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## **Future Council Scrutiny Committee – 1<sup>st</sup> September 2021**

### **Report of the Director of Regeneration and Enterprise**

#### **Black Country Plan**

##### **Purpose**

1. To provide a follow up report to the Committee's consideration of the Draft Black Country Plan on 15<sup>th</sup> July, 2021 to consider specific environmental and infrastructure requirements as a result of the proposed allocations in the Draft Black Country Plan.

##### **Recommendations**

2. That the Scrutiny Committee note the report and additional verbal evidence to be provided at the Scrutiny Committee meeting.

##### **Background**

3. The Committee considered a report and presentation from the Director of Regeneration and Enterprise on the Draft Black Country Plan (BCP) at its meeting on 15<sup>th</sup> July 2021. This was previously considered by Cabinet on 5<sup>th</sup> July, 2021 and approved for public consultation. Following Cabinet, the Draft Plan consultation exercise commenced on 16<sup>th</sup> August, 2021 and would last until 11<sup>th</sup> October 2021.
4. At the request of the Scrutiny Committee, a further meeting has been arranged to provide Scrutiny Members the opportunity to receive information from expert witnesses in relation to transport and social Infrastructure requirements arising from the Draft Plan and its proposed land allocations.
5. As the Committee are aware, the Draft BCP is a joint Local Plan prepared by the four Black Country Authorities. The Plan will direct where new development will be located for the Black Country up to 2039. It will guide key issues such as:
  - New Housing
  - Employment land
  - Supporting infrastructure and services and
  - In the face of new development how will the natural and historic environment be protected and improved

6. The Draft Plan contains strategic policies for Dudley as well as housing and employment allocations for all parts of the borough, excluding Brierley Hill Strategic Centre which is covered by the Brierley Hill Area Action Plan and some Town Centre Area Action Plans.
7. The Draft BCP proposals for Dudley will provide enough land to build 13,235 new homes and provide 22ha of new employment land up to 2039. The draft BCP includes a separate chapter for each local authority, setting out background information, the local spatial strategy and local growth targets, and listing local allocations. A Dudley Summary document has been produced, which pulls out the key information from this chapter to assist with the public consultation process. Members received a copy of this document at the start of the consultation.
8. Turning to Dudley's housing land supply, 13,235 homes are proposed. This comprises 12,118 homes in the urban area and 1,117 homes in the green belt. The breakdown of the housing supply is as follows.

|                   | Existing supply inc. windfall allowance* | Capacity/density uplift in strategic centre and urban area sites | New sites | Total  |
|-------------------|--|--|-----------|--------|
| Urban Supply      | 11,064                                   | 584  | 470       | 12,118 |
| Green Belt supply | N/A                                      | N/A  | 1,117     | 1,117  |
|                   | 11,064                                   | 584  | 1,587     | 13,235 |

\*windfall allowance is estimated to be 2,800 over the plan period.

The breakdown of the housing supply in the urban area in terms of brownfield /green field sites is as follows:

|              | Existing supply (in planning permission and allocated sites) |     | New sites to be allocated in BCP |     | Windfall allowance* | Total  |
|--------------|--|-----|----------------------------------|-----|---------------------|--------|
|              | BF   | GF  | BF                               | GF  |                     |        |
| Urban Supply | 8,650  | 198 | 181                              | 289 | N/A                 |        |
| Total        | 8,848  |     | 470                              |     | 2,800               | 12,118 |

\*It is assumed that the majority of windfall sites will be brownfield sites that come forward during the Plan period

## Affordable Housing

9. A comprehensive Viability and Delivery Study has been completed to support the Draft Plan. This has tested the likely impact of BCP policies on the financial viability of different types of sites across the Black Country, in accordance with new Government guidance which aims to remove the need to carry out financial viability assessments for individual planning applications. For the purposes of housing, the Study divided the Black Country into low, medium and high housing value areas. Taking into account existing and new policy requirements, the Study concluded that a maximum of 10% affordable housing will be viable in low value areas and brownfield sites in medium value areas, 20% on greenfield sites in medium value areas and 30% on all sites in high value areas. The majority of housing sites in the urban area of Dudley are located



in low value and medium value areas. The majority of proposed housing sites on green belt land are located in a high value area.

