period. This is duplicated in Policy HOU1. Whilst this figure is a minimum, it falls substantially short of the identified housing need figure of 19,728 net dwellings. The Council recognises this within the Plan.

39. Is the assessment of local housing needs for Wolverhampton robust, sufficiently up to date, and has the standard method for assessing minimum local housing need been correctly applied? Are there any exceptional circumstances that would justify calculating Wolverhampton's housing need on a basis other than using the standard method?
40. Is it clear that the figure of at least 9,330 net new homes is the housing requirement within the Plan and is it justified and consistent with national policy? Can the Council clarify why some sections of the Plan, including paragraph 1.111 refers to 9,330 new homes being a 'housing target'?
41. The Plan sets out the overall housing requirement for the plan period as at least 9,330 net new homes. Policy HOU1 by reference to Table 4 also sets out minimum housing targets for three phases of the plan period (2024-32, 2032-37 and 2037-42). The housing trajectory at Appendix 2 of the Plan sets out an annual net housing target of 518 dwellings over the plan period.
 - a. Is the housing requirement effectively set out within policy? What is the purpose of setting out the housing requirement in three phases?
 - b. For effectiveness should an annual housing requirement be defined in policy or is this adequately clear within the Plan?
42. Paragraph 67 of the NPPF states that 'strategic policies should also set out a housing requirement for designated neighbourhood areas....'. There are two made Neighbourhood Plans (NP) (Tettenhall and Heathfield Park both dated 2014). Can the Council confirm whether there are any other designated neighbourhood areas? Should the Plan set out housing requirements for designated neighbourhood areas in accordance with paragraphs 67-68 of the NPPF?
43. As the proposed housing requirement figure within the Plan will not meet identified needs how does this align with the economic growth projections for Wolverhampton?

Affordable housing and other specific housing needs and requirements

44. Has the level of need in Wolverhampton for affordable housing been appropriately assessed? Will the housing requirement in the Plan meet the identified affordable housing needs? If not, what approaches are being taken to rectify this?
45. Paragraph 6.40 of the Plan highlights some other assessed housing needs including those for older people.
 - a. Have the levels of need in Wolverhampton for other specific housing needs of different groups within the community, such as those specified in paragraph 63 of the NPPF and any others, been appropriately assessed?

- b. Does the housing requirement figure in the Plan include these identified needs and will they be met?

46. As regards gypsy, traveller and travelling showpeople accommodation needs, the Plan at paragraph 6.47 states that the Black Country Gypsy and Traveller Accommodation Assessment (2022 and updated in 2024 for Wolverhampton) (GTAA) has identified the need for 75 permanent pitches up to 2032 (including 42 existing authorised pitches), plus 18 pitches between 2032 and 2042. This equates to 93 pitches overall for the plan period. When 42 existing authorised site pitches are removed from this figure 51 additional pitches are required to meet the PPTS needs. Additionally, a further 21 pitches are needed for persons that do not meet the national Planning Policy for Traveller Sites (PPTS) but do meet the ethnic definition set out in the GTAA. The GTAA also identifies the need for an additional four plots for travelling showpeople over the plan period.

Policy HOU5 states that at least 14 additional pitches for gypsies and travellers will be delivered by 2032. No figures are provided in the policy for travelling showpeople plots or for those persons who do not meet the PPTS definition but still have accommodation needs. It is recognised in the Plan that this does not meet the identified GTAA needs.

- a. Does the GTAA provide a robust and appropriate basis for assessing gypsy, traveller and travelling showpeople accommodation needs and is it consistent with national policy?
- b. Does the policy clearly set out pitch and plot targets to be delivered, as defined by the PPTS?
- c. Whilst detailed discussions on Policy HOU5 and the supply of pitches and plots for gypsies, travellers and travelling showpeople will be held as part of Stage 2 matters; is the Plan's approach to setting out these specific housing requirements justified and consistent with national policy?

Matter 4 Employment needs and requirement

Note: Questions relating to employment land supply and provision, including site allocations and delivery, and employment matters relating to retail centres etc will be set out under later matters.

Issue 4.1 – Are the identified employment needs and requirement figure supported by robust and credible evidence, have they been positively prepared and are they justified and consistent with national policy?

The economic need for the City area has been established through various Black Country Economic Development Needs Assessments (EDNAs) dating from 2017 onwards. The most recent EDNA update was published in November 2024.

The 2024 EDNA estimates that the amount of additional employment land needed for the Wolverhampton area 2020-2042 should be between 89.3 and 187.9 ha for the plan period, based on an historical 15-year term trend in completions and developments. This is because forecasts based on the updated Oxford Economics (OE) model showed some significant changes compared to previous forecasts, such as a reduction in the working age population. However, it was felt that this did not fit with ONS forecasts for the same period which in fact

show a growth in the working age population. Land requirements based on OE employment forecasts are 9 ha.

Paragraph 7.8 of the Plan states that the latest EDNA update 'provides an employment land target for Wolverhampton of 138 hectares (ha) between 2020 and 2042'. A further 11 ha is then added 'to allow for the replacement of operational, occupied employment land which is likely to be developed for housing'. The Plan then states that the 'land requirement 2020-2042 is therefore 149 ha'. When this figure is reduced by the 22.6 ha of employment land completions 2020-2024 a need for 126.4 ha of land remains during the plan period.

47. Taking into account the Council's reasoning within its Employment Land Topic Paper 2025, is basing employment needs on historical completions and development justified?
48. Were the scenarios used in the EDNA based on robust evidence and are the economic growth assumptions justified?
49. Is there reasonable alignment with the housing need assessment?
50. Taking into account the Council's statement that the amount of employment land lost for other uses will be monitored throughout the plan period, is the additional 11 ha need justified and based on robust evidence?
51. In terms of an economic development requirement figure the Plan proposes 'sufficient land will be provided to deliver at least 42.9 ha of employment development' during the plan period through Policy EMP1. Is this figure justified, effective and consistent with national policy?
52. The Plan states at paragraph 7.15 'that 83.5 ha (or 56%) of employment land needs arising in Wolverhampton cannot be met solely within the City' and it is proposed to export this unmet need to authorities that have a strong existing or potential functional economic relationship with Wolverhampton. Is this approach justified, effective and consistent with national policy? Have all reasonable options for meeting the identified need for employment land, and increasing the requirement figure been robustly explored?
53. Overall, have the economic development needs and requirement figure been positively prepared?