



# DUDLEY **LOCAL PLAN**

**Draft Dudley local plan**

**Part One**

**Spatial strategy and policies**

**Regulation 18**

**Consultation document**

**October 2023**

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## **Consultation Information**

We are consulting on the Draft Dudley Local Plan from **xx November 2023 until 5pm on xx December 2023**.

All consultation documents are available to view on the Dudley Local Plan website at [\(insert link\)](#).

Copies of the Draft Plan and consultation documents are available in the reception areas of key Council buildings and libraries across the borough. Details can be found on the Dudley Local Plan website at [\(insert link\)](#) or by emailing or telephoning the number below.

- Email: [planning.policy@dudley.gov.uk](mailto:planning.policy@dudley.gov.uk)
- Telephone: 01384 814136

Throughout the consultation, planning officers from Dudley Council will be available via telephone to discuss the Draft Plan proposals or clarify any information regarding the consultation. In addition, several public drop - in events have been arranged across the borough for people to view the consultation documents and speak to a planning officer. Details are available on the website or by emailing or phoning.

- Website: [\(insert link\)](#)
- Email: [planning.policy@dudley.gov.uk](mailto:planning.policy@dudley.gov.uk)
- Telephone: 01384 814136



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### **How to respond**

We welcome your comments the Draft Plan proposals.

**Please send your comments to us by 5pm on xxx December 2023.**

To give us your views, where possible, please use the interactive online consultation document [\(insert link\)](#) as this is the easiest way to view the Plan and make your comments know to us. Alternatively, you can download a copy to the consultation comments form and email it to us or post to us as follows:

- Email: [planning.policy@dudley.gov.uk](mailto:planning.policy@dudley.gov.uk)
- Post to: Dudley Local Plan Consultation, Planning Services, Dudley Council, Council House, 1 Priory Road, Dudley, DY1 1HF

Copies of the comments form can be posted to you. Please email or call us on the above contact details to request copies.

A Frequently Asked Questions document (FAQs) is also available on the Council's website.

### **Additional Support**

Please let us know if there are any accessibility issues as documents are available in alternative formats.

### **What happens Next?**

Following the close of the Draft Plan consultation, all responses will be considered and summarised in general terms to inform the preparation of the Publication Plan which we will consult on in autumn 2024.

The Publication Plan will be the final draft Plan that we consult on before submitting the Plan for an independent examination.

**Foreword**

To be inserted post Cabinet

## **1. Introduction**

### **What is a Local Plan?**

- 1.1. All planning authorities have a strategic plan which provides a framework for the future planning of their area. This is known as a Local Plan, and it provides the blueprint for future development of the borough. A key task of a local plan is to provide policies which will guide decisions on whether or not planning applications can be granted approval. In law the local plan is described as a development plan document which can consist of one or more documents including local plans and neighbourhood plans.
- 1.2. Dudley's current adopted Local Plan consists of a portfolio of planning documents, which are:
  - **Black Country Core Strategy:** adopted in 2011, this document is a strategic planning document and sets out the strategic vision and objectives for the Black Country sub-region, including the amount of employment land and housing required across the sub-region to 2026. This Plan was prepared between the four Black Country authorities.
  - **Dudley Borough Development Strategy:** adopted in 2017, this document sets out the specific proposals and policies for the use of land to guide future development, to help deliver the vision and objectives set out in the Black Country Core Strategy.
  - **Area Action Plans (AAPs):** these include four AAPs for the borough's town centres and include specific policies and site allocations for the centres. The four AAPs and their adoption dates are as follows:
    - Brierley Hill AAP (adopted 2011)
    - Halesowen AAP (adopted in 2013)
    - Stourbridge AAP (adopted in 2013)
    - Dudley AAP (adopted in 2017).

### **What is a Local Plan review and why are we doing a review?**

- 1.3. The government requires all local authorities to develop a long-term plan for their area that sets out how and where land will be developed over the next 15 years,

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to meet the growing needs of local people and businesses. The current Dudley Local Plans (listed above) will soon be out of date, and it is important that the Council produces a new and up to date plan for the borough.

1.4. The new DLP will provide a policy framework to:

- address the issue of climate change;
- protect and enhance designated areas of ecological and environmental importance;
- provide certainty over the types of development that are likely to be approved;
- promote and enhance health and well-being in accordance with health and well-being strategies;
- facilitate the delivery of development to meet identified and emerging needs in sustainable locations;
- help address future housing and employment needs to 2041;
- increase employment opportunities;
- support the aims of the Council's and the West Midlands Combined Authority economic strategies; and
- ensure supporting infrastructure is provided to support new homes and employment provision.

1.5. The local plan review will provide for a full review of all the existing local plans within the borough to ensure that they are appropriate and have up-to-date planning policies as well as allocating new or existing sites required to meet identified development need. There have been several important changes to the planning system in recent years including the publication of a revised National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG), including the standard approach for calculating housing need.

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- 1.6. Government has been clear on its proposed changes to the current planning system and its intention for wholesale reform of England’s planning system through its proposals in the ‘Planning for the Future’ white paper<sup>1</sup> published in August 2020 and subsequent reforms proposed through the Levelling Up white paper published in February 2022<sup>2</sup>. Planning reforms set out a move to a streamlined and redesigned approach to plan-making. Change to the current planning system has taken place at pace in relation to permitted development rights, and changes to the use classes order and a new standard method for the calculation of housing need – placing a strong emphasis upon the redevelopment of brownfield land and urban regeneration.
- 1.7. This draft plan which we are now consulting on, has been prepared in the context of national and local guidance and strategies. A range of evidence has been commissioned/undertaken to justify the spatial strategy and draft policies proposed within this Plan. Copies of the evidence base will be available to view, alongside consultation documents on the Council’s website.

### **The role of the new Dudley Local Plan**

- 1.8. The current local plan within Dudley consists of a portfolio of planning documents. It is proposed that the new Dudley Local Plan (referred to as DLP throughout this document) will radically simplify this existing structure into a single planning document. There are a number of drivers shaping this new plan direction:
- Clearer plan-making – with policy and site considerations worked up in parallel
  - Potential major infrastructure investment providing the catalyst for significant regeneration in the borough
  - Embedding site allocations within an increasing complex range of policy considerations.

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<sup>1</sup> [Planning for the future](#)

<sup>2</sup> [Levelling Up the United Kingdom \(February 2022\)](#)

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- 1.9. Setting the foundations for a single plan to move forward within a revised national planning context.
- 1.10. The DLP will be a single planning document that provides the framework to guide future development in the borough. It sets out an ambitious Vision and set of objectives, followed by a clear and focussed spatial strategy. It includes strategic and non-strategic planning policies for managing development and infrastructure to meet the identified social, environmental, and economic challenges facing the area up to 2041, which will ensure that the local plan's Vision is met.
- 1.11. Taken as whole, the local plan policies implement the Vision and objectives, essentially setting out where development should take place, as well as identifying key areas that should be protected. Development will be guided by allocations for specific sites and by policies to be applied to planning applications. The Plan's policies make clear the approaches to delivering housing, employment, retail, leisure, community uses and activities and infrastructure across the borough, as well as protection for the environment and facilitating biodiversity net gain and nature recovery networks. Areas are designated on the policies map [\(link to be inserted\)](#) where development will be resisted or where particular matters need to be considered, such as the green belt, or ecological designations.
- 1.12. The DLP will set out how much development is required in the borough up until 2041. This will include residential (including Gypsy, Traveller and Travelling Showpeople accommodation) and employment uses. It will allocate the sites required to deliver the identified level of development needed.
- 1.13. It also sets out policies which will guide the determination of planning applications. These policies are likely to cover the same issues as those in the existing Local Plan such as promoting sustainable development, protecting and providing open spaces, design quality and protecting and enhancing the natural and historic environment.

### **Dudley Local Plan and Climate Change**

- 1.14. Climate change has been recognised internationally as the most important environmental challenge that we currently face and has a direct impact on the

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Council's activities and how we meet the needs of all residents and businesses in the borough.

- 1.15. The Council declared a climate emergency in 2020 and pledged to achieve net zero carbon by 2050 and a Carbon Neutral Borough by 2041. It is therefore critical that the new Local Plan provides greater ambition and measures for mitigating and adapting to climate change than previous Local Plans. The new DLP will act as a vehicle to encourage sustainable patterns of development, promoting carbon resilient design, and protecting the natural environment. As a result, climate change measures are a consistent thread that run through the Plan.
- 1.16. Policies within the draft DLP go beyond the more obvious climate change policies relating to renewable energy generation and energy efficiency measures for new buildings. The overall spatial strategy for the DLP focusses greater levels of development in the urban area which provides greater access to local facilities and services and public transport, thus reducing car dependency, achieving a more sustainable approach to development, and tackling climate change. Alongside this strategy, a plethora of other policies relating to open space provision, design (for example, the use of trees in landscaping schemes which can generate significant natural shading), parking standards (and requirement for electric vehicle charging points), sustainable transport/active travel measures, biodiversity net gain, and reducing flood risk, will all play their part as a package of environmentally focused policies.

### **How will the new local plan affect me?**

- 1.17. The new DLP will result in new development. This document proposes how future development will be distributed across the borough and on which sites.
- 1.18. The proposals within this Plan are based on the evidence we have gathered so far to date, the requirements of national planning guidance, comments that have been made from previous local plan consultations and an assessment of sites.

### **What happens to the existing local plans?**

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- 1.19. Once adopted the DLP will replace all previous local plan documents that Dudley Council has adopted (including the Black Core Strategy, Dudley Borough Development Strategy and the Brierley Hill, Dudley, Halesowen and Stourbridge Area Action Plans (AAPs)) and will contain a schedule of policies that remain saved from the previous plans, along with new supplementary planning documents.

### **Local Plan structure**

- 1.20. The Dudley Local Plan is an integrated single plan which is structured as follows:

#### **Part One of the DLP contains**

##### **Section 1: Introduction**

##### **Section 2: Profile of the borough**

##### **Section 3: Context of the local plan**

##### **Section 4: Spatial vision, strategic objective and priorities**

##### **Section 5: Spatial Strategy and policies**

##### **Section 6: Infrastructure**

**Section 7: to Section 19: Thematic Policies** detailed planning policies covering the economy, climate change, recreation, heritage, transport, housing, environment, health, centres, waste, minerals and development management.

