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## **Meeting of the Future Council Scrutiny Committee – 2<sup>nd</sup> March 2022**

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

#### **Black Country Draft Plan Consultation Update**

##### **Purpose**

1. To provide initial feedback on the Black Country Draft Plan (BCP) consultation.

##### **Recommendation**

2. That the Committee notes the report.

##### **Background**

3. The Draft Plan was approved for consultation at all four Black Country Cabinets in July 2021. The eight-week public consultation commenced on 16<sup>th</sup> August and closed on 11<sup>th</sup> October 2021.
4. Following the conclusion of the consultation, officers from across the four Black Country authorities have been processing consultation responses. This involves scanning and typing up the thousands of responses received, and which were not submitted directly via the online portal.
5. Please note that the following figures may be subject to minor adjustments as we work through the responses to remove duplications etc.
6. The Draft Black Country Plan consultation received a huge response:
  - Individual respondents submitted responses via comments forms/emails/letters - 4,558
  - Individual respondents submitted responses via the online consultation portal - 1,390
  - Responses submitted by Statutory Consultees - 40
  - Responses submitted by landowners/agents - 85

- Group responses to be treated as individual responses – 10 (totaling approximately 13,643 individual responses)
  - Petitions – 10
7. Taking into account group responses, approximately **19,500** respondents commented on the Plan. This figure is significantly larger than the previous consultation responses as which were as follows:
- Existing Black Country Core Strategy – 165 respondents
  - Black Country Plan Issues and Options – 1,996 respondents
8. By way of comparison, recent local plan Preferred Options consultations undertaken by other local planning authorities have received the following responses levels:
- South Worcestershire Joint Plan – 7,000 respondents
  - Cannock Chase – 99 respondents
  - Lichfield – 640 respondents
  - Shropshire – 2,500 respondents
  - Solihull – 1,750 respondents
9. An initial analysis suggests that responses have been received across all four local authority areas with the lion's share from Dudley residents/stakeholders. The number of individual Dudley respondents is approximately 3,356 (this does not include those respondents who formed the group responses). These responses are broken down as follows:
- Number of comments – 750
  - Number of objections – 6,103
  - Number of supporting comments – 618
  - Total number of representations is – 7,471
10. In addition, Dudley has received 7 group responses and 7 petitions, where residents share a common view in relation to the plan. A summary of the group responses and petitions is provided in below.

Reason for response	Number of respondents included
<b>Group response</b>	
Objection to Severn Drive DUH222/Bryce Road DUH216	418
Objection to Severn Drive DUH222/Bryce Road DUH216	104
Objection to: DUH213 Lapwood Avenue DUH216 Bryce Road DSA3 Ketley Quarry DUH222 Severn Drive	789



Objection to: Worcester Lane North DUH206 Worcester Lane Central DUH207 Worcester Lane South DUH209 Wollaston Farm DUH217 Object to ID 10511 Three Fields not being a Local Green Space.	326
Objection to Wollaston Farm DUH217 Group response	244
Objection to: DSA1 Land South of Holbeache Lane Wolverhampton Road DSA2 Land at Swindon Road, Wall Heath, Kingswinford (Group response)	8,000
Friends of Homer Hill Park & Cradley	255
<b>Petitions</b>	
Objection to: DSA1 Land South of Holbeache Lane Wolverhampton Road DSA2 Land at Swindon Road, Wall Heath, Kingswinford (Mike Wood MP Petition)	1017
Objection to Viewfield Crescent DUH210	118
Save Stourbridge Green Belt	4,429
Cllr Barnett petition objection to Green Belt and Green Spaces being allotted for development in the Black Country Plan	273
Objection to proposals on Green Belt and Green Space in the Black Country Plan. Petitions collated by Labour Group	1,743
Save Wollaston Green Belt and Wollaston Farm Grazing Land	80
Support the designation of Corbett Meadow as Local Green Space	228

