
Meeting of the Cabinet – 5th July 2021

Report of the Director of Regeneration and Enterprise

Black Country Plan - Approval of Draft Plan for Consultation

Purpose

1. To present the Draft Black Country Plan (BCP) consultation document for approval and to seek authority to publicly consult on the document in line with the legal requirements and in line with the Council's adopted Statement of Community Involvement (SCI) 2020.

Recommendations

2. It is recommended that Cabinet: -
 - Approves the Draft Black Country Plan documents as set out in Appendix 1 for an eight-week consultation, to be carried out in line with the Council's adopted Statement of Community Involvement 2020.
 - Authorise the Director of Regeneration and Enterprise following consultation with the Cabinet Member for Regeneration and Enterprise to make any non-substantive changes considered necessary to the document prior to it being published and agree the arrangements for the consultation.
 - Agree to delegate finalisation of the accompanying documentation for the Draft Plan, and an updated evidence base to the Director of Regeneration and Enterprise following consultation with the Cabinet Member for Regeneration and Enterprise.
 - Agree to the proposed consultation material (Appendix 2) to inform the public consultation on the Draft Plan.
 - Agree to delegate finalisation of the dates for an eight-week consultation period to the Director of Regeneration and Enterprise following consultation with the Cabinet Member for Regeneration and Enterprise.
 - Agree that the Draft Black Country Plan be considered by the Future Council Scrutiny Committee.

Background

3. The Draft BCP 2039 (formerly known as the Black Country Core Strategy) is the key document that will provide the framework to guide future planning decisions in Dudley as well as the wider Black Country. It is based on national policy and guidance, an assessment of local housing and employment needs, as well as meeting objectives that have been defined through an Issues and Options consultation in 2017.
4. The development plan for Dudley currently comprises of the Black Country Core Strategy (BCCS) adopted in 2011, the Dudley Borough Development Strategy (2017) and the Brierley Hill, Dudley, Halesowen and Stourbridge Area Action Plans (AAPs).
5. National planning policy states that development plans should be updated every five years and should identify requirements for 15 years from the date of adoption. It is intended that the BCP will be adopted in 2024. Upon adoption it will replace the BCCS but, unlike the BCCS, the BCP will also allocate specific sites for different land uses. It will therefore 'carry forward' the allocations in the Dudley Borough Development Strategy and some of the AAPs but will also allocate additional new sites to meet need over the longer time period. The BCP, once adopted, will roll forward the land use requirements to 2039 and will supersede the current Black Country Core Strategy and some policies contained within the Dudley Borough Development Strategy and the AAPs.

Plan review

6. Preparation of the BCP commenced in 2016, followed by the publication of the Issues and Options documents consultation in 2017. This marked the first stage of the process and set out the scope of the local plan review and presented its key issues along with several options. The consultation took place for eight weeks between July 2017 and September 2017 and some 1,696 formal representations were received covering over 3,500 matters. A report setting out the Issues and Options consultation responses was considered by Cabinet at its meeting on 27th June 2018.
7. The Draft Plan document has built upon the extensive work which has taken place since 2016 when the process of reviewing the Local Plan began. It has been informed by a significant body of technical evidence which has identified the Black Country's future housing need (both the overall number of homes required but also the breakdown between tenure and dwelling size that is likely to be required); the employment land need and supply (including the suitability of existing employment premises for long term retention); and studies of town centres, waste and minerals, environmental and infrastructure studies and a viability and deliverability assessment. Alongside this, a detailed assessment of over 550 potential sites to be allocated in the Plan (including some 200+ sites in Dudley) has been carried out by officers within each authority.

8. Using the representations that were made at the Issues and Options consultation and the updated evidence base, the next stage of the Plan preparation process, the Draft Plan has now been produced.
9. At its meeting in September 2020, Cabinet approved a revised Local Development Scheme (LDS) and a revised timetable for the future stages of the Plan preparation as follows:

Cabinet consideration of Draft Plan	July 2021
Draft Plan Public Consultation	August-September 2021
Cabinet consideration of Publication version of BCP	July 2022
Publication Public Consultation	August-September 2022
Submission of Plan	March 2023
Examination	April 2023 - March 2024
Adoption	April 2024

Key areas of the Draft BCP

10. The Draft BCP has now reached an advanced and important stage of its preparation and will make key decisions on:
 - **Climate change** how can we adapt and mitigate against the impacts?
 - **New housing** – How much new housing is needed? How much can be provided in sustainable locations and where will it go? What type and density of housing should be provided and how much affordable housing?
 - **Employment land** – Where does employment land need protection? How much new employment land is needed and where should it go?
 - **Supporting infrastructure and services** - What improvements to transport, schools, green space, etc. will be needed to support new development? Where will new services be located?
 - **How we will create healthy and safe places** to promote better health and wellbeing?
 - **In the face of new development** how will the natural and historic environment be protected and improved?
11. Cabinet will note that the full text of the draft BCP (Appendix 1) provides the detailed wording of all policies and proposals. This section of the report provides a brief overview and summary of some of the key aspects of the draft BCP.
12. The Draft Plan sets out the Preferred Options in terms of the spatial strategy for the Black Country, including proposed strategic sites for housing and employment and a suite of policies which are principally focussed on development management issues relevant to the determination of planning applications, for example those setting open space standards, building design standards and the levels of affordable housing to be required.
13. Previously, the BCCS envisaged that development needs to 2026 could be met entirely within the existing urban area. This was based on the principle that there was a declining need for industrial land which could then be redeveloped for housing.