10. The current affordable housing policy in the Black Country Core Strategy sets an affordable housing requirement of 25% affordable housing for developments of 25 homes or more, subject to viability. Dudley's affordable housing target equates to approximately 120 homes per annum. Affordable housing secured through Section 106 planning obligations over the past 6 years equates to approximately 21% of all dwellings (providing 922 dwellings).
11. Under the new Draft Plan policy, it is proposed to set an affordable housing requirement for developments of ten or more homes (subject to viability). The minimum proportion of affordable housing requirement is based on:
  - all sites in lower value zones and brownfield sites\* in medium value zones: 10% affordable housing;
  - greenfield sites\* in medium value zones: 20% affordable housing;
  - all sites in higher value zones: 30% affordable housing
12. The tenure and type of affordable homes sought will be determined on a site by site basis, based on national planning policy and best available information regarding local housing needs, site surroundings and viability considerations. It is the intention that by reducing the threshold to developments of 10 dwellings or more and reducing the percentage of affordable housing provision from 25% to 10% / 20% in some parts of the borough and increasing to 30% in higher value areas, this should secure a similar or potential increased level of affordable housing provision.
13. The tenure of affordable housing required over the Plan period will vary according to local housing need and market conditions and will also be constrained by the requirements of national planning policy. In general, a mix of tenures will be sought on all sites of ten homes or more, to help create mixed communities across the Black Country. The Black Country Housing Market Assessment (2021) identifies a requirement for 15.7% of new homes to be provided across the Black Country during the Plan period to be made available for affordable or social rent, 8.3% to be shared ownership and 8.7% to be First Homes. To meet this level of need over the Plan period, 32.7% of new housing would have to be affordable.

## Employment

14. The Draft BCP provides the policy framework to attract new businesses and jobs and offer existing businesses the space to grow, by meeting employment land needs and increase employment opportunities to support the delivery of the Black Country and West Midlands Combined Authority Strategic Economic Plans (SEP), the Local Industrial Strategy and Covid-19 recovery plans.
15. The Black Country has previously had a heavy reliance on manufacturing. Alongside this, a long-standing skills challenge exists in the Black Country, with too many people having no qualifications and not enough holding higher qualifications. This leads to sustained weaker employment and lower earnings. Policies within the Draft BCP are



concerned with diversifying as well as promoting and supporting employment in manufacturing (including advanced manufacturing, building, transport and environmental technologies), research and development and logistics. Alongside this, the Plan will seek to secure investment, regeneration and employment in the Black Country's centres providing employment opportunities generated through expansion in education, health care, tourism, leisure and entertainment, accommodation and food /retail services.

16. The Draft Plan allocates 280ha of employment land for the period between 2020 - 2039 and provides for a further 69ha of development to come forward through the redevelopment of existing employment land and premises. Further land is provided on other sites that have planning permission for employment development. This will therefore provide for 365ha in total and will accommodate 63% of the forecasted employment needs arising within the Black Country.
17. Restructuring the Black Country's economy is one of the key principles of the BCP Vision, but the provision of land and premises alone will not deliver the necessary economic transformation without new skills and training in the workforce to help it meet the challenges of changing work requirements and patterns. The Plan plays a key role in ensuring that people who suffer from social exclusion and disadvantage are able to fully contribute to the regeneration of the Black Country. It is therefore important that jobs created through new developments across the Black Country are accessible to as many of the Black Country's residents as possible, especially those in the most deprived areas or priority groups.
18. The Draft Plan has updated its policy "Improving Access to the Labour Market". Under this policy planning applications for large job-creating development will be required to demonstrate how job opportunities arising from the proposed development will be made available to local residents. Planning conditions and obligations will be negotiated with applicants to ensure the provision of training to assist residents accessing employment opportunities, assistance with applying for jobs arising from new development, improvements in the provision of public transport, walking or cycling routes to enable better access to new developments, child care provision and measures to assist those with physical and learning disabilities to access employment opportunities.