11. The level of objections to some site allocations in the Plan has been significant, particularly those located in the Green Belt and areas of green space in the urban area. This is consistent with the experience of other Local Plans nationally where green belt sites have formed part of their strategy.
12. In Dudley, sites which received the largest objections were:
- DUH 208 – Land south of Holbeache Lane /Wolverhampton Road
  - DUH 203 – Ketley Quarry/Ketley Farm, Dudley Road, Kingswinford
  - DUH 206 – Worcester Lane North, Stourbridge
  - DUH 207 – Worcester Lane Central, Stourbridge

DUH 209 – Worcester Lane South, Stourbridge  
DUH 211 – Land at Swindon Road, Wall Heath, Kingswinford (Triangle)  
DUH 210 – Viewfield Crescent, Dudley  
DUH 213 – Lapwood Avenue, Kingswinford  
DUH 216 – Byrce Road, Pensnett  
DUH 218 – Guys Lane, Lower Gornal  
DUH 217 – Grazing Land, Wollaston Farm, Wollaston  
DUH 221 – Standhills Road, Kingswinford  
DUH 222 – Corbyn's Hall Open Space, Severn Drive, Pensnett  
DUH 050 – Car Park, Oak Court, Dudley

13. Dudley received several responses from landowners/agents on sites allocated in the Draft Plan:

- **Land at Worcester Lane, Stourbridge** – welcomes the Council's proposed designation of sites at Worcester Lane.
- **Swindon Road, Wall Heath, Kingswinford (Triangle)** – supports the draft allocation of the site for housing.
- **Land at Bott Lane, Lye, Stourbridge** – objects to the site's designation for housing and request its consideration for employment/waste recycling in line with the site's existing use.
- **Ketley Quarry and Ketley Farm, Kingswinford** - supports the draft allocation of the site for housing but raises concerns over viability due to requirements over infrastructure provision.
- **Land South of Holbeache Lane, Kingswinford** - Support is given to the proposed land at Holbeache Lane to help meet housing needs.

14. Dudley received the following objections to sites being omitted from the Plan for allocation:

- **Land at Holbeache (site to the north of Holbeache Lane)** – objection to the site not being allocated in the Draft Plan and requests that it is reconsidered and allocated in the next Plan stage.
- **Land at Client View** – objection requesting that the site should be allocated in the Plan.
- **Land at New Hawne Colliery, Halesowen** – objection to the wider site not being allocated in the Plan.
- **Land at Corbett Hospital** – promotes the Corbett Hospital site for development and allocation for residential development.
- **Land at Racecourse Lane, Stourbridge** – promotes land at Racecourse Lane, Stourbridge for residential development and relocation of the golf course.
- **Land West of Foxcote Farm, Oldnall Road, Stourbridge** – objection to the site not being included in the Draft Plan.



- **Pedmore Hall Farm** – objection to the site not being included in the Draft Plan.
- **Land at Wynall Lane, Wollescote** - objection to the site not being included in the Draft Plan.

15. Dudley received responses of support in relation to:

- Proposed designation of DSA4 - Corbett Meadow Local Green Space
- No proposed release of Green Belt in Halesowen - Lapal, Coombeswood, Uffmoor, Lutley, Hayley Green and Foxcote.

16. Objection responses were received relating to a number of sites which have not been put forward as proposed allocations for Local Green Spaces designations:

- The Three Fields, Norton
- Flint Field, Land North of Oldnall Road

17. The main reasons given for objections to both specific allocations in the BCP, and the general principle of release of green belt and open space for development, are as follows:

- Loss of green belt in principle.
- Loss of public open space which is an important resource for local residents and contributes to their health and enjoyment.
- Loss of valuable agricultural land.
- Impact upon nature conservation and wildlife habitats, including value as part of the nature recovery network.
- Impact on historical heritage.
- More housing should be allocated on brownfield sites/and or brownfield should be utilised first.
- Impact upon traffic and congestion and highways as result of additional traffic generation.
- Air/noise pollution.
- Impact on environment and climate change due to emissions from additional housing and congestion.
- Lack of public transport in areas where housing growth is being proposed.
- Pressure on local services including schools, GPs and dentists and hospitals due to increased number of residents and constraints on existing capacity.
- Increased surface water and increased risk of flooding due to development.
- New development will place unsustainable demands on existing infrastructure, utilities and local facilities.