14. However, industry has proven to be more resilient than expected, when the BCCS was adopted in 2011, particularly in Dudley and Sandwell. Economic evidence indicates that most of the existing employment areas remain viable and accommodate the vast majority of our growth sector businesses and should therefore be protected. These areas provide a key source of employment for local people in the Black Country. Whereas previously the area was considered to have surplus employment land, we now need a different strategy to maximise local employment, not only as an end in itself but also to support projected population and housing growth.
15. The growing population of the area means that the total number of jobs needs to increase in order to provide adequate economic activity. More land is therefore required for employment. The draft BCP estimates that around 565 hectares of additional employment land is required.
16. Housing need is now determined by the standard method set by the Government. This indicates that an additional 76,076 homes need to be provided across the Black Country over the period 2020-2039. This compares with the requirement of 63,000 net new homes which the BCCS requires for the period 2006-2026. Housing completions since 2006 have been largely in line with the trajectory set by the BCCS. As a result, however, this means that we are effectively running out of land for housing.
17. The urban capacity review for the Black Country, which was published in May 2021 as part of the preparation of the BCP, demonstrated an existing urban land supply to accommodate 205 hectares of employment land and 39,257 homes. The majority of development in the existing urban area is making use of brownfield land (i.e. previously developed land), vacant properties and surplus industrial land. This land is located in:
 - The Strategic Centres of Brierley Hill, West Bromwich and Walsall Town Centres and Wolverhampton City Centre;
 - Core Regeneration Areas in and around town/district centres and along transport networks (inc. three Core Regeneration Areas for Dudley borough); and
 - Existing Towns and Neighbourhoods Areas.

Considering additional sites that could come forward as part of the Draft BCP, the urban area has made significant 'headway' into addressing these needs providing 40,117 homes and 205 hectares of the Black Country's employment requirements. But there remains a significant shortfall of over 300 hectares of employment land and land for a further 35,959 homes.

18. As anticipated in the Issues and Options document and the most recent Black Country Urban Capacity Review 2020¹, evidence has shown that the Black Country is unable to meet its housing needs without incursion into the Green Belt. The NPPF advises that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. (Para 136 NPPF). The NPPF adds that when drawing up or

¹ <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4c/>

reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be considered. The NPPF further advises that where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously developed and/or is well served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. In addition, the authority will need to set out the exceptional circumstances to consider Green Belt release as outlined in paragraph 137 of the NPPF.

19. The Black Country authorities have considered potential additional sources of housing supply in the urban area to help close the housing shortfall, including density increases on allocated housing sites and sites in the Strategic Centres. However, current evidence suggests that the housing shortfall remains significant. This is despite reviewing all potential sources of housing capacity, making a series of structured assumptions around density and windfalls, and comprehensively exploring the capacity on occupied employment land in the context of up-to-date employment land evidence. In addition, discussions with neighbouring authorities, under the Duty to Cooperate, suggest neighbouring authorities will seek to contribute between 8,000 to 9,500 homes and 102-173 ha of employment land to be tested through their own Local Plan reviews. Despite this, the shortfall remains. Given the urban capacity evidence summarised above, it is reasonable to conclude that the exceptional circumstances necessary to trigger a Green Belt review in the Black Country, to meet housing and employment land needs, have been met.
20. The Black Country Authorities have undertaken an extensive review of the Green Belt, taking into account evidence on historical, ecological and landscape value and local character. A comprehensive and robust site assessment process has taken place by officers to ensure that all sites selected for removal from the Green Belt can deliver sustainable development and supporting infrastructure by 2039, and will not cause harm to the natural or historic character of the Black Country or breach any other planning policies. It is proposed that land for 7,720 houses and 47.8 hectares of employment land be allocated on land that is currently in the Black Country Green Belt. This equates to 6% of the total Black Country Green Belt.
21. In Dudley it is proposed that land for 1,117 homes will be allocated on land that is currently in the Green Belt. This equates to approximately 53.8 hectares of land and 3% of the current area of Dudley's Green Belt. The larger sites include:

Site Name	Ward	Hectares (Ha) of land to be developed (net)	Number of homes to be built
Land South of Holbeache Lane/Wolverhampton Road, Kingswinford	Kingswinford North and Wall Heath	8.24	330
Land at Swindon Road, Wall Heath, (The Triangle)	Kingswinford North and Wall Heath	13.3	533