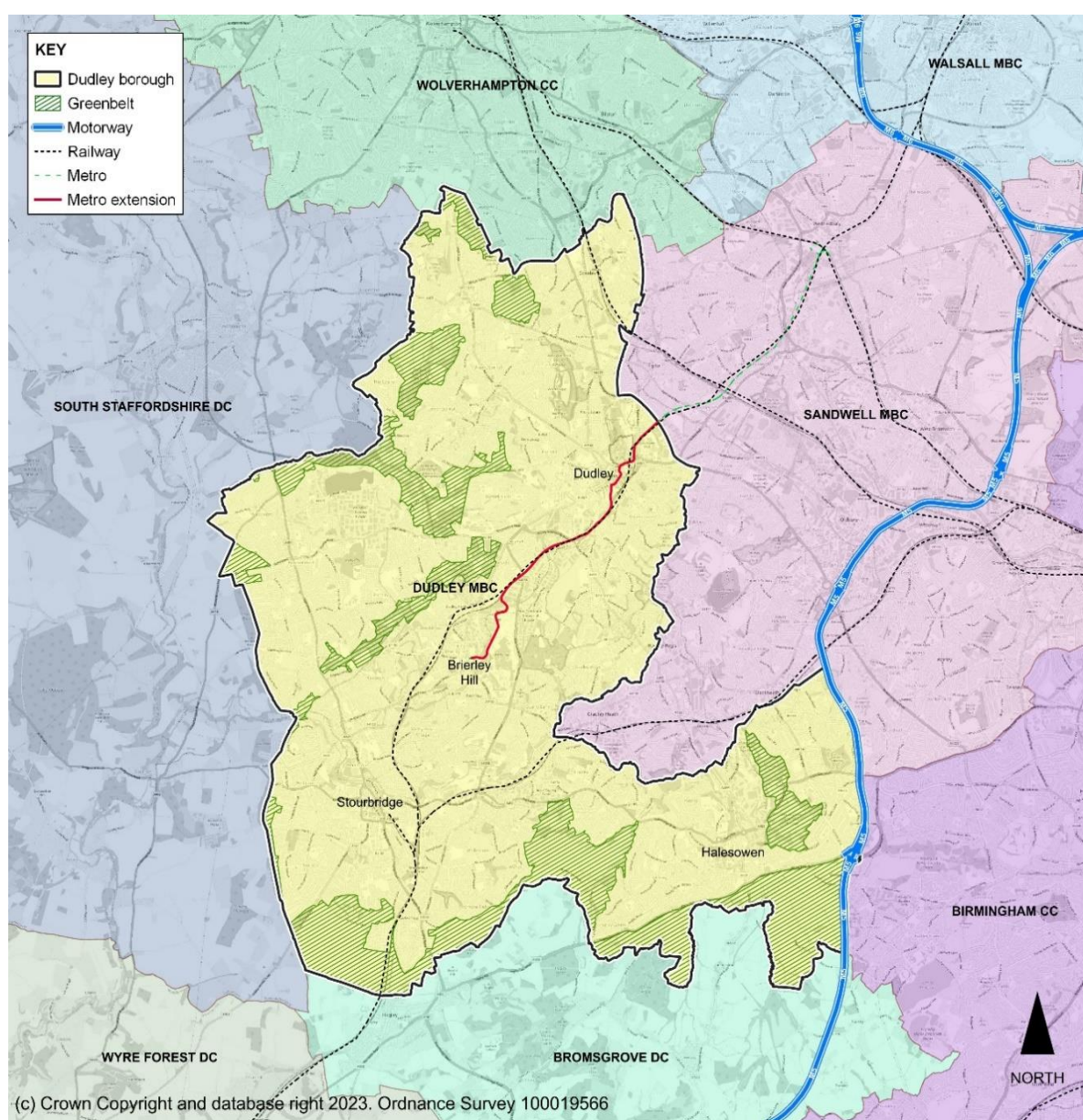
**Part Two the DLP (separate document)** sets out the policies and site allocations for Brierley Hill Strategic Centre, the town centres of Dudley, Halesowen and Stourbridge and the allocations for housing, employment, gypsy and traveller accommodation, Local Greenspace and Bio-diversity Net Gain.



## 2. Profile of the borough

2.1. Dudley borough is a large metropolitan borough (98 square kilometres/38 square miles) located on the western part of the West Midlands conurbation at the heart of the Black Country. It shares an eastern boundary with the City of Birmingham and Sandwell MBC, and to the north with the City of Wolverhampton. To the west and south it is bounded by the districts of South Staffordshire, Wyre Forest and Bromsgrove. Its main towns are Brierley Hill, Dudley, Halesowen and Stourbridge.

Figure 2.1 Dudley Borough



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- 2.2. Dudley has a rich cultural and industrial heritage and is often referred to as the historic capital of the Black Country, a name derived from its industrial past of coal mines and blast furnaces used for iron and steelmaking.
- 2.3. The area was one of the early centres of the Industrial Revolution due to its unique geology, generating wealth from coal and limestone mining, glassmaking, iron & steel. It was also formerly known for nail making, chain & anchor manufacturing and engineering works.
- 2.4. The borough is predominantly urban in character, but also contains extensive green space and natural assets and reserves - 18% of the land belongs to the green belt; 14% is public green space; and the area is home to ten sites of special scientific interest, two national nature reserves and seven local nature reserves. The Black Country was awarded UNESCO World Heritage status in 2020, in recognition of its natural and cultural heritage.

### **Population and communities**

- 2.5. Dudley borough is home to 323,500 people - the 25th largest authority, in population size, in England.
- 2.6. Over the past three decades it has experienced slow population growth (growing 3% since 2010) in comparison to the other neighbouring Black Country authorities who have experienced growth rates between 6-11% over the same period.
- 2.7. Based on the 2021 census, there were 57,069 young people under the age of 15 living in the borough and 66,258 people aged 65 and over. The borough's population has a similar age structure to England with 20% of the population estimated to be aged 65 and over and 24% estimated to be young people aged 0-19. However, Dudley's age profile differs from that of the West Midlands and England whereby Dudley has a lower population age profile of 10-24 year olds than the West Midlands and England but has a greater population age profile of people aged 50 – 85+.
- 2.8. The age structure of residents is estimated to stay relatively stable with a small increase in the proportion of residents aged 65+, 21% in 2021 compared to a

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23% forecast for 2043 (an estimated increase of 15,000 residents aged 65+). The younger cohort within the borough i.e., 0-19 year is forecast to decrease slightly in proportion to the make-up of the older population. This is also the case for the 20-64 years old.

- 2.9. The profile of Dudley's population mirrors that of the West Midlands and England with 50.8% of the population being female and 49.2% being male.
- 2.10. The ethnic diversity of the borough's population does not reflect that of the wider West Midlands or England with people of white British origin accounting for a larger proportion of the population than any other ethnic group. The 2021 census suggests 82.4% of borough's population is of white British origin in comparison to 77% for the West Midlands and 81% for England. Asian ethnic groups constitute 8.4% of the overall population in the borough in comparison to 13.3% for the West Midlands and 9.6% for England. 2.8% of the population are from mixed ethnic groups in comparison to 3% for both West Midlands and England. 2.5% of the population are from Black ethnic groups in comparison to 4.5% for West Midlands and 4.2% for England. A further 2.5% of the population are from White groups other than White British.

### **Housing**

- 2.11. The borough contains 137,069 homes, an increase of 7,202 since the 2011 Census. Within the housing stock, there is a higher proportion of houses and bungalows (85.4%) compared to the average for West Midlands (83.7%) and England (74.4%). Flats and maisonettes make up 14.5% of the borough's stock in comparison to 15.9% for the West Midlands and 22% for England. Caravan's and mobile homes make up the remaining stock at 0.1%. Some 20,950 homes make up the Council's own housing stock.
- 2.12. Some 66.9% of the borough's stock is owner occupied which is higher than the West Midlands average of 63.6% or the average for England 62.3%. Dudley's private rented sector has grown over the past ten years by 5% from 9% in 2011 to 14% in 2021. However, it has a smaller private rented sector compared to the West Midlands (18.1%) and England (20.6%). Social rented housing forms 19%

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of the housing tenure across the borough in comparison to the West Midlands (18.2%) and England (17.1%).

- 2.13. There are 137,100 households in the borough of which 30.4% are 1 person households, 33.9% are two person households, 16.6% are 3 person households and 19.1% are 4 people or more. The household size is a similar pattern to that of both the West Midlands and England
- 2.14. Average house prices across the borough have increased by £103,282 (8.4%) in the last 10 years, from £129,113 to £232,395. The median house price in Dudley in 2022 was £208,000 which is 6.7 times the median workplace earnings.

### **Jobs and Business**

- 2.15. Dudley Borough plays an important role in the West Midlands economy, with a high number of businesses in the borough relative to its working age population providing around 10,000 businesses and a workforce of 112,000 people.
- 2.16. As a borough it produced £5.5 billion of economic output (GVA) in 2021. There are high rates of economic activity and low rates of unemployment. Evidence suggests that the borough has recovered from the pandemic at a much faster rate than its neighbouring Black Country authorities. The local employment rate (March 2023) was 76.5% and median wages in 2022 were £30,417 which was below the England figure of £33,208.
- 2.17. The top employment sectors in the borough are health and well-being sector (25,000); retail (23,000 jobs), manufacturing (17,000); business services (16,700) and the public sector including education (15,500).
- 2.18. Dudley is home to Dudley Castle and Zoological Gardens, the Black Country Living Museum, Dudley Canal Trust and the Head Quarters of the Black Country Global Geopark. Such attractions generated 9.4m day trips in 2022 contributing £402m to the local economy.

### **Health and Social Wellbeing**

- 2.19. Dudley is ranked 104<sup>th</sup> most deprived of 319 local authorities with 26% of the population living in areas amongst the most 20% deprived in England. Some

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areas of the borough are more deprived than others with challenges around Dudley, Brierley Hill and Lye town centres.

- 2.20. The average life expectancy is 82.2 years for women and 78.8 years for men. In the most deprived areas, life expectancy for men is 9.2 years lower than in the least deprived areas and 8.6 years lower for women.
- 2.21. According to the 2021 Census, 19.3% of the borough's residents meet the definition for measuring disability in line with the Equality Act (2010). Whereas 80.7% were classified as not disabled in accordance with the Equality Act.
- 2.22. Dudley has higher rates of physically inactive adults and children and higher rates of obesity than those for England which can be seen from an early age through to adulthood.

### **Education**

- 2.23. Qualification levels within Dudley are below the regional (West Midlands Combined Authority area) and national levels but are among the best within the Black Country area. Most recent data from the Annual Population survey (2021) suggests that just over a third of the borough's residents (35%) are qualified to degree level (NVQ4+) with only 8% having no qualifications.
- 2.24. In 2019 only 59% of Dudley pupils were meeting the expected standard at Key Stage 2 compared to 65% for England.
- 2.25. In 2023, 75.1% of the borough's school children attended a Good or Outstanding school. In 2023, 91.6% of young people (aged 16-18) were participating in education, employment or training compared to 92.6% for England.

### **Environment**

- 2.26. The borough covers 38 square miles / 98 square kilometres. Though predominantly an urban area, 18% of the borough is designated as green belt and 14% categorised as publicly accessible open spaces.
- 2.27. There are ten Sites of Special Scientific Interest (SSSIs) of national importance for their geology and/or biodiversity, two National Nature Reserves (Wrens Nest



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and Saltwells) and seven Local Nature Reserves, plus the River Stour and 15 miles of canal network. 6.7 square miles of the borough is covered with trees and there is 15.4 linear miles of canal network.

- 2.28. Dudley forms an integral part of the Black Country UNESCO Global Geopark. There are 45 'Geosites' located across the Black Country with 13 falling within Dudley.
- 2.29. There are 2 Registered Parks and Gardens (The Leasowes and Priory Park), 11 Scheduled Monuments, 22 Conservation Areas, which are areas of special architectural or historic interest and are a particularly important part of the borough's heritage.
- 2.30. There are around 300 Statutory Listed Buildings in the borough which are considered of national importance and are given special protection against inappropriate alteration or demolition. In addition, just under 300 buildings of historic or architectural significance are on Dudley's "Local List" and are considered worthy of protection and conservation for their contribution to local character and distinctiveness.

