

Minutes of the Cabinet

**Monday, 5th July, 2021 at 6.00 pm
at the Town Hall, St James's Road, Dudley**

Present:

Cabinet Members

Councillor P Harley (Leader - Chair)
Councillor D Vickers (Deputy Leader – Vice-Chair)
Councillors N Barlow, R Buttery, S Keasey, I Kettle, S Phipps and K Shakespeare.

Opposition Group Members Nominated to attend the Cabinet

Councillors K Ahmed, S Ali, A Aston, C Bayton, J Foster, P Lowe, S Ridney and Q Zada

Officers

K O'Keefe – Chief Executive, B Heran – Deputy Chief Executive, H Martin – Director of Regeneration and Enterprise, P Davies – Director of Housing and Community Services, H Marsh-Geyton – Acting Director of Public Realm, M Farooq – Lead for Law and Governance (Monitoring Officer), P Mountford – Head of Planning and Regeneration, R Cooper – Head of Financial Services, C Mellor – Planning Manager and M Johal – Senior Democratic Services Officer

Also in Attendance

Councillor E Lawrence – Observer
4 Members of the public

6 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors S Clark, L Taylor and C Barnett and the Directors of Finance and Legal, Children's Services and Digital, Customer and Commercial Services.



7 **Declarations of Interest**

Councillor Q Zada declared an interest, as he had a portfolio of investment properties in Dudley and other neighbouring areas, and the matter under consideration could potentially have an impact on those investments.

Councillor C Bayton declared an interest in that she considered her Ward was the most affected by the Black Country Plan.

Councillor K Ahmed declared an interest, as he had a portfolio of investment properties in Dudley and other neighbouring areas, and the matter under consideration could potentially have an impact on those investments.

Councillor K Ahmed declared an interest in that he considered his Ward was largely affected by the Black Country Plan.

8 **Black Country Plan – Approval of Draft Plan for Consultation**

The Cabinet considered a report of the Director of Regeneration and Enterprise on the consultation document for approval to publicly consult in line with the legal requirements, and in line with the Council's adopted Statement of Community Involvement (SCI) 2020.

The Director of Regeneration and Enterprise, in presenting the report, provided detailed background information, and explained proposals and policies for the Dudley area. The Appendices and maps identified where proposed new employment and housing developments would be located, and where investment for new infrastructures, such as transport, schools and health facilities would be made. Policies would guide future developments and the overarching spatial strategy sought to deliver growth through sustainable patterns of development by a number of methods including delivering the majority of the development within the existing urban area, focusing growth and regeneration into growth network and strategic centres, such as Brierley Hill and core regeneration areas for Dudley, namely Stourbridge, Lye and Kingswinford and Pensnett. The Black Country Plan sought to protect and enhance the quality of existing town and neighbourhood areas outside of those strategic centres and core regeneration areas; would deliver a limited number of neighbourhood growth areas in highly sustainable locations on the edge of urban areas; protect the openness of the Black Country green belt by resisting inappropriate development and protect the Black Country's character and environmental assets, including Heritage, natural and open spaces together with minimising and mitigating against likely effects of climate change.

In terms of housing developments, this was now determined by the standard method set by Government, which had generated a total need for 76,076 new homes across the Black Country up to 2039, increasing the number of homes currently built from 2,600 to 4,000 per year. There was also the need for approximately 565 hectares of employment land in order to provide sufficient jobs to accommodate the growth needs of existing and future businesses, and this evidence had derived from an economic development needs assessment, which had been updated to reflect the economic impact of the Pandemic.

The Director of Regeneration and Enterprise stressed that the Draft Plan aimed to deliver the majority of development in existing urban areas, making use of Brownfield or previously developed land, vacant properties and surplus industrial land as much as possible, with some greenfield sites or surplus open spaces. Each Local Authority had reviewed its urban supply and looked to increase density on housing sites, including in Town Centres, as well as increasing the capacity within the strategic centres and identified new sites to be allocated in the Plan. The review had demonstrated sufficient land in the urban area to build approximately 40,117 new homes and to provide 306 hectares of employment land. Despite this review, there was still a significant shortfall in housing land supply of 35,959 homes and 352 hectares of employment land. Given the scale of housing and employment land required, a significant gap between the need and supply remained and therefore there was a need for a Green Belt review with exceptional circumstances having been triggered in line with the Government's planning policy. This work had led to the identification of a limited number of neighbourhood growth areas where it was proposed to remove land from the green belt in highly sustainable locations on the urban fringe. There would also be a number of small sites released from the green belt in other sustainable locations across the Black Country providing 7,720 homes and 47 hectares of employment land in total. The majority of the land proposed to be released from the green belt was located in Walsall. Statistics were then provided on the release of green belt land for housing for each Local Authority, as follows, Dudley, 1,117 homes or 3% of green belt land, Sandwell, 117 homes (below 1%), Walsall, 5,418 homes (8%) and Wolverhampton, 1,1014 homes (5%). Walsall would also seek to release an additional 1,715 homes, which was estimated to be delivered after 2039 as well as releasing 47 hectares of land in the green belt to meet employment needs. It was commented that where sites were removed from the green belt, developers would be required to pay for improvements to the environmental quality and accessibility of remaining green belt land nearby.