- New developments will provide larger, high value housing when more affordable housing is needed.
18. In total submissions relating to Dudley specific matters total 13,490. In addition there were 7,888 signatures on petitions relating to sites within Dudley.
  19. A range of responses to the proposed policies in the Draft Plan have been summarised into topic areas in Appendix One.
  20. Due to the high level of responses, the four Black Country authorities have prioritised resources in their teams to process and analyse the responses as quickly as possible. We hope to publish the consultation responses online in late February/early March 2022. This will enable members of the public and stakeholders the opportunity to view all the representations received, ahead of publishing the next version of the plan (Publication Plan) in the summer of 2022. Respondents to the consultation will receive confirmation when the responses are published online.

### **Next Steps and Timeline**

21. The outcomes from the consultation, along with further evidence gathering, will inform the Publication version of the plan. It is important that the consultation responses and additional evidence are fully analysed and addressed before the Publication Plan is completed. This will ensure that the Plan is as robust as possible to enable it to withstand the Examination in Public.
22. The Publication Plan is scheduled to be consulted on during summer 2022, this stage will need approval from each of the Black Country authorities before the consultation can take place. It is proposed to hold an eight-week consultation which will commence in late August and conclude in early October 2022.
23. Timeline to next BCP public consultation:

<b>BCP Key task</b>	<b>Timescale</b>
Publish consultation responses	February/March 2022
Transport modelling complete	February/March 2022
Update evidence base	February/May 2022
Prepare BC Publication Plan	February / May 2022
Informal Cabinet Briefings	May/June 2022
Wider member briefings	June 2022
Cabinet consideration of Publication Plan	July 2022
Public consultation on Publication Plan	Late August-October 2022

24. The overall BCP preparation timetable is as follows:



<b>Plan preparation stage</b>	<b>Timescale</b>
Process and analyse Draft Plan consultation responses and prepare Publication version of the Plan.	October 2021-May 2022
Cabinet consideration of Publication version of BCP	July 2022
Publication Public Consultation	August-October 2022
Submission of Plan to Secretary of State	March 2023
Examination in Public	April 2023-March 2024
Adoption	April 2024

## **Finance**

25. There are no financial implications arising directly from this report.

## **Law**

26. 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**

27. 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**

28. 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

29. 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

30. 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

31. 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.
- 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.

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## Appendix 1 – Thematic responses

Thematic Area	Comments
Housing	<p><b>Housing Need</b></p> <ul style="list-style-type: none"> <li>• Support for the provision of new housing, including affordable housing, to meet the needs of future generations.</li> <li>• Population / household projections underlying Government local housing need figures are not robust for various reasons and significantly over-estimate housing need, and should be challenged / not used.</li> <li>• There should be consideration of an uplift to Government local housing need figures to reflect local / regional economic growth ambitions e.g. HS2.</li> </ul>
	<p><b>Housing Supply and Shortfall</b></p> <ul style="list-style-type: none"> <li>• The Plan produces an unacceptably large housing shortfall and does not adequately explain how this will be met.</li> <li>• Housing supply should be maximised within the Black Country, through allocation of other suitable and available development sites in the green belt, before exporting to other authorities.</li> <li>• Housing supply is over dependent on sources in the urban area which are likely to under-deliver over the Plan period, primarily occupied employment land, constrained brownfield land and unrealistic windfall allowances. This supply should be reduced, and alternative green belt sites identified to meet the increased shortfall.</li> <li>• Evidence should be revisited to take account of major, recent national changes (Covid, Brexit, home shopping and working) likely to have an impact on demand and supply of housing land in the urban</li> </ul>

