



**Meeting of the Future Council Scrutiny Committee  
Wednesday, 1<sup>st</sup> September, 2021 at 6.00pm**

**in the Town Hall (access from St. James's Road), Dudley**

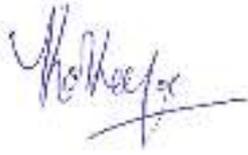
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**<https://www.youtube.com/user/dudleymbc>**

**Agenda - Public Session  
(Meeting open to the public and press)**

1. Apologies for absence.
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 15<sup>th</sup> July 2021 as a correct record.
5. Public Forum (30 minutes)
6. Scrutiny Review – Black Country Plan (Pages 1 – 4)
7. Black Country Plan (Pages 5 – 14)
8. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).





**Chief Executive**

**Dated: 19<sup>th</sup> August, 2021**

Distribution:

Councillor A Lees (Chair)

Councillor E Lawrence (Vice-Chair)

Councillors S Ali, C Barnett, D Corfield, J Cowell, P Atkins (sub for A Davies), P Dobb, J Foster, T Crumpton (sub for Z Islam), J Roberts, M Rogers and S Saleem.

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- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

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**Minutes of the Future Council Scrutiny Committee  
Thursday, 15<sup>th</sup> July, 2021 at 6.00 pm  
In The Town Hall, Dudley**

**Present:**

Councillor A Lees (Chair)  
Councillor E Lawrence (Vice-Chair)  
Councillors S Ali, C Barnett, D Corfield, J Cowell, A Davies, P Dobb, J Foster, Z Islam,  
J Roberts, M Rogers and S Saleem.

**Officers:**

H Martin (Director of Regeneration and Enterprise), P Mountford (Head of Planning and Regeneration), C Mellor (Planning Manager), V Popplewell (Principal Planning Officer), M Johal (Senior Democratic Services Officer) and G Gray (Assistant Democratic Services Officer)

**Also in Attendance:**

Councillor C Bayton - Cabinet Member for West Midlands Combined Authority  
Councillor P Atkins (Observer)

9 **Chair's Comments**

The Chair welcomed everyone to the meeting of the Future Council Scrutiny Committee and advised that the meeting would be webcast for viewing online.

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10 **Apologies for Absence**

Apologies for absence were received on behalf of Councillors P Harley and S Phipps and K O'Keefe (Chief Executive) and I Newman (Director of Finance and Legal).

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11 **Declarations of Interest**

No member made a declaration of interest in accordance with the Members' Code of Conduct.

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12 **Minutes**

Resolved

That the minutes of the meeting held on 9<sup>th</sup> June, 2021, be approved as a correct record and signed.

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13 **Public Forum**

The Committee heard representations from a member of the public in relation to the tram and railway network. Concerns were raised regarding the conversion of the Bus Network and part of the Urban Railway Network into the Metro Tram system. It was commented that no consultation or vote had been undertaken with either Councillors or the general public and that the costs involved to implement the tram network was far greater than the cost to rebuild the existing railway lines. Issues were also raised concerning the restoration of the heavy rail passenger services from Derby to Devon through Dudley. The Committee were informed that it would be unfeasible to build provisions into the Dudley tramline to allow for the return of passenger, freight and goods trains together with trams all on one set of tracks. It was commented that an unused train line between Brierley Hill and Stourbridge currently existed and it was considered that the Council should decide on whether to allow trams or trains to be placed on this set of tracks.

A Member acknowledged the comments and concerns raised and requested that information be provided by the Director of Regeneration and Enterprise on what had been undertaken with regards to costing and work towards the proposal of using the railway lines and whether this would be a financially viable option.

In responding the Director of Regeneration and Enterprise advised that information would need to be obtained from Transport West Midlands, that the facts and data put forward would need to be clarified. A report would be submitted to a future meeting of the Committee.

The Chair, on behalf of the Committee, thanked the member of the public for his attendance and the comments raised.



Resolved

That the Director of Regeneration and Enterprise be requested to submit a report to a future meeting of the Committee providing feedback on issues raised.

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#### 14 **Black Country Plan – Approval of Draft Plan for Consultation**

A report of the Director of Regeneration and Enterprise was submitted on the Black Country Plan (BCP) to seek approval of the Draft Plan for Consultation.

The Chair introduced the report and stated that the BCP was a draft plan only at this stage and consultation would take place between the period August to September, 2021. The consultation would provide an opportunity for all stakeholders, including the public to make comments, and subsequently the Plan would be submitted to the Secretary of State within two years for examination.