The sources of land supply identified in the draft BCP (urban and green belt) would deliver 47,837 homes and 354 hectares of employment land, meeting the majority of the Black Country's housing and employment land needs. Sixty-three per cent of the overall need and just over 80% of the housing supply was within the Black Country's urban area. However, there would be a shortfall of 28,241 homes and 211 hectares of employment land up to 2039. The Government required neighbouring local authorities to work together under the Duty to Cooperate to meet housing and employment land needs when producing Local Plans. The Black Country authorities had asked neighbouring authorities, such as South Staffordshire, Lichfield, Cannock



Chase, Shropshire and Telford and Wrekin, to provide additional housing and employment land in their areas to meet the needs of the Black Country. Currently there had been offers from neighbouring authorities of between 8,000 to 9,500 homes and a minimum of 102 hectares of employment land to be tested through their own Local Plan reviews. Taking everything into account there still remained significant shortfalls of land which would continue to be pursued through the Duty to Cooperate.

In addition to land allocations, the Draft Plan had updated or included new policies. These had been carried out in line with a number of changes in national planning policy and guidance since adoption of the original plan. There were new policies on climate change, sustainably construction, trees, biodiversity net gain and mitigation for loss of green belt land. Inside space, water efficiency and accessibility standards for new housing had been set to improve build quality and meet the needs of residents, and contributions would be sought for improvements to education and health services, where viable. A comprehensive Viability and Delivery Study had been completed to test the likely impact of draft BCP policies on the financial viability of different types of sites across the Black Country, in accordance with new Government guidance, which aimed 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 would be viable in low value areas, 20% in medium value areas and 30% in high value areas. The Housing Marker Zone map in the Draft BCP document would be updated prior to consultation to reflect the correct housing zones.

The Director of Regeneration and Enterprise explained aspects of the draft BCP specific to Dudley and indicated that proposals would provide enough land to build 13,235 new homes and provide 22 hectares of new employment land up to 2039. This included 12,118 homes in the urban area on new sites and sites carried forward from the existing Plan and housing land supply. In addition, 1,117 homes would be provided on land proposed to be released from the green belt, which was the equivalent of 53.8 hectares of land or 3% of all green belt in Dudley. This included a New Neighbourhood Growth Area (NGA) in Kingswinford where two sites could be released from the green belt providing a total of 860 homes and a number of smaller sites on the edge of urban areas could also be released from the green belt. The proposed Neighbourhood Growth Areas were located in highly sustainable locations and would provide 250 homes or more on the edge of the urban area where there were existing pedestrian and public transport routes and high levels of access to local services, such as schools or health services. In some cases, new services may need to be provided as part of a new development. Masterplans would be prepared for these sites which would set out high quality design guidelines and infrastructure requirements, including improved accessibility for walking, cycling and public transport, together with necessary highway improvements. Dudley was also proposing to allocate an area of Local Green Space at Corbett Meadow, Stourbridge. Local Green Space would be protected from inappropriate development, unless there were very special circumstances that outweighed the harm to the site.



With regard to infrastructure provision, Officers had engaged with colleagues in education, utilities, healthcare and transport. Evidence so far had indicated that there were no major infrastructure issues which would prevent the deliverability of the proposed sites. Infrastructure provision such as open space, schools and health provision had been factored into new policies for planning obligations. In the case of some larger sites it may be necessary that infrastructure provision, such as schools, were delivered on the sites. The transportation modelling work being undertaken to support the BCP would identify locations that required 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 were identified, the type and scale of the interventions required and the mechanisms for delivery would be incorporated into the submission version of the BCP and into the review of the Local Transport Plan, which had recently commenced. Key Route Network Corridor Action Plans were 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 would form the basis for future funding bids.