Thematic Area	Comments
	<p>area, which should lead to allocation of more sites / windfall allowances on redundant employment, retail and office land, particularly in centres.</p> <ul style="list-style-type: none"> <li>• The Black Country annual housing target is less than that delivered in recent years, demonstrating that delivery and demand are not constraints, therefore the target should be increased.</li> <li>• The delivery estimates for larger sites in Walsall should be higher to allow more delivery within the Plan period and reflect the Viability and Delivery Study.</li> </ul> <p><b>Housing Density and Type</b></p> <ul style="list-style-type: none"> <li>• Developers support requirement for a range of house types and maximising densities, subject to flexibility on a site-by-site basis and use of recent evidence on housing need and viability. In particular, realistic and appropriate housing capacities should be assumed for BCP allocations, in line with local character and constraints.</li> <li>• Some residents feel that density and type targets should be amended to meet local needs e.g. more family homes, lower density to achieve better design/ more home working, more cheaper / small homes</li> <li>• Some residents feel that more affordable housing should be provided, and that this should be in the urban area, rather than on green belt development.</li> <li>• Developers generally support affordable housing requirements and policy flexibility, however more green belt sites are needed to increase affordable housing provision.</li> <li>• Some residents support more wheelchair accessible and supported housing</li> <li>• Some developers feel that wheelchair accessible and self-build housing requirements are not based on sufficient evidence, too onerous / unviable and will reduce densities.</li> </ul>

Thematic Area	Comments
	<p><b>Other housing issues</b></p> <ul style="list-style-type: none"> <li>• General support for requirement for developers to fund and deliver new school places, subject to more detail on requirements for larger housing sites</li> <li>• General support for more control of Houses in Multiple Occupation</li> <li>• Request from some neighbouring authorities for the Black Country to accommodate their gypsy and traveller pitch need.</li> </ul>
<p><b>Supporting Infrastructure</b></p>	<p><b>Education</b></p> <ul style="list-style-type: none"> <li>• Residents' representations raised concerns about school and education capacity (including special educational needs) to accommodate future development.</li> <li>• Planned housing development sites have been identified within close proximity to the border between the Black Country and Worcestershire. It is envisaged that a small proportion of the Black Country's pupil yield will commute to schools within Worcestershire, increasing the number of pupils at schools along the border, namely at Hagley and Romsley.</li> </ul>
<p><b>Employment</b></p>	<ul style="list-style-type: none"> <li>• The employment land requirement does not reflect the full potential for the growth in demand for logistics.</li> <li>• The employment land requirement should be updated in the light of more up to date economic forecasts and to ensure it is aligned with national and regional economic recovery strategies.</li> <li>• The Plan gives no indication as to how the shortfall of land to be exported to neighbouring areas will be met – eg through Statements of Common Ground.</li> <li>• In principle support to the protection of existing employment areas from redevelopment to alternative uses but the range of uses within these areas could be widened e.g. ancillary food and drink, nurseries and leisure uses.</li> </ul>

Thematic Area	Comments
<b>Centres</b>	<ul style="list-style-type: none"> <li>• General support for the BCP policy approach to centres.</li> <li>• Emphasis on the need to diversify centres.</li> <li>• Emphasis that centres are an important potential source of future additional residential supply.</li> <li>• Objection to the proposed 280sqm threshold for retail proposals in edge and out-of-centre locations to undertake national policy impact tests.</li> <li>• Suggestion that the Evidence Base (Centres Study Household Survey and Retail Modelling) underestimates qualitative need and local levels of over-trading which do not justify the 280sqm impact test threshold.</li> <li>• Query the 500sqm threshold for proposals in Strategic Centres to demonstrate compatibility with the objectives of sustainable development.</li> </ul>
<b>Environment and Climate Change</b>	<ul style="list-style-type: none"> <li>• General Support for Environmental Policies, particularly from statutory consultees, subject to some modifications.</li> <li>• Some responses suggest that targets and requirements should go further in response to dealing with Climate Change.</li> <li>• Some concerns how designated nature conservation sites (such as SSSIs) may be impacted upon by draft allocations, including objections from Natural England which require further discussion (particularly regarding allocations in Walsall).</li> <li>• Suggestions for inclusion of specific projects and initiatives within the policies</li> <li>• Clarification sought on SLINCs and their inclusion within some allocations and how they will be treated as sites progress.</li> </ul>