### **Transport and Connectivity**

- 2.31. The borough has an extensive transport infrastructure with 647 miles / 1,041 kilometres of roads and access to the motorway network near Dudley and Halesowen.
- 2.32. A train line links Stourbridge to Birmingham, and a new 11km Metro line is under construction. Phase one will link Dudley and phase two Brierley Hill with the wider West Midlands Metro and facilitate easy access to the national rail network. Preparatory works for the new Metro line began on Castle Hill in Dudley in February 2020, with plans for up to 14 stops. Passenger services between Wednesbury and Dudley are expected to start in 2024, with funding solutions currently being sought for the line extension to Brierley Hill to allow construction at the earliest opportunity.

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2.33. Overall, 63.9% of the borough's residents in employment travel to work by car, 5.6% walk, 4.2% take a bus and 1.4% a train or tram. 21.7% work mainly from home as recorded by 2021 Census.

### **3. Context of the Local Plan**

#### **National Context**

##### **National Requirements for Plan-making**

- 3.1. The Draft DLP has been prepared in accordance with the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPGs) and best practice advice notes produced by Historic England. The NPPF sets out the national approach to planning in England and emphasises the role of sustainability in guiding plans and policies, setting out three dimensions to sustainable development, these being economic, social and environmental.
- 3.2. National policy requires that all plans set out a vision and a framework for future development and seek to address the strategic priorities for the area. The strategic policies for an area should include policies and site allocations to address key issues such as:
  - an overall strategy for growth
  - housing (including affordable housing)
  - commercial development
  - retail and leisure
  - infrastructure
  - community facilities
  - climate change
  - conservation and enhancement of the natural and built environment.
- 3.3. Plans should be clear in identifying strategic policies. They should form a starting point for local non-strategic policies which can include more detailed development management policies. Strategic policies should include a clear spatial strategy for bringing forward enough land to address housing needs over the plan period and be underpinned by relevant and up to date evidence. It is now a legal requirement to have completed a review of the Local Plan within 5 years of its adoption to take account of changing circumstances affecting the area.



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- 3.4. The NPPF sets out that Local Plans should be prepared in line with procedural and legal requirements and will be assessed on whether they are considered 'sound'. Plans are considered sound if they are: positively prepared, justified, effective, and consistent with national policy.
- 3.5. The Government published proposals for an update of the NPPF in December 2022 which was the subject of a consultation until March 2023. Whilst the outcome of the consultation is still to be published, it will be necessary for the Council to consider and reflect the changing legislation (including the introduction of National Development Management Policies) as the DLP moves through the plan making process.

## **Sub-regional and local policy context**

### **Sub-regional Context**

- 3.2 In preparing the DLP, it is essential to take account of the wider context of the West Midlands region. Dudley Council is a member of the West Midlands Combined Authority (WMCA). WMCA is responsible for preparing the West Midlands Plan for Growth (2022). This strategic economic plan provides the economic policy framework for the area, with a focus on skills, employment, investment and key economic clusters to generate substantial productivity growth. Alongside the Plan for Growth, the West Midlands Local Industrial Strategy (2019), sets the path for raising productivity via a number of key employment sectors.
- 3.3 The Council's current adopted local plans (Black Country Core Strategy and Dudley Borough Development Strategy) and the emerging DLP set out the Council's regeneration aspirations for the borough and provide a basis for the public and private sector investment decisions, including the devolved housing and land funds agreed with Government, the Towns Fund, levelling up funding and other regeneration led funds.

### The Local Context

- 3.6. The DLP, once adopted, will help to deliver the Council's priorities across a range of policy areas through addressing climate change, supporting sustainable development and appropriate land use.
- 3.7. Under current legislation, local plans are required to identify a clear vision setting out what the authority wants to achieve through its approach to land use and development and setting out the strategic priorities to achieve this.
- 3.8. The Vision set out in the Draft DLP has been guided by the Council's adopted corporate strategies. "Forging a Future for All" is the borough's Vision to 2030 which was developed with extensive engagement with stakeholders. The Vision sets out seven aspirations of what it would like the borough of Dudley to be:
1. An affordable and attractive place to live with a green network of high-quality parks, waterways and nature reserves that are valued by local people and visitors
  2. A place where everybody has the education and skills they need, and where outstanding local schools, colleges and universities secure excellent results for their learners
  3. A place of healthy, resilient, safe communities where people have high aspirations and the ability to shape their own future
  4. Better connected with high quality and affordable transport, combining road, tram, rail, and new cycling and walking infrastructure
  5. Renowned as home to a host of innovative and prosperous businesses, operating in high quality locations with space to grow, sustainable energy supplies and investing in their workforce
  6. A place to visit and enjoy that drives opportunity, contributing to its ambitious future while celebrating its pioneering past
  7. Full of vibrant towns and local centres, offering a new mix of leisure, faith, cultural, residential and shopping uses.
- 3.9. This Vision has been used to inform the Vision for the DLP.

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3.10. The Council’s [Corporate Plan](#) 2022-25 supports the delivery of the “Forging a Future for All” Vision. It sets out four priority areas underpinned by five objectives within each priority. These being:

**Table 3.1 Corporate Plan 2022-25 Priorities and Objectives**

Priority	Objectives
Dudley the borough of opportunity	<ol style="list-style-type: none"> <li>1. Children and young people benefit from the best possible start in life in our Child Friendly borough.</li> <li>2. Those with special educational needs and disabilities and care leavers achieve the best possible outcomes.</li> <li>3. Quality education, new skills, apprenticeship training and job opportunities are accessible to all.</li> <li>4. Everyone, including our most vulnerable, have the choice, support and control of the services they need to live independently.</li> <li>5. All residents benefit from access to high quality, integrated health and social care.</li> </ol>
Dudley the safe and healthy borough	<ol style="list-style-type: none"> <li>1. Our climate commitment is creating a sustainable borough on its way to net zero carbon emissions, improved air quality, reduced fuel poverty and outstanding waste and recycling services.</li> <li>2. People have a safe and welcoming indoor and outdoor environment which promotes healthy, physical and active lifestyles.</li> <li>3. Residents live in safe communities where safeguarding of vulnerable people of all ages protects them from harm and support the prevention of crime and exploitation.</li> <li>4. Discrimination is tackled at all levels in the authority and in our community as we actively promote equality, diversity and inclusion.</li> <li>5. Poverty is reducing as we address all forms of inequality, improve social, emotional and mental health and wellbeing.</li> </ol>

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Priority	Objectives
Dudley the borough of ambition and enterprise	<ol style="list-style-type: none"> <li>1. Ongoing regeneration schemes are attracting investment, stimulation innovation and entrepreneurs to support new and existing businesses.</li> <li>2. Digital opportunities are being exploited to modernise our working culture, customer experience and public services.</li> <li>3. Business, residents and visitors benefit from improved highways and travel connectivity through a multi-modal offer.</li> <li>4. Business support is opening doors to new industries and emerging sectors to support local economic growth.</li> <li>5. Levelling up inequalities is ensuring all borough towns and neighbourhoods have good access to services, retail and leisure opportunities.</li> </ol>
Dudley borough the destination of choice	<ol style="list-style-type: none"> <li>1. People have access to a range of housing offers that are affordable, accessible and attractive, meeting the needs of our diverse communities.</li> <li>2. Maximising use of brownfield sites, new commercial and residential developments ensure the borough is the destination of choice.</li> <li>3. Our world class visitor attractions continue to grow and are complemented by a strong hospitality sector and vibrant night-time economy.</li> <li>4. Visitors are staying for longer, exploring wider and spending locally, benefitting from the full borough-offer, including over-night accommodation.</li> <li>5. Across our borough we celebrate and promote the diverse culture, history and heritage of the local townships.</li> </ol>

3.11. The four Council plan priorities listed above have a clear focus on the Council's regeneration plans, its work to become a destination of choice for tourism, housing and educational needs and a place where communities can lead stronger, safer and healthier lives.

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### **Cross boundary issues and Duty to Cooperate**

- 3.12. Local Planning Authorities have a legal duty to co-operate (DtC) with neighbouring authorities and other prescribed bodies on strategic matters that cross administrative boundaries. Strategic matters can include housing, employment, infrastructure, and the green belt. The Council has been working collaboratively with neighbouring authorities on cross boundary issues for a number of years and will continue to do so as the Dudley Local Plan progresses through to the publication stage and adoption.
- 3.13. The NPPF presumption in favour of sustainable development makes it explicit that authorities should plan for their own objectively assessed needs for housing and other development, as well as any needs that cannot be met in neighbouring areas. Agreement through Statements of Common Ground (SoCG) are now a necessity and will document the cross-boundary matters that need to be addressed and what progress has been made in dealing with them.

### **Evidence base**

- 3.14. The preparation of a Local Plan must be based on a wide variety of up to date and robust evidence, providing technical information specific to Dudley or the sub-region. There are a range of studies and topic papers that have been prepared and these are available on the Council's website (insert link). After each policy in this document there is a bullet point list of the key evidence that has helped shape that policy.
- 3.15. As work on the Plan progresses several the evidence studies will be updated alongside each stage of the Local Plan.

### **Sustainability Appraisal**

- 3.16. All local plans must contribute to achieving sustainable development, aiming to achieve a better quality of life for all, both now and for future generations. A Sustainability Appraisal (SA) is a statutory requirement, which ensures that the environmental, social and economic effects of a plan and reasonable alternatives to the plan are being considered. The SA assesses the sustainability of the

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strategic approach, proposed allocations and reasonable alternatives, and the content of the policies contained in a plan.

- 3.17. A SA has been prepared to appraise proposals in the preparation of the Draft Dudley Local Plan and is the subject of the Draft Plan consultation. A copy of the SA for the Draft Dudley Plan can be viewed here (insert link).

### **Habitats Regulation Assessment (HRA)**

- 3.18. The Habitats Directive establishes an ecological network of protected European Sites (Natura 2000 Network) and requires consideration of whether or not an Appropriate Assessment needs to be undertaken during the preparation of a Local Plan. The purpose is to assess what effects, if any, the plan might have on protected European sites.
- 3.19. A Habitats Regulations Assessment (HRA) will be undertaken as required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) in order to see whether the plan could have the potential to result in likely significant effects upon protected European sites and sites of international importance for nature conservation.
- 3.20. Further information on the HRA process can be found in the HRA documentation and on our website (insert link).

### **Equality Impact Assessment (EqIA)**

- 3.21. The Council has a duty under the Equality Act 2010 to carry out an Equality Impact Assessment (EqIA) for all plans, strategies and proposals in order to eliminate unlawful discrimination, promote equality of opportunity and promote good relations between people of different equality groups. The protected characteristic groups include age, disability, gender reassignment, religion/belief, pregnancy and maternity, sexual orientation and sex; all of which are considered to be at particular risk of discrimination.
- 3.22. The Council has published an EqIA to accompany this Local Plan. The EqIA will be updated at each stage of the Plan process.