It was proposed to undertake a public consultation on the draft BCP for an eight-week period, which was anticipated to commence in August 2021 and run to early October 2021. The consultation would be carried out in accordance with the Council's adopted Statement of Community Involvement (SCI) and would follow the latest guidance in relation to the Covid-19 Pandemic. The consultation would allow stakeholders and local residents the opportunity to comment on all details of the Plan in advance of the formal Publication (Regulation 19) stage, when consultation responses would be invited only on the legality and soundness of the Plan. Following the draft BCP consultation and the completion of outstanding evidence in 2021-2022, an amended version of the draft BCP would form the Publication Plan for consultation in summer 2022, subject to Cabinet approval. Officers would undertake extensive Member engagement by preparing briefing notes, target members who were most affected in their wards and arrange drop-in sessions. This engagement would be replicated throughout the public consultation period in August and September.

In concluding the presentation, the Director of Regeneration and Enterprise stated that the draft BCP included a separate chapter for each Local Authority, setting out background information, the local spatial strategy and local growth targets, as well as listing local allocations. A Dudley summary document (Appendix 2) had been produced, highlighting the key information from the Black Country Plan and implications for Dudley to assist with the public consultation process.

The Cabinet Member for Regeneration and Enterprise then reiterated comments made and indicated that the consultation exercise would be widespread, and attempts would be made to reach out to all areas of the community. Further work would be undertaken on the BCP, to include looking at densities in areas proposed to develop within urban areas to maximise potential, and also to review the infrastructure requirements put forward, as there were currently some concerns with certain aspects.



Arising from the presentation of the report, the Cabinet Member for Regeneration and Enterprise and the Director of Regeneration and Enterprise responded to queries and comments from the Opposition Group, particularly relating to concerns around adequate school provision and affordable housing.

The Cabinet Member for Regeneration and Enterprise stated that there were various parts of the Plan that were positive, such as addressing climate change, regeneration of Town Centres with significant new investment and providing affordable housing in various parts of the Borough. However, it was recognised that responses to the consultation would focus on allocations in the green belt released for housing. The Council had to act responsibly, and it should be acknowledged that the report had been prepared in accordance with Government planning guidelines to put forward proposals on meeting the housing figures stipulated through the standard methodology. Additional information, to include professional reports commissioned and reported on would be available through the consultation stage alongside those that were already in the public domain, which referred to the value and harm that may be caused to the green belt if certain sites were released. The BCP had been drafted by planning and other Officers who believed the proposals were legally robust and defensible for the Planning Inspectorate's examination in public.

Following the debate, the Leader summed up, and in doing so, referred to the Government's formula used to work out the number of houses, and commented that unless this method was changed, Councils would effectively have no say on homes to be built in the future. Black Country Councils and elected Members needed to work together to protect the green belt, and if all green belt sites were removed, then the Planning Inspectorate could potentially overrule and subsequently include sites that had already been dismissed by the Council's Planning Team. Therefore, there was the need to have serious and well-informed discussions, together with undertaking an appropriate and meaningful consultation exercise to build a robust case to prevent developers successfully challenging the Council's ultimate decision. The Leader indicated that local residents should be fully involved in the public consultation process and it was requested that residents submit their views in writing on how important the green belt was, together with reasons as to why sites should be retained, or otherwise. It was also acknowledged that there were previous brownfield sites that had been approved for development, however, no progress had been made and therefore Planning Officers were requested to review what was proposed for every brownfield site in the Borough. In referring to the meeting of the Future Council Scrutiny Committee, the Leader commented that the Committee may wish to consider a review of the full use of current and future brownfield sites, as well as scrutinise those green belt sites that had been proposed within the Black Country Plan.

Resolved

- (1) That the Draft Black Country Plan documents, as set out in Appendix 1 to the report, be approved for an eight-week consultation to be carried out in line with the Council's adopted Statement of Community Involvement 2020.



- (2) That the Director of Regeneration and Enterprise, following consultation with the Cabinet Member for Regeneration and Enterprise, be authorised to make any non-substantive changes considered necessary to the document prior to it being published and to agree the arrangements for the consultation.
- (3) That the Director of Regeneration and Enterprise, following consultation with the Cabinet Member for Regeneration and Enterprise, be authorised to finalise the accompanying documentation for the Draft Plan and an updated evidence base.
- (4) That the proposed consultation material to inform the public consultation on the Draft Plan, as contained in Appendix 2 to the report, be approved.
- (5) That the Director of Regeneration and Enterprise, following consultation with the Cabinet Member for Regeneration and Enterprise, be authorised to finalise the dates for an eight-week consultation period.
- (6) That the Draft Black Country Plan be referred to the Future Council Scrutiny Committee for consideration.

The meeting ended at 7.25 pm

LEADER OF THE COUNCIL