The Director of Regeneration and Enterprise presented a summary of the BCP including the background to the plan, what the Black Country Plan priorities were and the housing and employment need figures. The employment need evidence indicated that further additional employment land would be needed over the planned period and that employment land was essential to provide employment for residents, to attract new residents to the Black Country and to support new businesses which would provide jobs and safeguard existing businesses.

The Plan had a number of key priorities and remained committed to the prioritisation of Brownfield land and to urban regeneration. The housing provision had been made up of two and a half thousand sites across the Black Country and had worked to maximise supply in the urban area by a number of methods, however, it was noted that there was still a shortfall. There were challenges with Brownfield land and viability remained a key issue due to public funding being needed to regenerate a high proportion of Brownfield land. Work would continue with the Combined Authority and other public bodies to deliver the plan and priorities of Brownfield sites.

Taking all these factors into consideration there still remained a shortfall, therefore, the BCP proposed the allocation of Greenbelt land in order to move towards meeting the housing and employment needs identified. Under the Duty to Cooperate, discussions were ongoing with a number of neighbouring authorities to provide additional housing and employment land in their areas to meet the needs of the Black Country.

The Plan was complex and very detailed with a challenging timetable, would be kept under constant review and the need to seek the views of residents would be a critical stage to the plan.



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FC/16

Following the presentation, Members asked questions, made comments and responses were given as appropriate:-

- Members raised concerns regarding the eight-week consultation period between August to September and whether this would be a sufficient amount of time for residents to put forward their queries and concerns. Given that the BCP would have a significant impact on residents; that the Plan was a substantial, complex document and bearing in mind the impending summer months and school holidays, it was queried as to whether residents would have adequate opportunity to submit their responses.

The Director of Regeneration and Enterprise advised that there was a statutory requirement to hold consultation over six weeks and that they had allowed for eight weeks; that there was a very challenging timetable to adhere to and it was critical that the timetable was followed as there would be significant consequences. It was acknowledged the importance of how the plan was phrased to residents and Officers and Members could assist by liaising with residents to get them engaged with the consultation process. It was advised that the consultation period would be used to engage with as many people as possible, however, due to the current climate, a majority of the consultation would be undertaken online. However, planning officers would be available to speak to members of the public on an appointment basis at Dudley Town Hall during August and September.

- In responding to a question raised by the Chair, the Principal Planning Officer confirmed that the Communications and Public Affairs team (CAPA) had an approved engagement strategy and they had a large network of communication channels to utilise to reach out to residents and hard to reach groups. Further to this, it was advised that a consultation database had been established whereby several thousands of people had signed up to in the last few months; that residents would be contacted through the database to inform them when the consultation period had started; that a significant Social Media campaign would be launched; a video had been produced to raise awareness and advertisements placed on buses as well as utilising local radio and press releases.
- A Member made observations that online engagement within smaller Wards may not be suitable and it was suggested that hard copies of the information be circulated to every home in the Borough.
- Concerns were raised about the difficulty in engaging with smaller Wards, plans to develop onto the greenspaces in those Wards and the impact it would have on residents. In responding the Director of Regeneration and Enterprise confirmed that during the consultation process, all questions and queries raised would be given due consideration. However, it was acknowledged that there were challenges in engaging and reaching out to people in certain areas.



- Arising from concerns raised it was recommended that the consultation period should be extended for a further four weeks so that additional public events could be held as the school holidays would have ended, and it would be safer to do so, given the fact that further residents were being vaccinated every day.

The Director of Regeneration and Enterprise advised that any request to extend the consultation timetable would need to be considered against the timescales required to progress the Plan to its next stage. This included sufficient time to summarise the consultation responses, update any evidence base work, amend the Plan and take the Plan through the various reporting mechanisms prior to going out to consultation next summer.

- It was queried whether public meetings would be held throughout the Borough; that the suggestion of canvassing leaflets or paper copies to residents be considered and the possibility of Officers promoting the consultation process at Community Forum meetings should they resume.

It was advised that a leaflet had been produced, which would be available on reception areas and community centres, copies of which would be made available to Members to distribute. The Principal Planning Officer noted the suggestion to use the leaflets to target specific areas and confirmed that Officers would be in attendance at the Community Forum meetings should they recommence during the consultation period.

- Concerns were raised regarding the complexity of the plan and it was queried whether the information could be simplified to make it easier for residents. The Planning Manager advised that a non-technical document was in the process of being produced to help make the document easier to find sites that were proposed for allocation; that there were Officers in Dudley who would be available on a help line throughout the consultation period to take telephone calls from the public; that face to face meetings would be held by appointment during the daytime and evenings for residents to attend to show plans and answer any queries; the draft Plan and large maps would be available in the libraries and council buildings as well as an interactive online map and that a further detailed map of sites that were allocated was in progress and could be posted to residents on request.
- A Member raised a query as to whether Dudley residents would have any influence on other Black Country Local Authorities that bordered the Dudley Borough and vice-versa.