## **Issues and Challenges for Dudley Local Plan**

- 3.23. Dudley Council, alongside other Black Country Authorities, were involved in the preparation of a replacement Plan to the Black Country Core Strategy. Work on the Black Country Plan (BCP) commenced in 2017 with an Issues and Options consultation and progressed to a Draft Plan (Regulation 18) consultation in Summer 2021. Work on the production of the joint BCP officially ceased in October 2022.
- 3.24. The preparation of the DLP commenced in November 2022. Given the work that had already been undertaken on the BCP, both in terms of evidence gathering and policy writing, and acknowledging that it had been through two public consultations (including an Issues and Options consultation in 2017 and Draft Plan Regulation 18 consultation in 2021), the Council has decided that there is merit in retaining and adapting some of the policies to be taken forward in the DLP. In addition, the Council consulted on an Issues and Options consultation for the review of the Brierley Hill AAP in 2022.
- 3.25. On this basis, the Council has decided to produce a ‘hybrid local plan’ which acknowledges the issues and the responses made during the draft BCP public consultations and the Brierley Hill AAP Issues and Options consultation as well as the issues informed by our evidence base.
- 3.26. The DLP will include policies previously seen and consulted on in the BCP and will adapt those policies to make them more specific to our borough. It is likely that other Black Country councils will be doing the same, including similar or shared policies on certain issues such as pollution, transport, nature networks and other more strategic aspects of land use. This will make it much easier to ensure those matters are dealt with in a more effective way across boundaries.
- 3.27. The consultation of the Draft DLP will respond to the issues raised by the public and others during the public consultation on the draft BCP (held during Summer 2021) and Brierley Hill AAP Issues and Options consultation from January – February 2022.

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3.28. Stakeholder engagement throughout the BCP plan preparation and the Brierley Hill AAP Issues and Options consultation confirmed a number of issues and challenges in Dudley that should be addressed by the new DLP. Alongside this, the technical evidence based produced to inform the Plan has identified some of the key issues to be considered and addressed as part of the plan making process. The consultation feedback and our evidence base has helped shape key plan directions, which are summarised briefly below in Tables 3.2-3.4.



**Table 3.2 Homes and Communities – Issues and Challenges**

Issues	DLP proposed policy framework to address issues	Evidence
<p><b>Having a land supply to meet the housing needs for the borough including potential for assisting/or seeking assistance from neighbouring authorities via DtC.</b></p>	<p>Improving the lives of residents and meeting the needs of future generations through the supply of land for new development to provide to new homes.</p> <p>Making efficient use of land to address the needs of the borough.</p> <p>Needing to work with neighbouring authorities to address unmet development needs.</p>	<ul style="list-style-type: none"> <li>• Urban Capacity Review (UCR)</li> <li>• Strategic Housing Land Availability Assessment (SHLAA)</li> <li>• Accessibility modelling</li> <li>• Household migration data (Census)</li> </ul>
<p><b>Meeting the borough’s gypsy and traveller and travelling show people’s needs.</b></p>	<p>Improving the lives of residents and meeting the needs of future generations through the supply of land for new development to provide accommodation for Gypsy and Traveller and Travelling Showpeople. Need to provide additional Gypsy and Traveller and Travelling Showpeople pitch and plot provision through working with neighbouring authorities to address unmet development needs.</p>	<ul style="list-style-type: none"> <li>• Urban Capacity Review (UCR)</li> <li>• Strategic Housing Land Availability Assessment (SHLAA)</li> <li>• Accessibility modelling</li> <li>• GTAA</li> </ul>

Issues	DLP proposed policy framework to address issues	Evidence
<b>Location of development and distribution of growth</b>	A number of options on the scale and location for growth has been taken into consideration in the DLP options and spatial strategy and the selected range of preferred allocations.	<ul style="list-style-type: none"> <li>• UCR</li> <li>• SHLAA</li> <li>• EDNA</li> <li>• BEAR</li> <li>• Sustainability Appraisal</li> </ul>
<b>Location of development and distribution of growth</b>	<p>Prioritising the allocation of brownfield land. Reusing suitable brownfield land for new development can provide an effective use of land and reduces the need for development on previously undeveloped greenfield sites. National policy places great emphasis on the efficient use of urban land – it is a key component of sustainable development and can help to tackle the climate emergency. Identifying the potential of existing urban areas to accommodate additional residential development is an important component of the growth strategy for Dudley borough and the DLP.</p>	<ul style="list-style-type: none"> <li>• UCR</li> <li>• SHLAA</li> <li>• EDNA</li> <li>• BEAR</li> <li>• Sustainability Appraisal</li> </ul>
<b>Delivering a variety of homes, to meet the needs of all groups of the</b>	Building the right homes in the right places for people at all levels of income. The DLP needs to allow for new homes that meet the diverse needs of all our residents,	<ul style="list-style-type: none"> <li>• SHMA</li> <li>• Accessibility modelling</li> <li>• Delivery and Viability Study</li> </ul>

Issues	DLP proposed policy framework to address issues	Evidence
<b>community and delivering affordable housing</b>	including affordable, old persons, specialist and self and custom build housing, along with the accommodation needs of gypsy and traveller and travelling showpeople communities.	
<b>Viability and delivery of identified sites for growth</b>	The development strategy for the DLP needs to be both deliverable and viable, which means that there is a sufficient level of confidence that the sites and locations identified for development are able to come forward and deliver all that is required of them in terms of necessary infrastructure provision. The Plan will make provision for a policy framework that takes account of market conditions and produce an Infrastructure Delivery Strategy as the Plan progresses to ensure that what is put forward as a preferred development strategy is both deliverable and viable.	<ul style="list-style-type: none"> <li>• Delivery and Viability Study</li> </ul>
<b>Delivering homes of a high-quality and design that reflect the character and distinctiveness of the borough</b>	Design is an overarching concept which interacts directly or indirectly with all other aspects of the plan. Strategic design policies in the DLP aim to form the foundations on which to build future detail and ensure that development	<ul style="list-style-type: none"> <li>• Historic Landscape Characterisation (HLC)</li> </ul>

Issues	DLP proposed policy framework to address issues	Evidence
	is located and designed to create places for all residents in future.	
<b>Ensuring access to local services and supporting infrastructure</b>	Growth is underpinned by sufficient infrastructure – open spaces, community and health facilities and digital networks. Both Physical and social infrastructure will be required to enable and support the growth required over the Plan period. New housing and economic development will put pressure on existing services and utilities but may also create opportunities to provide infrastructure solutions	<ul style="list-style-type: none"> <li>• Delivery and Viability Study</li> <li>• Liaison with health and education providers</li> <li>• Utilities study</li> <li>• Waste study</li> </ul>
<b>Balancing growth across communities by ensuring that local services and facilities continue to thrive.</b>	Growth is underpinned by sufficient infrastructure – open spaces, community and health facilities and digital networks. The sufficient provision of infrastructure is an essential element of creating sustainable communities, centred around that which delivers social, environmental and economic objectives. Working with infrastructure providers to review of infrastructure needs will enable measures can be put in place to ensure that new development is supported by appropriate and timely infrastructure.	<ul style="list-style-type: none"> <li>• Delivery and Viability Study</li> <li>• Liaison with health and education providers</li> <li>• Utilities study</li> </ul>

Issues	DLP proposed policy framework to address issues	Evidence
<b>Health and wellbeing of residents</b>	The Plan recognises the important role that spatial planning has in the creation of healthy, safe, and inclusive communities and that the places that we live in have a fundamental impact on health. Many of the policies of the Plan will have an impact on these matters, so it is important that community needs are supported through the provision of appropriate physical and social infrastructure and the built and natural environment allows for and supports healthy choices for residents.	<ul style="list-style-type: none"> <li>• Dudley Health and Wellbeing Strategy</li> </ul>
<b>Infrastructure needed to support new growth</b>	The sufficient provision of infrastructure is an essential element of creating sustainable communities, centred around that which delivers social, environmental and economic objectives. Working with infrastructure providers to review of infrastructure needs will enable measures can be put in place to ensure that new development is supported by appropriate and timely infrastructure.	<ul style="list-style-type: none"> <li>• Transport modelling</li> <li>• Liaison with health and education providers</li> <li>• Utilities study</li> <li>• Waste study</li> </ul>
<b>Supporting struggling centres and high street vacancies.</b>	Centres play an important part in supporting economic growth and encouraging investment. It is important to	<ul style="list-style-type: none"> <li>• Centres study</li> <li>• Annual Centres Health Check</li> </ul>

Issues	DLP proposed policy framework to address issues	Evidence
	<p>maintain the shopping function of town centres that enhance their respective roles within the local Retail Hierarchy whilst also revitalising our centres through diversification, repurposing and investment.</p> <p>The DLP will need to address the health and the vitality and viability of the borough's centres. The DLP should provide a flexible policy framework to allow centres to serve the future growth identified (particularly residential led housing), diversify and provide policies to defend against proposals that could undermine centres, such as out-of-centre developments.</p>	
<p><b>Need for improved transport links to connect people and businesses.</b></p>	<p>Better Connectivity: public transport, walking routes, cycle paths. Transport policies have been reviewed and updated to place a stronger focus upon active travel and sustainable transport plus potential new strategic investment opportunities.</p>	<ul style="list-style-type: none"> <li>• Strategic Transport Plans</li> <li>• Local Cycling and Walking Improvement Plans</li> </ul>

**Table 3.3 The Economy- Issues and Challenges**

<b>Issues</b>	<b>DLP proposed policy framework to address issues</b>	<b>Evidence</b>
<b>Employment Land provision and having a land supply to meet the needs for the borough including potential for assisting/ or seeking assistance from neighbouring authorities via DtC.</b>	Job and employment forecasts considered too low and too high. Updated evidence work has an increase in employment land requirements due to an extended Plan period. The Plan should provide for a range of employment sites capable of meeting a wide variety of investment needs.	<ul style="list-style-type: none"> <li>• EDNA</li> <li>• BEAR</li> </ul>
<b>Boosting and supporting an economy which provides access to employment and investment</b>	Supporting and providing a thriving, stable economy to ensure future prosperity and job creation. The Plan should provide for a range of employment sites capable of meeting a wide variety of investment needs	<ul style="list-style-type: none"> <li>• EDNA</li> <li>• Dudley Economic Strategy</li> </ul>
<b>Struggling centres and High Streets-vacancies.</b>	Centres play an important part in supporting economic growth and encouraging investment. It is important to maintain the shopping function of town centres that enhance their respective roles within the local Retail Hierarchy whilst also revitalising our centres through diversification, repurposing and investment. .	<ul style="list-style-type: none"> <li>• Centres study</li> <li>• Annual Centres Health Check</li> </ul>
<b>Supporting higher education attainment and skills to enable</b>	Supporting development of skills, access to education and local training opportunities are key issues for Local Plan to	<ul style="list-style-type: none"> <li>• EDNA</li> <li>• WMCA Growth Strategy</li> </ul>