22. Where it is proposed to remove sites from the Green Belt, developers will be required to pay for improvements to the accessibility, biodiversity and environmental quality of remaining Green Belt land nearby. Where required, highway improvements and onsite or financial contributions towards education and healthcare provision will be made available on the back of development. Concept masterplans will be prepared for the next version of the Plan (Publication Plan) which will guide development and set out design codes to ensure efficient use of land, good quality design standards, adequate provision of open space, and accessibility improvements for walking and cycling as well as access to local services and public transport.
23. It is recognised that the proposed allocation of these two large sites and their removal from the Green Belt is a matter of concern which has already been expressed by Members. Further evidence is being sought which may have a further bearing on these sites and the public will also have the opportunity to give the Council its responses from the consultation. The Cabinet has as yet made no formal resolution in this respect, but the issue of these sites may well be a matter of discussion at the forthcoming meeting.
24. It is recognised, as set out below under Risk Management, that having an up to date Plan is more desirable than the current position and would continue to provide a layer of protection for the borough's Green Belt and assist in defending challenges from developers to be able to build on it.
25. Taking into account both urban and Green Belt land, there is potential to accommodate 47,837 homes and 354ha of employment land but there remains a shortfall of 28, 239 homes and 211 hectares of employment land. Considering this shortfall, the Black Country Authorities have undertaken Duty to Cooperate discussions with neighbouring authorities in Staffordshire, Shropshire and Solihull to accommodate some of this shortfall in their areas. Discussions to date suggest between 102-173 hectares of employment land and 8,000 - 9,500 homes could potentially be exported to them, subject to their own local plan reviews. This leaves an outstanding shortfall of between 20,239 and 18,739 homes and between 39 and 109 hectares of employment land to be pursued through further Duty to Cooperate.
26. The Draft Plan includes a number of new and updated policies. The existing Black Country Core Strategy and Area Action Plan policies have largely been carried forward into the Plan with some updating. There are a number policy changes or updates which include:
- Climate Change policies on Climate Change mitigation, energy infrastructure and managing heat risk;
 - Cannock Chase Special Area of Conservation (SAC) (contribution from Wolverhampton & Walsall);
 - Refresh of the previous Policy CEN3 to ensure it is effective and fit-for-purpose, reflecting the delivery of the metro and informed by the Car Parking Study.

- Affordable housing policy has been amended to reflect different levels of affordable housing on a geographical value area basis setting out a 10%-30% Affordable Housing requirement;
- Building design standards have been updated in line with national guidance; and
- A range of new and amended planning obligations are recommended for inclusion in the Draft Plan, in relation to climate change, net biodiversity gain and Green Belt mitigation, education and health care provision

Infrastructure Provision

27. Officers have engaged with colleagues in Education, Utilities, Healthcare and Transport. Evidence so far is indicating that there are no major infrastructure 'showstoppers' which would prevent the deliverability of the proposed sites. Further transport modelling work will be carried out to inform the next stage of the Plan process. Infrastructure provision such as open space, schools and health provision have been factored in new policies for planning obligations. In the case of some larger sites it may be the case that infrastructure provision (such as schools) is delivered on the sites.

Sustainability Appraisal

28. The Council is required to assess the environmental impacts of any plan which it produces. Accordingly, a Sustainability Appraisal Scoping report accompanied the earlier Scope, Issues and Options version of the plan. The subsequent version of the emerging Local Plan (Draft Plan) has been accompanied by a Sustainability Appraisal and a Habitat Regulations Assessment. These documents form an important part of the supporting evidence to the local plan review and help the Council to assess the possible impacts of the plan and its policies and therefore how impacts can be addressed or mitigated against. A copy of the latest Draft Sustainability Assessment is included in (Appendix 3).

Next steps

29. It is proposed to undertake a public consultation on the Draft BCP for an eight-week period, to be agreed by the Director of Regeneration and Enterprise in consultation with the Portfolio Lead for Regeneration and Enterprise. It is anticipated that the consultation will commence in August 2021 and run to the end of September/early October 2021. A copy of Dudley borough consultation summary leaflet, which will be used for the consultation, is attached to Appendix B of this report.
30. The consultation will be carried out in accordance with the Council's adopted Statement of Community Involvement (SCI). The SCI was updated in September 2020, to take account of temporary legislation regarding Covid-19 (Coronavirus) to ensure that any consultation which takes place follows the latest guidance in relation to the pandemic.

Finance

31. 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

32. 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

33. 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

34. 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


35. 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

36. 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

37. 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.
38. 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.
39. 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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Appendices

Appendix 1 – Draft Black Country Plan consultation document and policies maps
Appendix 2 – Dudley Black Country Plan Summary
Appendix 3 - Draft Sustainability Assessment

Appendices can be viewed on the [Council's Committee Management Information System](#)

List of Background Documents

Black Country Core Strategy Issues and Options [Issues & Options Consultation](#)