It was advised that other comments from residents that border the Dudley Borough would be valid; that work had been undertaken with Black Country Local Authorities that share boundaries to enable residents to comment on sites and that responses would be provided as part of the Black Country consultation exercise. In terms of potential sites outside of the Black Country, and where those authorities were in the plan process, residents would have the opportunity to comment on their plans.

- It was considered that the period of time from September 2021 to July 2022 to respond to comments was extensive and that more could be done to extend the consultation process. It was recognised that more resources to deal with responses would be needed should the consultation period be extended to October 2021.

The Director of Regeneration and Enterprise reported that the consultation process was in conjunction with the four neighbouring authorities and to change the dates would require all four authorities to be in agreement. It was noted the consultation period was critical to engage as many people as possible and that it would be difficult to establish resource requirements until the comments were received.

The Planning Manager clarified that between September 2021 and July 2022, Officers would need to produce the next publication plan; draft the plan; respond to technical comments in depth; produce documentation for submission to Cabinet from all four authorities; allow for the possibility of significant changes and therefore this was not an extensive period to produce the publication document.

- A Member raised concerns regarding the impact building on Greenbelt sites would have on residents and it was queried whether questions, as part of the consultation exercise, would allow residents to submit their views. It was also queried whether Members would be able to view the content and questions before publication.

It was reported that the questions produced were of a standard format and the impact on residents could be expressed in the consultation and would be responded to. A summary document could be made available to Members.

- A Member made reference to a map showing the railway line from Brierley Hill to Pensnett and queried whether this would be part of the Plan. Queries were also raised on whether Officers had undertaken discussions concerning the Western Orbital Relief Road.

The Director of Regeneration and Enterprise confirmed that the map showed an asset of a disused railway line, which had not been part of the Plan and that no active discussions were ongoing regarding the Western Orbital Relief Road.



- A Member queried whether consideration had been given to increase capacity of road provision, additional school places and General Practitioners (GP's) to accommodate the impact from additional housing.

It was confirmed that meetings had been carried out with other sectors such as Education, Highways, Utility Providers and Clinical Commissioning Groups (CCG's), which highlighted matters surrounding infrastructure provision as well as existing provisions. Section 106 Agreements had provided additional education provisions; that the GGC was looking into increasing capacity in Health Care as part of the service plans and that transport modelling would be implemented over the next few months. However, it was acknowledged that the wider infrastructure would need to be reviewed.

- A Member made reference to the housing allocation list as it was considered that some Boroughs were releasing significant amounts of residential property compared to the Dudley Borough. It was queried whether consideration was being given to alleviate the pressure of building on Greenbelt areas where it was not needed.

It was confirmed that the areas stated had specific allocations and those allocations had already been supplied previously. Other Boroughs had a smaller amount of Greenbelt land and were landlocked, however, neighbouring Boroughs had more employment land, which was needed by the Dudley Borough.

- A query was raised regarding the sites removed that had previously been allocated for housing. The Principal Planning Officer clarified that a review of the sites had been undertaken on the BCP regarding the existing supply, and it had to be demonstrated that the sites were developable, available and achievable, therefore, unsuitable sites (such as occupied employment sites, where the owners had indicated their intentions to remain operating) had been removed.
- A Member identified two sites that had rated highly in the Black Country Greenbelt study for urban sprawl and considered that this could be a positive for those sites.

It was determined that across the Black Country the five purposes in the study was prevalent in most cases. All the Greenbelt land owned by Dudley were largely met by the five purposes but there were still different degrees of harm and this would be a key factor in the rating.

- A Member queried whether the option of Compulsory Purchase Orders (CPO's) had been considered as part of the Plan.

It was advised that the smaller sites or CPO's would not be visibly seen in the Plan as these would have been assigned as windfall allocations.



- The view was taken that a more detailed scrutiny exercise should be undertaken to cover the issues raised and to scrutinise the plan and the consultation process further, which would enable the Committee to obtain a more detailed response from Officers.
- Following comments made concerning certain groups engaging with planning hiring professionals (such as Planning Aid) to assist in understanding the Plan, should they feel it necessary, it was commented that although it was a possibility, Officers were on hand to support and help residents understand the Plan and to help frame their opinions on the plan.
- A Member queried as to whether funding had been issued to carry out the advertisement of the consultation process and if a social media campaign had been considered.