Issues	DLP proposed policy framework to address issues	Evidence
<b>people to access better employment opportunities</b>	ensure residents can benefit from economic growth. Plan has made provision for support education facilities in the borough as well as policy to improve access to the labour market and training opportunities.	<ul style="list-style-type: none"> <li>• WMCA Skills Strategy</li> </ul>
<b>Need for improved transport links to connect people and businesses</b>	<p>Better Connectivity: public transport, walking routes, cycle paths. Transport policies have been reviewed and updated to place a stronger focus upon active travel and sustainable transport plus potential new strategic investment opportunities.</p> <p>A balanced approach to transport investment is required that recognises the need to invest in all modes of transport but identifies a priority in increasing the proportion of people using public transport, walking and cycling</p>	<ul style="list-style-type: none"> <li>• Strategic Transport Plans</li> <li>• Local Cycling and Walking Improvement Plans</li> </ul>



**Table 3.4 The Natural and Built Environment - Issues**

Issues	DLP proposed policy framework to address issues	Evidence
<p><b>Planning for the impact of climate change, protecting and enhancing our environment and protecting communities from flood risk</b></p>	<p>The Council declared a climate emergency in 2020 and pledged to achieve net zero carbon by 2050 and a Carbon Neutral Borough by 2041</p> <p>Support for the inclusion of Climate Change policies and strengthening the aims. The DLP will need to contain a suite of new policies designed to help Dudley borough mitigate and adapt to a changing climate at a strategic level in line with the Council’s climate change priorities. These policies will need reflect local ambitions and opportunities for growth.</p> <p>Such policies will need to reflect local circumstances rather than repeat national policies and guidance. The Plan policies will respond to climate change and achieve the Council’s aspirations and targets.</p>	<ul style="list-style-type: none"> <li>• SFRA</li> <li>• Dudley Council and WMCA Climate Change Declaration</li> </ul>

Issues	DLP proposed policy framework to address issues	Evidence
<p><b>Protecting the green belt and sensitive areas of open space outside the green belt</b></p>	<p>Substantial number of representations focused upon the need for a strengthened case and evidence for green belt release together with strong opposition to the use of green belt land for development. The case, evidence and approach to development is further detailed in the Plan and supporting evidence.</p>	<ul style="list-style-type: none"> <li>• Green Belt Study</li> </ul>
<p><b>Protecting and conserving the borough’s natural environment and ecological assets.</b></p>	<p>Protecting our environmental resources and requiring new development to leave biodiversity in a measurably better state than beforehand via Bio-diversity Net Gain, contribute towards mitigating impacts in some of our most valuable landscape and habitat areas and minimise impact on heritage assets</p>	<ul style="list-style-type: none"> <li>• Ecological surveys</li> <li>• SFRA</li> <li>• Water cycle study</li> <li>• Black Country Nature Recovery Strategy</li> </ul>
<p><b>Protecting and diversifying the borough’s cultural and tourism assets.</b></p>	<p>Dudley with its historic and cultural assets is a key destination for tourists, and therefore it is important that the Local Plan contains policies relating to this. Tourism makes up a significant chunk of the area’s economy, and it is important to support this. By proxy to tourism is the provision of cultural facilities such as museums, theatres, and music venues, which are not only an attraction for</p>	<ul style="list-style-type: none"> <li>• West Midlands Regional Tourism Strategy 2019 - 2029, West Midlands Growth Company</li> <li>• West Midlands Cultural Sector Analysis, Hatch, We Made That, Tom Fleming</li> </ul>

Issues	DLP proposed policy framework to address issues	Evidence
	<p>tourists but also residents and supporting them can help improve the local economy. It is important that the DLP helps create the conditions to have a thriving heritage and culture sector that not only helps create a sense of place, but helps encourage visitors to the local plan area, and increases enjoyment for those already living in the borough.</p>	<p>Creative Consultancy, June 2021</p> <ul style="list-style-type: none"> <li>• STEAM Economic Impact Assessment Report 2019-2022: Dudley, May 2023</li> </ul>
<p><b>Ensuring sufficient good quality open spaces and enhancing blue and green infrastructure for residents and visitors to the borough</b></p>	<p>Green &amp; blue infrastructure is an important aspect of planning for many reasons, and protecting and enhancing existing networks, as well as creating new ones are high on the agenda, especially following the release of the Governments 25 Year Environment Plan and the Environment Act, both of which aim to halt natures decline and to support its recovery.</p> <p>The DLP addresses the incorporation of green &amp; blue Infrastructure assets in development inc through the planting of street trees, creating parks, sustainable urban drainage systems, wildlife areas, hedgerows, and waterways, to name a few. Used in conjunction these can</p>	<ul style="list-style-type: none"> <li>• Ecological surveys</li> <li>• Black Country Nature Network Recovery Strategy</li> <li>• Open Space Audit</li> <li>• Playing Pitch and Outdoor Sports Strategy</li> </ul>

Issues	DLP proposed policy framework to address issues	Evidence
	all help improve the provision of green & blue infrastructure across the plan area and create a Nature Recovery Network resulting in benefits for people, nature and the climate.	
<b>Ensuring new development protects and enhances the environment.</b>	Protection of the environment, improving air quality, acknowledging the valuable heritage of the borough and requiring new development to leave biodiversity in a measurably better state than beforehand, all contribute towards mitigating impacts in some of our most valuable landscape and habitat areas and minimise impact on heritage assets.	<ul style="list-style-type: none"> <li>• Ecological surveys</li> <li>• SFRA</li> <li>• Water cycle study</li> <li>• Black Country Nature Network Recovery Strategy</li> <li>• Historic Landscape Characterisation (HLC)</li> </ul>
<b>Resource requirements to meet growth</b>	Meeting our resource needs to serve the development of new homes and employment provision.	<ul style="list-style-type: none"> <li>• Minerals Study</li> <li>• Waste Study</li> </ul>

## 4. Dudley to 2041: Spatial vision, objectives, and priorities

### Introduction

4.1. Based on the issues and challenges outlined in previous sections, it is crucial that the Local Plan sets out a vision for the borough to cover the Plan period to 2041 and identifies clear objectives for aspects such as housing, infrastructure, economic growth and conservation, protection and enhancement of the natural, built and historic environment. Collectively, the policies in the plan should help to enable the strategic objectives to be achieved and to deliver the vision and strategic priorities for the borough.

### The vision for Dudley Borough by 2041

***By 2041 Dudley Borough, the historic capital of the Black Country, will be a place which has the benefit of:***

- being an attractive, and desirable place to live, work and visit***
- being a destination of choice and for doing business***
- having strong, inclusive, resilient, and thriving communities with enhanced health and social wellbeing***
- sustainable urban growth delivering distinctive places - meeting the needs of its communities and businesses.***
- a wide range of housing that will meet people’s needs through their various life stages and is affordable to live in (all tenures)***
- a network of vibrant centres, which maintain a retail focus, but embrace the area’s diversity, culture and heritage and benefit from additional local community and leisure orientated facilities, as well as increased resident populations.***
- being a place of excellence in enterprise, education, and training, having thriving employment areas, providing more jobs in new and future technologies, and with better links to further education establishments, which are more accessible to all residents***

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- *having a network of high-quality parks, green spaces, waterways, and nature reserves*
- *a high quality and beautiful natural, built and historic environment that respects and enhances local character and distinctiveness, including valued historic buildings and areas, and continues to be regarded as a tourist destination, and UNESCO Global Geopark with enhanced tourism facilities.*
- *being much more accessible and promoting more active forms of travel, especially by public transport and by a network of footpaths and cycleways providing connections to the rest of the West Midlands and the countryside around the borough.*

### Strategic Objectives and Priorities to deliver the Vision

**Table 4.1 Dudley Local Plan – Strategic Objectives and Priorities**

<b>Objective 1: Conservation and Enhancement of our Natural, Built and Historic Environment</b>	<b>Policy</b>
<p><b>Strategic Priorities 1: Addressing the Climate and Ecological Emergency by:</b></p> <ul style="list-style-type: none"> <li>• mitigating the impacts of climate change and ensuring that developments adapt to and minimise the impacts that create climate and ecological change</li> <li>• ensuring that new developments move towards net zero carbon emissions, through measures such as energy efficiency, sustainable construction, renewable energy and sustainable travel</li> <li>• managing flood risk and encouraging sustainable patterns of drainage in development</li> <li>• placemaking which incorporates renewable energy installations</li> </ul>	<p>DLP47 DLP41 DLP31 DLP32, DLP33, DLP34, DLP45, DLP46, DLP51, DLP41, DLP43</p>

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<ul style="list-style-type: none"> <li>• promoting active travel, the least carbon-intensive way to travel.</li> </ul>	
<p><b>Strategic Priority 2: Protecting and enhancing the natural and historic environment and support an increase in biodiversity and ecological networks by:</b></p> <ul style="list-style-type: none"> <li>• the effective and appropriate use of previously developed land and natural resources including sustainable building techniques and provides for sustainable waste management and disposal</li> <li>• increased tree cover and nature recovery networks, safeguarded and enhanced green wedges, green belt along with other greenspaces, canal and riverside environments</li> </ul>	<p>DLP5, DLP31, DLP32, DLP33, DLP34, DLP35, DLP40, DLP48, DLP36, DLP54, DLP55, DLP56, DLP57, DLP58, DLP75, DLP76, DLP77, DLP78, DLP79, DLP BH4, DLP BH5, DLP BH6</p>
<p><b>Strategic Priority 3: Ensuring sustainable patterns of development and protecting the green belt by:</b></p> <ul style="list-style-type: none"> <li>• planning positively and appropriately to meet identified development needs by focusing on the delivery of new development on previously developed land in the urban area, including: <ul style="list-style-type: none"> <li>○ the most sustainable locations within our hierarchy of settlements, and</li> <li>○ locations close to local facilities and transport networks, particularly within designated Regeneration Corridors</li> </ul> </li> <li>• safeguarding and enhancing the green belt, particularly as a community recreational resource, as well as respecting and expanding areas of value as woodland and for nature conservation and being responsive to its landscape heritage assets.</li> </ul>	<p>DLP1, DLP2, DLP3, DLP49, DLP50, DLP51, DLP BH PS1, DLP BH PS2, DLP BH OS1, DLP BH OS2, DLP BH OS3, DLP D PS1, DLP D PS2, DLP D OS1, DLP D OS2, DLP D OS3, DLP D OS4, DLP S1, DLP S2, DLP S OS1, DLP S OS2, DLP S OS3, DLP H3, DLP H9, DLP H10, DLP H11, DLP H12, DLP H13, DLP KQ H1</p>
<p><b>Objective 2: Enabling Economic Prosperity</b></p>	