## Education

19. Rising demand for school places in recent years, due to a combination of high birth rates, inward migration, retention levels and housing growth, has resulted in the expansion of a significant number of existing primary and some secondary schools across the borough. This investment has largely been funded by the Local Education Authority, with some planning obligations secured via Section 106 funds for larger housing developments. This includes sites such as the former Ibstock Brickworks on Tansey Green, Pensnett which secured a £1,135,000 financial contribution for provision of additional primary school places at St Mark's Primary School and additional Secondary school places at Kingswinford School. A further £390,737 will be secured through planning obligations for the Ibstock Brick site on Stallings Lane,



Kingswinford which will be used toward the additional provision at St Mark's Primary school and secondary school places at Ellowes Hall.

20. Dudley has seen an increase in birth rates in recent years which has now started to decrease. At primary school level birth rates are projected to continue to fall and therefore effective plans are to be put into place to manage this downward trend. As the increase trend is now slowing in primary schools, the numbers are forecast to rise gradually in the secondary phase over the next 7 years as the primary population makes its transition through the system.
21. When undertaking place planning for schools, education colleagues have incorporated housing developments into the projection model only where they have either outline or full planning approval and have not included other potential developments. Discussions with education colleagues suggest that currently it is anticipated that both primary and secondary school place requirements arising from housing developments over the Plan period, particularly in the north west of Dudley where it is proposed to allocate larger housing sites, will be capable of being met through extensions to existing primary and secondary schools should this be required. However, it should be noted that new housing developments that are likely to come forward from 2024 onwards could potentially fill places in schools which have already undergone expansion and increased their published admissions numbers (PAN).
22. Should it be determined that some form of new primary school provision is required as the BCP progresses towards adoption, this may need to be accommodated on the site and land will need to be allocated to accommodate a two-form entry primary school. This proviso has been written into the proposed strategic allocation policies for Land at Ketley Quarry and Land at Swindon Road, Wall Heath.
23. Policy HOU5 in the Draft Plan, requires new and improved education facilities will be secured through a range of funding measures, including Section 106 contributions. Where a housing development of ten or more homes would increase the need for education facilities to the extent that new or improved facilities would be required to meet this need, planning obligations will be secured, where this is financially viable.

### **Health and Wellbeing**

24. The Black Country Plan addresses a wide range of issues relating to health and wellbeing. The Plan includes a specific chapter in which policies recognise the importance of a range of wider policy areas to health and wellbeing and includes measures to address them including: 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; addressing climate change and fuel poverty; providing a range of jobs so that local people can work close to where they live; and supporting a range of uses in centres which encourage healthy lifestyles. The Draft Black Country Plan also includes specific policies on developer contributions for health infrastructure and on Health Impact Assessments.