It was stated that each of the Black Country authorities had allocated a budget to fund the preparation of the Black Country Plan and this included a budget towards consultation. In addition, funding had been received from Government which was contributing towards work on the Plan.

- Following comments made regarding the importance of maximising the consultation period, ensuring residents knew from the outset what opportunities were available, a query was raised on whether Officers were prepared for the consultation process.

It was confirmed that a date to carry out the consultation was still in progress, however, there would be some flexibility based on the need of Members or the public. Letters would be distributed to residents who had signed up to the consultation database which would include contact information to speak to Officers. Arising from previous consultations it was recognised that social media platforms provided large responses and it was also intended to utilise radio channels. It was noted that there had been some uncertainty around public events due to the Covid 19 Pandemic.

- A Member raised queries concerning the comments made in relation to the timeframe of the consultation being dependant on responses; the type of response received and what assistance could be provided to residents to ensure that legitimate responses were received.

The Director of Regeneration and Enterprise confirmed that every comment would be relevant and responses would be looked at individually. There would also be a number of engagement events that would be carried out together with support being available from Officers.



A Member raised concerns with regard to there being no consideration to infrastructure requirements concerning roads and public transport. It was noted that the Dudley region had a target date of 2041 to reach zero carbon emissions and there was a need to look into how this target would be achieved and how the properties being built would fit into the environmental agenda.

It was advised that there were policies in place around the climate agenda and any new properties that were built would be subject to building regulations to meet certain standards.

- Reference was made to the proposed Planning changes by the Government and it was queried what impact these changes would have on the BCP in terms of planning permissions.

It was confirmed that the advice in terms of the local plan process was to continue with the plan. With regard to permitted development, there was a possibility that there would be changes, however, these could be to Dudley's advantage.

- Further comments were made concerning the infrastructure for transport not being in line with the developments proposed and the level of impact additional housing would have.

The Planning Manager confirmed that there would be ongoing issues with developments, however, this would be partly due to funding being delivered for infrastructure as part of the development. It was confirmed that the necessary funding would be considered at the relevant time. The plans for infrastructure would become more apparent as the BCP developed and that the detail on this would be included at future consultations.

- A Member requested that a copy of the consultation, together with the questions be posed through the consultation process, be circulated to Members of the Committee.
- It was queried what resources were available to produce hard copies for residents and whether residents would be able to view and identify specific areas from a hard copy of the plans. It was considered that should the report be shortened, and vital information removed, residents would not be able to read the report in full and submit informed questions.

It was advised that a summarised document would be available to raise awareness of the Plan, however, the consultation document would be the Draft Plan, which would be available at Council Buildings. A hard copy of the response form would be available to residents to submit their comments.

- It was again proposed that the consultation process be extended for a further four weeks as well as additional scrutiny meetings be held on the BCP to review specific complex issues of the plan whilst the consultation process was ongoing.

## **Resolved**

- (1) That the Cabinet be recommended to consider an extension of the consultation period by up to four weeks.
- (2) That, following consultation with the Chair, additional meetings of the Committee be arranged, alongside the consultation exercise, for an in-depth scrutiny review to be undertaken in connection with the Draft Black Country Plan.
- (3) That Members of the Committee be requested to email Democratic Services on specific areas they wished to explore as part of the scrutiny review.

The meeting ended at 8.15pm

CHAIR



FC/23

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

### **Report of the Lead for Law and Governance (Monitoring Officer)**

### **Scrutiny Review – Black Country Plan**

#### **Purpose**

1. To consider arrangements for the scrutiny review relating to the Black Country Plan.

#### **Recommendation**

2. That the Committee consider the approach to the scrutiny review relating to the Black Country Plan and that the Lead for Law and Governance, following consultation with the Chair, Vice-Chair and appropriate Directors, be authorised to take any necessary actions to progress the scrutiny review.

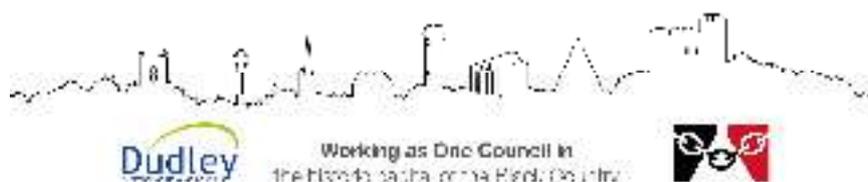
#### **Background**

3. On 15<sup>th</sup> July, 2021, this Committee considered a report on the approval of the draft Black Country Plan for consultation. The report and minutes of that meeting are available on the [Council's Website](#). A full recording of the Committee's proceedings is available on the Council's [YouTube Channel](#).
4. Following a detailed discussion, this Committee resolved:
  - That the Cabinet be recommended to consider an extension of the consultation period by up to four weeks.
  - That, following consultation with the Chair, additional meetings of the Committee be arranged, alongside the consultation exercise, for an in-depth scrutiny review to be undertaken in connection with the Draft Black Country Plan.
  - That Members of the Committee be requested to email Democratic Services on specific areas they wished to explore as part of the scrutiny review.