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<p><b>Strategic Priority 4: Fostering economic growth and investment</b> by:</p> <ul style="list-style-type: none"> <li>• ensuring Dudley’s businesses thrive, continue to innovate, and grow.</li> <li>• delivering new economic growth and new jobs</li> <li>• providing investment and job creation in key sectors and equipping residents with the skills to access those jobs.</li> <li>• ensuring a supply of employment land to contribute towards meeting our strategic land needs.</li> <li>• providing the spatial framework which contributes towards delivering a circular economy, low carbon technologies and a green economy</li> </ul>	<p>DLP18, DLP19, DLP20, DLP21, DLP22, DLP23, DLPD1, DLPS2</p>
<p><b>Objective 3: Enhancing Places and Communities</b></p>	
<p>Strategic Priority 5: Creating well designed and beautiful places, promoting the health and social wellbeing of communities by:</p> <ul style="list-style-type: none"> <li>• ensuring development contributes towards reducing health inequalities and maximises health and wellbeing.</li> <li>• ensure that developments contribute to a Child Friendly borough.</li> <li>• improving access to health and social care facilities, high quality open spaces and sport and recreation facilities, to help support healthy lifestyles.</li> <li>• ensuring all new developments meet the highest standards of design, including regulating development through the use of masterplans and design codes.</li> <li>• ensuring the integrity of communities is maintained and social cohesion is promoted in new development.</li> <li>• ensuring development is future-proofed and sustainable.</li> <li>• Protecting and enhancing the borough’s rich heritage and cultural offer</li> </ul>	<p>DLP4, DLP8, DLP9, DLP23, DLP39, DLP40, DLP BH2, DLP BH3, DLP D3, DLP D4, DLP S2, DLP S3, DLP H5, DLP H6</p>
<p><b>Strategic Priority 6: Create thriving neighbourhoods</b>, by:</p>	<p>DLP10, DLP11, DLP12, DLP13, DLP37, DLP38,</p>



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<ul style="list-style-type: none"> <li>• providing new and affordable homes in a range of sizes, types and tenures to meet the borough’s housing needs</li> <li>• creating safe, attractive, and sustainable neighbourhoods with good access to services and facilities</li> <li>• meeting the needs of all residents with development and placemaking which contributes towards community cohesion and social inclusivity</li> </ul>	<p>DLP63, DLP64, DLP65, DLP66</p>
<p><b>Strategic Priority 7: Delivering the resources, infrastructure and services to support growth</b> by:</p> <ul style="list-style-type: none"> <li>• ensuring development positively responds to the historic character and local distinctiveness of the area and makes a positive contribution to placemaking and environmental improvement.</li> <li>• successfully addressing borough wide infrastructure needs and maximises the efficient use of existing infrastructure capacities.</li> <li>• exploring opportunities for new sustainable infrastructure, including through delivering an enhanced footpath and cycleway network within the borough</li> <li>• ensuring appropriate and the timely delivery of infrastructure to support new developments.</li> <li>• ensuring waste is managed as a resource and the amount produced and sent to landfill is minimised, as part of a circular economy</li> <li>• safeguarding mineral resources and promoting the production and use of recycled mineral products</li> </ul>	<p>DLP6, DLP7, DLP16, DLP25, DLP26, DLP42, DLP67, DLP68 DLP69 DLP71, DLP72, DLP74, DLP75, DLP76, DLP BH7, DLP D8, DLP S6</p>
<p><b>Strategic Priority 8: Promoting Smart, active travel and sustainable transport</b> by:</p> <ul style="list-style-type: none"> <li>• facilitating a step change to how people travel towards sustainable modes of travel.</li> </ul>	<p>DLP67, DLP68, DLP69, DLP71, DLP72, DLP BH7, DLP D8, DLP S6, DLP H8</p>

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<ul style="list-style-type: none"> <li>• prioritising and making provision for the infrastructure to support active travel and more sustainable transport.</li> <li>• reducing the reliance on fossil fuels by supporting the infrastructure to enable alternatives to fossil fuelled vehicles.</li> <li>• promoting innovations in transport including Smart technology and accessible neighbourhoods</li> </ul>	
<p><b>Strategic Priority 9: Support our network of centres as they adapt to changing demands and trends by:</b></p> <ul style="list-style-type: none"> <li>• placemaking for our network of centres in such a way which safeguards and enhances their vitality and viability as places for economic, residential, tourism, leisure, and cultural activity with good access to services</li> </ul>	<p>DLP1, DLP2, DLP4, DLP,5 DLP24, DLP25, DLP27, DLP28, DLP BH1 DLP BH2, DLP BH3, DLP BH9, BH OS1, BH OS2, BH OS3, DLP D1, DLP D3, DLP D4, DLP D5, DLP D PS1, DLP D OS1, DLP D OS2, DLP D OS3, DLP D OS4, DLP S1, DLP S4, DLP S OS1, DLP S OS2, DLP S OS2, DLP H1, DLP H5, DLP H7, DLP H9, DLP H10, DLP H11, DLP H12, DLP H13</p>

4.2. The objectives set out above take forward the planning vision for the borough and set out in more detail what the Local Plan is seeking to do. Whilst the principal aim of the Plan is to seek to achieve sustainable development, the Plan’s objectives establish the framework for developing the policies in more detail and are the means of achieving the vision and objectives through the development management process. In relation to certain cross cutting issues, such as climate change, there may be policies which work towards several of the Plan’s objectives.

**Delivery, Monitoring and Implementation**

4.3. The policies and allocations in the DLP will replace existing policies and allocations in the current adopted Local Plan documents (Black Country Core

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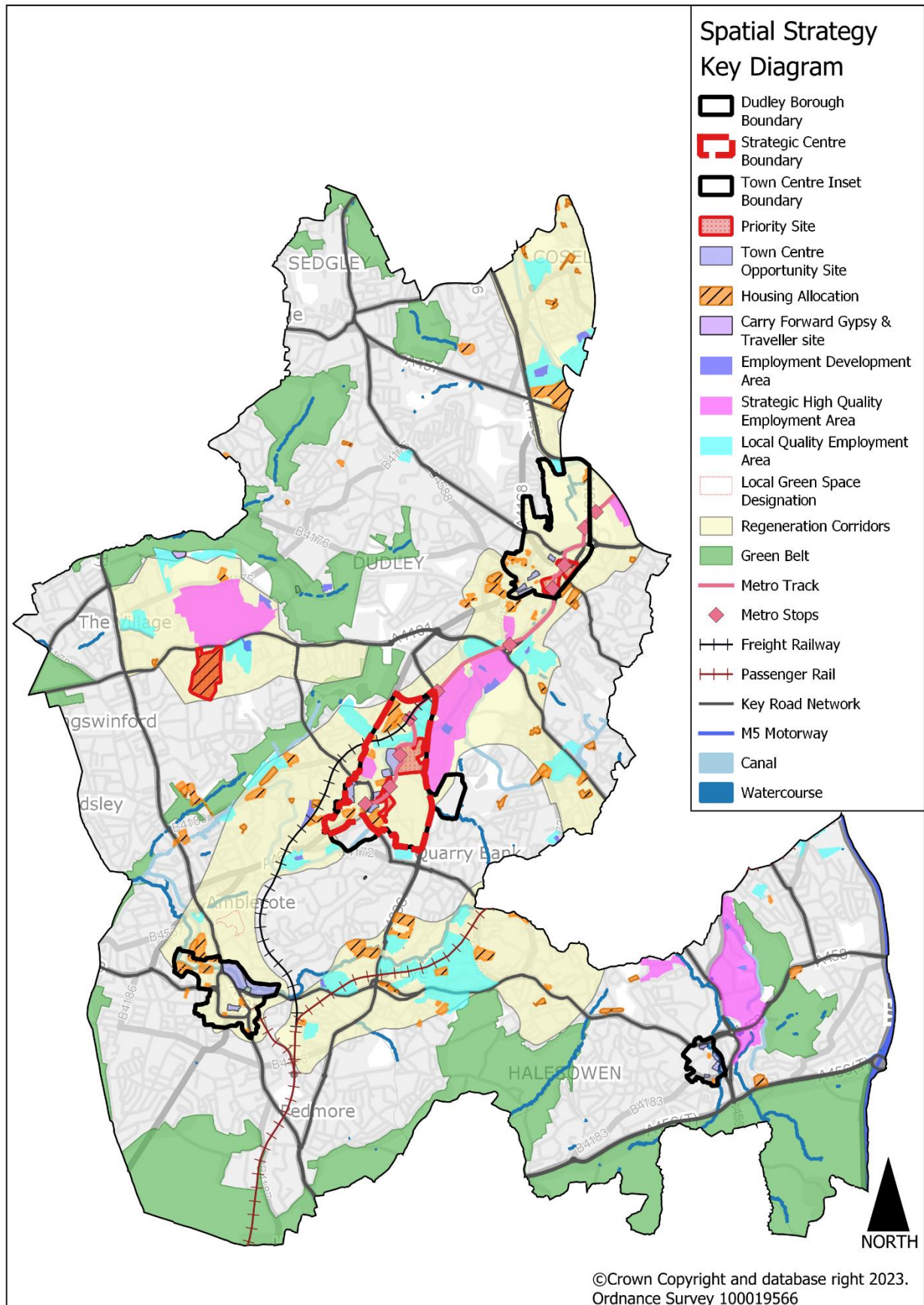
Strategy, Dudley Borough Development Strategy and Area Action Plans). The previous Local Plan document/reference and proposed replacement policy are included in Appendix 2.

- 4.4. The Council is committed to ensuring robust monitoring of the implementation of the DLP. The aim is to ensure that the Plan is delivered successfully, efficiently and working in partnership with stakeholders.
- 4.5. Monitoring indicators have been included within each section of the DLP to measure the implementation of policies. The indicators identify trigger points at which it may be appropriate to address any emerging issues.
- 4.6. The purpose of the monitoring indicators are to:
  - Assess the performance of the Plan in delivering the spatial vision and objectives.
  - Identify the need to amend policies or supporting planning documents.
  - Demonstrate the Plan is deliverable in the plan period.
- 4.7. The DLP has been prepared to be flexible over the plan period and adjust to changes where they arise. These changes may include changes to national policy and guidance, demographic changes and variable economic conditions. There may also be circumstances or unexpected external factors that mean certain policies become less effective or out of date. Monitoring the Plan is essential in identifying any issues and devising appropriate actions. Such actions might include adjusting the implementation of the policies or undertaking a partial or early review of the DLP.
- 4.8. In line with national policy, the Council will review the policies in the Plan to assess whether they need updating at least once every five years and the policies will be updated as necessary.

### 5. Dudley Borough Spatial Strategy

- 5.1. The Dudley Local Plan (DLP) can help achieve sustainable development by ensuring that the borough benefits from the right development in the right place at the right time. This development will meet the needs of people living and working in the borough, whilst protecting and enhancing the environment and its unique character.
- 5.2. The Spatial Strategy as set out in policies DLP1, DLP2 and DLP3, and illustrated on the Key Diagram (Figure 5.1) provides the overarching basis for the Plan's proposals for growth and infrastructure improvements. This diagram is supplemented by thematic key diagrams for housing, economy, transport, environment, waste and minerals. These policies address all the Strategic Priorities.

Figure 5.1 Spatial Strategy Plan



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**Development Strategy**

5.3. Policy DLP1 provides the overarching development strategy for the Dudley Borough, setting out the scale and distribution of new development for the Plan period to 2041.