25. The Black Country Local Planning Authorities, Public Health Departments, Hospital Trusts and Clinical Commissioning Groups have worked together in preparation of the Draft BCP, to ensure it is aligned with the plans of the area's Sustainability and Transformation Partnership (STP), as well as with each borough's Health and Wellbeing Strategies, informed by their Joint Strategic Needs Assessments.
26. Meeting the borough's future housing needs will have an impact on existing healthcare infrastructure and generate demand for both extended and new facilities across the area, as well as impacting upon service delivery as population growth results in additional medical interventions in the population. Through their involvement in the development of the Black Country Plan and the proposed requirements for developer contributions, the Clinical Commissioning Group (CCGs) and NHS Trusts are aware of the development proposals in the BCP, the implications of which will be included in their own plans as they are developed further and funding is secured.
27. The CCGs and NHS Trusts have identified a need to improve health infrastructure and services across the Black Country. These plans also include new primary care facilities which have the potential to meet demand generated by new housing, either through current funding arrangements or further development. Examples of these include the proposed relocation of the Prestbury Medical Practice in the Bushbury area of Wolverhampton and proposals under development for a new primary care hub in the Kingswinford area of Dudley.
28. The Black County Council(s), working with healthcare infrastructure providers, will have a critical role to play in delivering high-quality services and ensuring the Black Country's healthcare infrastructure amenities and facilities are maintained, improved and, where necessary, expanded. Healthcare infrastructure planning is necessarily an on-going process and the Councils will continue to work closely with these partners and the development industry to assess and meet existing and emerging healthcare infrastructure needs. It is proposed to support and work with the NHS and other health organisations to ensure the development of health facilities where needed in new development areas. Where appropriate, these will be included in local plan documents and masterplans. It is also proposed to explore the co-location of health and other community facilities such as community centres, libraries and sport and recreation facilities.
29. Funding for many healthcare infrastructure projects will be delivered from mainstream NHS sources, but for some types of infrastructure, an element of this funding may also include contributions from developers. This may relate to the provision of physical infrastructure, such as premises, or social infrastructure, such as the delivery of additional services. These contributions could potentially be secured through planning agreements or planning obligations, in line with the relevant regulations in operation at the time.
30. The Viability and Delivery Study to support the Draft Plan indicates that, depending on the extent of other planning obligations required, such contributions may not be viable on some sites, particularly those located in lower value zones. Where it can be proved that it is not viable for a housing developer to fund all its own healthcare needs, alternative funding sources will be sought.

## Transportation

31. The delivery of an improved and integrated transport network both within the Black Country and in links with regional and national networks is fundamental to achieving the Vision of the BCP and in helping to transform the area, deliver housing growth and improve economic performance. The development of transport networks in the Black Country is focused on a step change in public transport provision serving and linking centres, improving sustainable transport facilities and services across the area, improving connectivity to national networks and improving the efficiency of strategic highway routes.
32. To ensure that the transport elements of the Black Country Plan are deliverable, it is essential that both new developments and existing facilities identify travel and transportation impacts and proposals for mitigation. It is important that accessibility by a choice of sustainable modes of transport is maximised. Transport Assessments and Travel Plans produced by developers, employers, schools and facility operators are essential to bring about sustainable travel solutions.
33. Under Policy TRAN3 in the Draft BCP, planning permission will not be granted for any proposals that are likely to have significant transport implications, unless accompanied by mitigation schemes that demonstrate an acceptable level of accessibility and safety can be achieved using all modes of transport to, from and through the development. Mitigation schemes must address, in particular access by walking, cycling, public transport and car sharing.
34. Transport colleagues have identified where junction and highway improvements will be required for some of the proposed housing sites, including the proposed strategic allocations at Land South of Holbeach Lane/Wolverhampton Road, Kingswinford, Land at Swindon Road, Wall Heath and Land at Ketley Quarry, Kingswinford.
35. Alongside this, the transportation modelling work being undertaken to support the BCP will identify locations that require additional transport interventions to support the development proposed in the plan over and above that already identified in the West Midlands Strategic Transport Plan (known as Movement for Growth). Once the locations are identified, the type and scale of the interventions required and the mechanisms for delivery will be incorporated into the Submission version of the BCP and into the review of the Local Transport Plan (LTP) which has recently commenced. Key Route Network Corridor Action Plans are being developed to address both existing stress points on the network and those likely to result from new development over the lifetime of the Plan and these will form the basis for future funding bids.

## Environmental Infrastructure

36. There have been a number of changes in national planning policy and guidance since the adoption of the BCCS which are reflected in the draft BCP. There are new policies on sustainable construction, trees, biodiversity net gain and mitigation for loss of green belt land and open space. Inside space, water efficiency and accessibility standards for new housing have been updated to improve build quality and meet the needs of residents. Such policies have been tested as part of the Viability and Delivery Study to



determine the likely impact of draft BCP policies on the financial viability of different types of sites across the Black Country.