5. On 21<sup>st</sup> July, 2021, a briefing note was submitted to the Cabinet providing feedback on the recommendations from the Future Council Scrutiny Committee. The report and minutes of the Cabinet meeting are available on the [Council's website](#).  
The Cabinet resolved:
- That the briefing note on feedback and recommendations from the Future Council Scrutiny Committee meeting on 15th July, 2021 be received and noted.
  - That the Council continue with the eight-week consultation on the Black Country Plan and that authority be delegated to the Director of Regeneration and Enterprise, following consultation with the Cabinet Member for Regeneration and Enterprise, to take any necessary and consequential action.
  - That the intention for further meetings of the Future Council Scrutiny Committee to be held in connection with the Black Country Plan be noted.
6. Following initial consultation with Members, the following themes have been identified for consideration as part of the scrutiny review:
- Environmental and climate change impact (including wildlife and carbon reduction targets, health considerations - air quality, space for leisure).
  - Socio-economic impact (including reference to housing/affordable housing provision and jobs provision).
  - Infrastructure - focusing on education (including school capacity and need); GP surgeries, health (including hospital capacity), transport and road infrastructure.
7. The following agenda item provides further information on the above topics. In line with the Council's Scrutiny Committee Procedure Rules, the way in which the scrutiny review is conducted is at the discretion of the Scrutiny Committee depending on the item under consideration. Relevant Cabinet Members and Directors have a standing invitation to attend meetings. The Scrutiny Committee may also invite other people to provide information or give submissions. This includes residents, partner organisations, stakeholders and Members and Officers in other parts of the public sector. There is also a standing 'Public Forum' agenda item.
8. Following the scrutiny review, a report and any recommendations from the Scrutiny Committee may be submitted to the relevant decision taker(s).

## **Finance**

9. 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 the Ministry of Housing, Communities and Local Government 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**

10. 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. The Council's scrutiny arrangements are set out in Article 6 of the [Constitution](#) and the associated Scrutiny Committee Procedure Rules.

## **Risk Management**

11. 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**

12. 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**

13. Work on the Black Country Plan is carried out by the Planning Policy Team in the Regeneration and Enterprise Directorate with assistance from officers in other Directorates where necessary.

## **Commercial/Procurement**

14. There are no direct commercial or procurement implications arising from this report. Preparation of the Black Country Plan has involved the commissioning by the Black Country authorities several pieces of evidence from external consultants. All procurement is carried out by Sandwell Metropolitan Borough Council on behalf of the Black Country authorities.



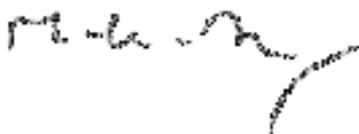
## **Council Priorities**

### 15. The Black Country Plan:

- 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.

16. 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.

17. A Privacy Impact Assessment in line with GDPR requirements has been undertaken at previous stages of the Local Plan Review process.



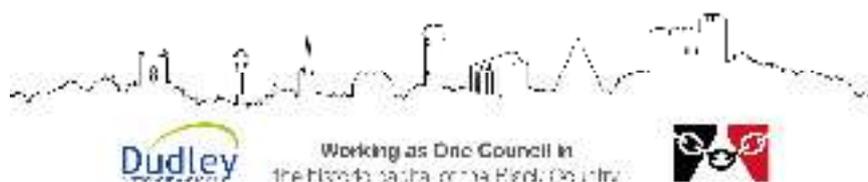
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**Mohammed Farooq**  
**Lead for Law and Governance (Monitoring Officer)**

Contact Officer:

Steve Griffiths/Manjit Johal  
Telephone: 01384 815238  
[democratic.services@dudley.gov.uk](mailto:democratic.services@dudley.gov.uk)

## **Background Documents**

Report and Minutes of the Future Council Scrutiny Committee – 15<sup>th</sup> July, 2021  
Report and Minutes of the Cabinet – 21<sup>st</sup> July, 2021



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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/>