<b>Policy DLP1 Development Strategy</b>
<ol style="list-style-type: none"><li><b>1. To deliver sustainable economic and housing growth and to meet strategic planning targets based on the needs of local communities and businesses, this plan will:</b><ol style="list-style-type: none"><li><b>a. Deliver at least 10,876 net new homes and create sustainable mixed communities that are supported by adequate infrastructure.</b></li><li><b>b. Deliver the development of at least 25ha of employment land.</b></li><li><b>c. Ensure that sufficient physical, social, and environmental infrastructure.</b></li><li><b>d. is delivered to meet identified needs.</b></li></ol></li> <li><b>2. The spatial strategy seeks to deliver this growth and sustainable patterns of development by:</b><ol style="list-style-type: none"><li><b>a. Delivering development in the existing urban area supported by infrastructure to meet the needs of communities and businesses.</b></li><li><b>b. Focussing growth and regeneration into the borough’s Centres and Regeneration Corridors, delivering new homes, jobs and local services</b></li><li><b>c. Protecting Dudley’s character and environmental assets including heritage assets, natural habitats and open spaces</b></li><li><b>d. Minimising and mitigating the likely effects of climate change.</b></li></ol></li> <li><b>3. Table 5.1 shows how the full housing and employment land requirements for the Dudley Borough will be met through identified sites, and through reliance on neighbouring and other local authorities who have a functional link with Dudley via the Duty to</b></li></ol>

### Policy DLP1 Development Strategy

**Cooperate. Those development needs that cannot be accommodated within the Dudley administrative area will be exported to sustainable locations in neighbouring local authority areas.**

#### Justification

- 5.4. Dudley needs to plan for economic growth, enhanced business productivity and meet housing needs within the plan period. To accommodate this future growth, locations that are both sustainable and deliverable have been identified for development, at levels and in locations that do not breach the environmental capacity of the area.
- 5.5. The Development Strategy is based on a number of considerations, including:
- a) National planning policy
  - b) The Plan's Vision, objectives and priorities
  - c) Environmental constraints
  - d) The availability and viability of land for development
- 5.6. The Development Strategy has been developed through a comprehensive assessment of alternative options. Growth options were considered through this process and the proposed strategy corresponds with maximising growth in the urban area, plus Duty to Cooperate contributions, as set out in the Spatial Options Paper. The Sustainability Appraisal shows that this will enable Dudley to meet most of the growth needs within the urban area in a focussed manner that takes full account of environmental, climate change, accessibility, and social requirements.
- 5.7. By promoting the right type and amount of development in the most sustainable locations, the Strategy therefore plays a crucial role in delivering inclusive development that supports communities to achieve their goals. The distribution of growth as proposed in the Development Strategy is summarised.

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**Table 5.1 Dudley Borough Development Strategy**

<b>Location/Source of supply</b>	<b>Housing (new homes)* 2023-2041</b>	<b>Employment land development (ha) 2020-2041</b>
Employment completions (2020-2022)		6.01
sites with planning permission	2913	0.5
<b>The Growth Network</b>		
Brierley Hill Strategic Centre	1636	0
Dudley Town Centre	682	0
Stourbridge Town Centre	291	0
Halesowen Town Centre	261	0
Regeneration Corridor 1	585	3.08
Regeneration Corridor 2	854	7.73
Regeneration Corridor 3	514	0.59
Regeneration Corridor 4	100	4.1
<b>Outside the Growth Network</b>	377	2.04
		17.54
Small windfall housing (179 dpa based 22/23 data)	2685	
Large windfall housing sites (Brierley Hill)	200	
Employment small site supply (less than 0.4Ha)		1.1
Estimated demolitions	360	
<b>Total in Dudley Borough</b>	10,876 (net)	25
Need to 2040/41	11,954	72** (98 including replacement of employment land losses)
To be exported through Duty to Co-operate	1,078	47 (73 including replacement of employment land losses)

\*Following appropriate discounts-see SHLAA and DLP10

\*\*Excludes replacement of employment land losses – the figure including replacement of losses is 98Ha - see Section 9.



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- 5.8. The Growth Network – made up of the Regeneration Corridors and Centres (Policy DLP2) - is the primary focus for co-ordinated and sustained regeneration and infrastructure investment to support the delivery of growth and promote wider benefits to local communities. The Growth Network is the focus for the delivery of these objectives and contains most of the areas where regeneration and land-use change will be concentrated over the Plan period.
- 5.9. Whilst most change and intervention will be focussed on the Growth Network, some development will be brought forward outside the network to enable vibrant and diverse communities to thrive and prosper. The overall land use-pattern outside the Growth Network is not expected to alter greatly over the Plan period, but there will be some incremental change through a mix of permitted and allocated sites and windfall developments. Strong links will be created between the Growth Network and areas outside of it, through high-quality design, green infrastructure and transport investment.
- 5.10. The DLP aims to utilise land efficiently through the use of previously developed land, vacant properties and surplus industrial land, and maximising housing densities where appropriate. The spatial strategy also seeks to protect green spaces within the borough, the green belt and the ‘wedges’ of open land providing valuable open breaks between settlements and access to the wider countryside, including movement for wildlife.
- 5.11. Whilst this approach serves to meet most of the borough’s development needs, there is a shortage of deliverable sites identified. The strategy aims to address these outstanding development needs via the Duty to Cooperate. The Council will continue to work with neighbouring and other relevant local authorities throughout the Plan preparation process to address these shortfalls in the most sustainable way.
- 5.12. This Plan sets a housing target for the borough of 10,876 new homes over the period 2023-41, compared to a local housing need for 11,954 homes as calculated by the Standard Method, creating a shortfall of 1,078 homes. For employment land, the EDNA establishes a need for 72ha (98ha including replacement of employment land losses) of land for employment development,

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an anticipated supply of 25ha and a shortfall of 47ha (73ha if including replacement of employment land losses).

- 5.13. National planning policy requires this unmet housing and employment land need to be provided for across the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), the Functional Economic Market Area (FEMA) and other areas with which the borough has a physical or functional relationship. As a result, the Council continues to work constructively with neighbouring authorities to help provide as much certainty as possible about how and where the borough's full housing and employment land needs will be delivered. The Duty to Cooperate position will be elaborated on in more detail in Statements of Common Ground at the Publication stage.

### **Evidence**

- SHLAA (2023)
- Urban Capacity Review Update (2023)
- Black Country Employment Areas Review (BEAR, 2021)
- Viability and Delivery Study (2023)
- Black Country Economic Development Needs Assessment (EDNA, 2017 and 2021 and 2023)
- Strategic Transport Evidence
- Strategic Environmental Evidence.

### **Delivery**

- Annual update of SHLAA
- Authority Monitoring Report
- Housing renewal will be delivered through local authority intervention
- Securing funding to facilitate delivery
- Working with key partners and delivery agencies.

**Growth Network: Regeneration Corridors and Centres**

5.14. Policy DLP2 sets out the strategic approach for the growth network, including the focus of development within the existing urban area, regeneration corridors and the borough’s strategic and town centres.

<p><b>Policy DLP2 Growth Network: Regeneration Corridors and Centres</b></p>
<ol style="list-style-type: none"><li><p><b>1. The Growth Network, consisting of Brierley Hill Strategic Centre, the town centres and the Regeneration Corridors, is the primary focus for new development, regeneration, and infrastructure investment to support the delivery of significant growth and promote wider benefits to communities.</b></p></li><li><p><b>2. The Strategic Centre (Brierley Hill) and Town Centres (Dudley, Stourbridge and Halesowen) will provide:</b></p><ol style="list-style-type: none"><li><p><b>a. Re-energised core commercial areas providing a rich mix of uses and facilities, set in a high quality built and natural environment.</b></p></li><li><p><b>b. The principal locations for major commercial, cultural, leisure, entertainment, sports, recreation and community facilities, providing the widest possible range of such facilities appropriate for their catchments.</b></p></li><li><p><b>c. 2,870 new homes of mixed type and tenure.</b></p></li><li><p><b>d. Excellent public transport links, making the centres highly accessible to their catchment areas.</b></p></li><li><p><b>e. An improved network of green and environmental infrastructure.</b></p></li></ol></li><li><p><b>3. The Regeneration Corridors linking the Strategic Centre and Town Centres will provide:</b></p><ol style="list-style-type: none"><li><p><b>a. The principal concentrations of strategic employment areas. These are high-quality employment areas that will be safeguarded and</b></p></li></ol></li></ol>

## **Policy DLP2 Growth Network: Regeneration Corridors and Centres**

- enhanced for manufacturing and logistics activity to support the long-term success of the local economy (see Policy DLP19).
- b. The main clusters of local employment land that are vital in providing for local jobs (see Policy DLP20).**
  - c. The principal locations for new industrial and logistics development - providing 25ha of developable employment land to meet growth needs.**
  - d. A minimum of 4,948 new homes in sustainable locations well-supported by community services and local shops, set within and linked by comprehensive networks of attractive green infrastructure with cycling and pedestrian routes.**
  - e. The focus for investment in existing, new, and improved transportation infrastructure with a focus on public transport routes and hubs which will maximise use of the public transport network by residents, workers and visitors.**
  - f. Strong links with the surrounding communities and network of centres, to spread the regeneration benefits across the borough.**
  - g. An improved network of green and environmental infrastructure.**

### **Justification**

5.15. The re-energising and repurposing of the Strategic Centre of Brierley Hill and the town centres of Dudley, Halesowen and Stourbridge are of fundamental importance for the regeneration of the borough. The centres form the most sustainable locations in the borough, providing the community with easy access to comparison shopping, leisure, entertainment and cultural facilities and employment. Over recent years they have benefitted from investment and regeneration. However, there remains a need for further investment and repurposing to provide a wider mix of uses and to improve their environment and sustainable transport links. As outlined in the 'Centres' sections in Part Two

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of this Plan, they also offer the opportunity for new residential development to support their longer -term vitality and viability.

- 5.16. Alongside the centres, the borough's housing growth will be concentrated in locations within Regeneration Corridors which are close to the strategic and town centres, providing the opportunity to enhance their sustainability and viability. Promoting the distinctive strengths and unique opportunities provided by each Centre will also help to encourage investment. The Local Plan contains a section for each of the borough's centres to guide their regeneration. This can be found in Part Two of the DLP– Allocations and Centres.
- 5.17. The Regeneration Corridor boundaries broadly reflect the distribution of large parcels of employment land across the borough, accommodating the majority of manufacturing and logistics businesses and jobs. Alongside this is a network of sustainable transport routes (including rail, metro, bus and proposed high frequency rapid transit, alongside provision for walking and cycling routes) and the extensive canal network.
- 5.18. The strategy for the Regeneration Corridors reflects two key issues arising from the evidence base - firstly, the need to provide for economic growth through the protection and enhancement of sustainable employment land and premises. Secondly, delivering housing growth through the release of brownfield and underused land.
- 5.19. Achieving the right balance of jobs and housing is a key aim of the Plan's Spatial Strategy. The supporting evidence base (Economic Development Needs Assessment (EDNA) and Black Country Employment Area Review (BEAR)) provide information on the demand and supply of employment land for the Plan period, and this has informed the employment land and housing allocations in this Plan.