## Climate Change

37. The West Midlands Combined Authority declared a climate change emergency in July 2019 and committed to net zero carbon emissions by 2041. This means that the Black Country will be working towards meeting these targets through the policies and timescales within the Black Country Plan.
38. The Draft BCP includes a specific section containing policies on addressing, mitigating and managing climate change. In addition, themes run throughout the plan such as sustainable travel, planning for low emission vehicles, and making buildings more resilient to climate change. The links between the impacts of climate change on health and wellbeing are also acknowledged and that actions to eliminate emissions and adapt to climate change, such as promoting active travel and improving the energy efficiency of buildings, will also benefit public health outcomes.
39. Climate change is also one of the Objectives of the Draft Plan and Strategic Priorities 1 and 2 aim to address this as follows:
  - Strategic Priority 1: To mitigate and adapt to climate change to protect the people, environment and economy of the Black Country and meet wider national and international obligations; and
  - Strategic Priority 2: To adapt to and minimise the impact of Climate Change by reducing carbon emissions, maximising the use of low carbon energy solutions, seeking to reduce the impact of flooding, and enhancing the Black Country's Green and Blue Infrastructure
40. Developments will need to address the impacts of climate change by:
  - improving energy efficiency and moving towards becoming zero carbon
  - ensuring buildings and infrastructure are designed, landscaped, and made suitably accessible to help adapt to a changing climate
  - creating a safe and secure environment that is resilient to the impacts of climate- related emergencies
  - taking an integrated approach to the delivery of strategic and local infrastructure by ensuring that public, private, community and voluntary sectors plan and work together
  - minimising both internal heat gain and the impacts of urban heat island
  - ensuring air quality improvements will also be sought through incorporation of green spaces and provision for electric vehicle charging points
  - providing a minimum 20% contribution to tree canopy cover across a development site
  - ensuring any trees removed as part of development will need to be replaced at a ratio of at least three for one

- ensuring hedgerows are protected and retained where possible, as well as introduction of new hedgerows within schemes to support biodiversity and aid with cooling.

## **Finance**

41. The costs of preparing the Black Country Plan review is financed and funded jointly by the Black Country Local Authorities and through an external grant from MHCLG (then DCLG) of £560,000. The Council's contribution to the work is being met through mainstream budgets and resources dedicated to the production of Development Plan documents and other such statutory planning documents.

## **Law**

42. 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 Management**

43. 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 being placed in inappropriate 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 in planning appeals. Without an up to date development plan, the Council/ Black Country Authorities risk intervention from central government and may compromise our ability to make decisions locally.

## **Equality Impact**

44. 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.

## **Human Resources/Organisational Development**

45. It is considered that there are no additional human resources or organisational development implications resulting from this report. Work on the BCP is carried out by the Planning Policy Team in the Regeneration & Enterprise Directorate with assistance from officers in other Departments where necessary.

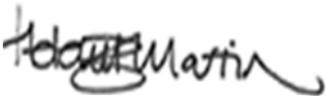


## Commercial/Procurement

46. There are not considered to be any commercial or procurement implications as a result of this report. 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.

## Council Priorities

47. The BCP:
- Supports the priority to 'Support stronger and safe communities' through Local Plan preparation which 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.
  - Supports the priority to 'Create a cleaner and greener place' through the Local Plan preparation which will make provision of 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.
  - Supports the priority of 'Grow the economy and create jobs' through the Local Plan preparation which makes provision for land use allocations including employment and residential use, thereby encouraging economic growth, enhancing the district and providing certainty for investment.
48. The West Midlands Combined Authority declared a climate change emergency in July 2019 and committed to net zero carbon emissions by 2041. This means that the Black Country will be working towards meeting these targets through the policies and timescales within the Black Country Plan.
49. A Privacy Impact Assessment in line with GDPR requirements has been undertaken at previous stages of the Local Plan Review process.



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## **Background Documents**

Draft Black Country Plan consultation document  
<https://blackcountryplan.dudley.gov.uk/t2/p5/>