Thematic Area	Comments
	<ul style="list-style-type: none"> <li>• Recommendations to split some polices to be more specific on certain areas such as flood risk and water.</li> <li>• Recognition that new developments and their residents will place additional demand on sporting provision and that existing sports facilities may benefit from developer contributions, as well as contributions to future need.</li> </ul>
<b>Infrastructure</b>	<p><b>Delivery Constraints</b></p> <ul style="list-style-type: none"> <li>• The Wildlife Trust object to the term ‘brownfield-first’ being used in the BCP as such sites can have high biodiversity value. In the Black Country many sites of high aesthetic, wildlife or health and wellbeing value are post-industrial or have been previously occupied by a structure. National policy is clear in its definition of previously developed land that this excludes sites ‘where the remains of the permanent structure or fixed surface structure have blended into the landscape’. ‘Previously Developed Land’ should be used in place of brownfield throughout the BCP.</li> <li>• Concerns raised that there has not been sufficient assessment of the impact of proposals on the local infrastructure, i.e. roads, highways, health care, education, transport, which are already under significant pressure in already over developed areas.</li> <li>• Representations raised concerns that there is not sufficient infrastructure in the area to support new housing on green belt land (e.g. GPs, health care facilities, schools, specialist education needs, highways, public transport).</li> <li>• Representations raised concerns about funding future infrastructure improvements and public services through already constrained council/public funding</li> </ul>
<b>Transport Infrastructure</b>	<ul style="list-style-type: none"> <li>• Concerns about the capacity of existing road infrastructure e.g. A449, A463 through Sedgley, and local highways serving the proposed allocations.</li> </ul>

Thematic Area	Comments
	<ul style="list-style-type: none"> <li>• Additional analysis required to consider the transport implications of the BCP, which presents a significant risk that this plan will result in higher congestion, impacting on health and climate change priorities.</li> <li>• The evidence does not take into account the changes in public use of public transport and possible move to non-public transport options post the Covid-19 pandemic.</li> <li>• Some respondents raised concerns regarding overcrowding and a lack of car parking in new developments.</li> <li>• Worcestershire County Council (WCC) welcomes policies DEL1 - Infrastructure Provision, Tran1 - Priorities for the Development of the Transport Network, and Tran3 - Managing Transport Impacts of New Development. WCC will further engage with the Black Country to progress the transport evidence base.</li> </ul>
<b>Community Facilities</b>	<ul style="list-style-type: none"> <li>• Sport England have suggested the new Black Country-wide Playing Pitch and Outdoor Sports Strategy (currently under preparation) should be added to the list of relevant evidence for policy DEL1 and is referred to in respect of infrastructure needs for outdoor sport.</li> </ul>
<b>Health &amp; Wellbeing</b>	<ul style="list-style-type: none"> <li>• Protection of healthcare infrastructure needs to take account of transformation plans which may require rationalisation of premises.</li> <li>• Objections to the requirement for developer contributions for healthcare infrastructure.</li> <li>• Details of calculations for requirement for healthcare infrastructure contributions should be included in the BCP.</li> <li>• Objections to requirement for individual BCAs to require Health Impact Assessments (HIAs).</li> <li>• Thresholds and criteria for requirements for HIAs should be included in BCP.</li> </ul>

Thematic Area	Comments
<b>Waste</b>	<ul style="list-style-type: none"> <li>• Waste management needs to be simplified and less restrictive. In addition to maximising the amount of waste that is recycled, re-used and recovered, greater emphasis is needed on converting waste to heat and energy.</li> <li>• Inclusion of local policies that would not have a detrimental impact on the existing capacity of local hazardous waste management infrastructure.</li> <li>• Waste management, energy and district heating have been included in the discussion on industrial strategy because of the direct correlation exists between the three subjects.</li> <li>• West Midlands Resource Technical Advisory Body (WMRTAB) notes that no explicit mention is made about how the management of waste can contribute to the mitigation of climate change and suggests that this is an area in need of attention.</li> </ul>
<b>Minerals</b>	<ul style="list-style-type: none"> <li>• Natural England have advised that the preferred area MP1 (Birch Lane, Aldridge, Walsall) should be allocated in Policy MIN3 (Preferred Areas for New Mineral Development) not as new mineral development area but as restoration of heathland habitat mosaic.</li> <li>• Natural England have requested that the wording of Policy MIN4 be amended to make site restoration after minerals working more robust.</li> <li>• WCC provided general support the draft BCP minerals policies. It is suggested that the 'preferred area' terminology for minerals is amended to align with national PPG.</li> </ul>