**Table 5.2 Summary of Strategic and Town Centre proposals**

Location	Opportunities	Vision to 2041
<p><b>Brierley Hill Strategic Centre</b></p>	<p>The Strategic Centre of Dudley Borough which will encourage and accommodate new development centred around proposed new transport infrastructure.</p> <p>Attractive and effective links will be formed between the Merry Hill Centre and Brierley Hill High Street, encouraging the continued use of these locations for local, national, and international businesses.</p> <p>Two Priority Sites and several housing allocations have been identified and will deliver high-quality dwellings which are well linked to the community, leisure, and recreation spaces. Three Opportunity Sites have been identified for mixed-use redevelopment and regeneration purposes.</p>	<p>Brierley Hill in 2041, as the borough’s Strategic Centre, will be a place which has the benefit of:</p> <ul style="list-style-type: none"> <li>• strong, resilient, and thriving communities with enhanced health and wellbeing, including access to more cultural, leisure and community facilities.</li> <li>• being more than a shopping destination, including benefiting from a revitalised night-time economy and family orientated leisure facilities.</li> <li>• having a greater resident population, proud to live in Brierley Hill, and living in sustainable, well built and enhanced accommodation incorporating energy efficiency measures and making active use of extensive areas of imaginatively landscaped and well-connected public spaces.</li> </ul>

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Location	Opportunities	Vision to 2041
		<ul style="list-style-type: none"> <li>• being a much greener place, with increased tree cover and more biodiversity including wildlife corridors, which is better linked to the Saltwells and Fens Pool Nature Reserves.</li> <li>• being much more accessible, especially by public transport and a network of footpaths and cycleways, with the Midland Metro Stations providing focal points within these networks and hubs for new development, with well-designed public open spaces around them; and</li> <li>• having a high quality and beautiful built, natural, and historic environment that respects and enhances local character, including important historic buildings and areas, and makes effective use of the canal network as an asset.</li> </ul>
<b>Dudley Town Centre</b>	<p>The historic capital of the Black Country with a focus for tourism based on visitor attractions and the geological and heritage assets in and around the town centre,</p>	<p>Dudley is a historic market town looking to the future. By 2041 it will be a town which serves the needs of its local population, and which remains the strong focus for civic life, for town centre living, for shopping, tourism and heritage, leisure and education. This</p>

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Location	Opportunities	Vision to 2041
	<p>alongside new education and leisure facilities. New housing development will also regenerate parts of the town centre. High quality public transport links via the metro to the rest of the region. Two Priority Sites and four Opportunity Sites have been identified for mixed use regeneration/redevelopment alongside several housing only allocations.</p>	<p>will be achieved by reshaping and reasserting its role within the borough, drawing on its considerable assets, encouraging investment in opportunities and ensuring that Dudley becomes a place with a richer mix of town centre uses and an increased resident population. The environmental and historic quality, green infrastructure, transport connectivity, accessibility and safety and security of the town centre activities and assets will be enhanced.</p>
<p><b>Stourbridge Town Centre</b></p>	<p>A town centre which has retained its market town character with well-connected public transport, including rail connections to Birmingham and Worcester. The Centre has a diverse range of uses including education, retail and day and evening leisure uses in a compact and accessible high street with connections to blue and green spaces, including parks and a canal network around which there are opportunities for investment and regeneration. Three mixed-use Opportunity Sites have been identified for regeneration purposes.</p>	<p>A vibrant and inclusive town with a thriving and prosperous town centre, which offers a wide range of shops and services, including leisure facilities and an evening and entertainment economy. Stourbridge will retain its unique market town character whilst offering the arts and creative industries. It will offer excellent cultural facilities and sustainable urban living, utilising the riverside and canal-side settings, with improve connectivity to the town centre and the creation of a network of safe and attractive pedestrian and cycle routes.</p>



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Location	Opportunities	Vision to 2041
<p><b>Halesowen Town Centre</b></p>	<p>A compact and well-presented historic town on the border of the Black Country and Birmingham, ideal for local shopping and community activity. The town maintains its historical local character, with a key natural asset being its position alongside the River Stour Corridor and its close proximity to nearby countryside. Five mixed-use Opportunity Sites have been identified for redevelopment and regeneration.</p>	<p>A vibrant and accessible centre providing an attractive environment for people to live, work and invest, offering a range of uses including retail activity, employment, housing, leisure, entertainment, culture, and tourism, all of which will be served by effective and sustainable transport connections and access to natural and historical assets.</p>

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**Table 5.3 Regeneration Corridors**

Location	Opportunities	Vision to 2041
<p><b>RC1 – Pensnett to Kingswinford</b></p>	<p>Hosts a strong strategic employment area and a network of busy local centres. This corridor has hosted residential redevelopment of former employment areas over the last few years and now has potential for further investment in Pensnett Estate. This corridor also has residential opportunity at the Ketley Quarry priority site.</p>	<p>Focus for high quality employment, encouraging investment in Pensnett Estate. Further redevelopment to provide high quality residential areas with access to recreational areas, transport network, key services and centres.</p>
<p><b>RC2 – Dudley to Brierley Hill to Stourbridge</b></p>	<p>Characterised by the Dudley and Stourbridge Canal within proximity to Brierley Hill Strategic Centre, Dudley Town Centre and Stourbridge Town Centre. Pockets of local employment provide access to jobs in this corridor. Excellent transport links with metro provision between Dudley and Brierley Hill and train links in Stourbridge.</p> <p>This corridor is extremely well connected to rest of the region and hosts vibrant local centres providing access to services.</p>	<p>This corridor will be well connected through the provision of improved public transport with the metro between Dudley and Brierley Hill. The corridor will keep its employment focus with strategic employment area connecting centres, particularly Brierley Hill and Dudley. High quality housing to be focused in centres and along the corridor with access to enhanced green infrastructure.</p> <p>Opportunities for canal side living in this corridor near to Stourbridge, as well as retention of local employment areas. Improved links to Fens Pool Nature Reserve, River Stour and open countryside.</p>

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Location	Opportunities	Vision to 2041
<p><b>RC3 – Stourbridge to Lye</b></p>	<p>Located along the railway line from Stourbridge, this corridor provides good transport links to employment areas and centres. The valley of the River Stour provides access to green spaces and a wildlife corridor.</p>	<p>High quality residential communities with access to parks, open spaces, employment, services and transport links. Lye Centre provides redevelopment opportunities for residential development and investment in local employment areas. A design code is currently being undertaken for Lye and the Stour Valley as part of the National Design Code Pathfinder Programme. This will be aligned with the plan process to improve the quality and design of new development in the area and to ensure that it reflects local character.</p>
<p><b>RC4 – Dudley to Coseley</b></p>	<p>Public transport links and land becoming available for redevelopment provides opportunities for new residential development in the corridor alongside local employment retention.</p>	<p>Provision of high-quality residential communities and investment in local employment areas accessible by all modes of transport with links to Coseley railway station. Enhancement to open spaces including Wrens Nest Nature Reserve and Priory Park.</p>

**Areas outside the Growth Network**

5.20. Areas that make up the existing urban area sitting outside of the Growth Network, such as district and local centres, will play a vital role in delivering the overall strategy.

<p><b>Policy DLP3 Areas outside the Growth Network</b></p>
<ol style="list-style-type: none"><li><b>1. By 2041, the areas outside the Growth Network will provide:</b><ol style="list-style-type: none"><li><b>a. A mix of good quality residential areas where people choose to live.</b></li><li><b>b. A strong and improved network of green and blue infrastructure, centres and community facilities to promote health and wellbeing.</b></li><li><b>c. Strong links to Regeneration Corridors and Centres, via access and design improvements to spread regeneration benefits and ensure integration of new and existing communities.</b></li><li><b>d. A supply of development opportunities through allocations on surplus land.</b></li></ol></li> <li><b>2. The main role of areas outside the Growth Network are to provide employment opportunities to serve communities outside the Regeneration Corridors and Centres and to provide a supply of housing land at appropriate densities to meet local needs. Local and District Centres will be protected and enhanced, to serve new and proposed development. Site allocations outside the Growth Network are listed in Part Two.</b></li> <li><b>3. The broad approach to development in areas outside the Growth Network will be to primarily focus on brownfield land, in locations with best access to local services and infrastructure.</b></li> <li><b>4. Improved green and blue infrastructure, linked with protected Green Belt will promote health and wellbeing, support biodiversity and will bring the countryside and its landscape into the heart of the urban area.</b></li></ol>

<b>Policy DLP3 Areas outside the Growth Network</b>
<p><b>5. Dudley’s Green Belt boundaries will be maintained and protected from inappropriate development.</b></p> <p><b>6. Focusing development in the most accessible locations, developing a strong network of centres and community facilities and creating strong links to the growth network will support social inclusion and the creation of sustainable communities.</b></p>

**Justification**

- 5.21. Whilst the focus of development activity is on the Growth Network, areas outside this network will play a vital role in delivering the overall strategy, as part of a balanced approach for meeting the development needs of the borough. These areas make up most of the existing urban area and are where most residents live. They are supported by a range of district and local centres, as set out in the Centres section.
- 5.22. Development will be focused in the most sustainable and accessible locations, and as outlined above, strong links will be created between the Growth Network and areas of development outside of it. The protection and enhancement of the borough’s green infrastructure will be supported by this approach.

**Evidence**

- SHLAA (2023)
- Urban Capacity Review Update (2023)
- Black Country Employment Areas Review (BEAR, 2021)
- Viability and Delivery Study (2023)
- Black Country Economic Development Needs Assessment (EDNA, 2017 and 2021 and EDNA 2023)
- Strategic Transport Evidence
- Strategic Environment Evidence

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- Historic Landscape Characterisation (HLC)

**Delivery**

- Annual update of SHLAA
- Authority Monitoring Report
- Housing renewal will be delivered through local authority intervention
- Securing funding to facilitate delivery
- Working with key partners and delivery agencies

**Achieving well designed places**

5.23. Where people live, has a major impact on their wellbeing. The Council is committed to ensuring that the design, planning and layout of developments and places is to high standard. Policy DLP4 and DLP39 set out the requirement to ensure development proposals are well designed and will function as attractive places which have a positive impact on people’s wellbeing and the overall attractiveness of the borough.

<p><b>Policy DLP4 Achieving well designed places</b></p>
<ol style="list-style-type: none"><li><b>1. Regeneration within the borough will be supported by the development of places and buildings providing a range of functions, tenures, facilities, and services, intended to support the needs of diverse local communities.</b></li><li><b>2. Developments will be expected to incorporate high-quality design in line with the Council’s adopted design codes/guides and supplementary planning documents.</b></li><li><b>3. The design of spaces and buildings will be influenced by their context; development should enhance the unique attributes of Dudley’s character and heritage whilst responding to locally identified community needs, changes in society and cultural diversity.</b></li></ol>

## **Policy DLP4 Achieving well designed places**

- 4. Building designs will be sought that are appropriate to Dudley, of a size, scale and type to integrate into their neighbourhood. Development proposals should employ sustainable technologies to help climate change mitigation and adaptation. The use of efficient building design, the choice of low- and zero-carbon materials, and intelligent site layout and building orientation can all help to reduce reliance on carbon-based products, energy and non-renewable resources.**
- 5. All development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of its location and show how proposals make a positive contribution to place-making and environmental improvement. It should also ensure that the significance of local heritage is recognised and reflected in designs and that new development retains and protects historic significance to the greatest extent possible.**
- 6. Maximum freedom of movement and a choice of sustainable means of transport, including ongoing support for the provision and extension of walking and cycling infrastructure should be promoted through new development. Transport proposals should include connections to and between transport hubs, ensuring that interventions make a positive contribution to place-making and increase accessibility and connectivity.**
- 7. Dudley Borough will be a safe and secure place to live and work in, through organising the urban environment in ways that encourage people to act in a responsible manner (see Policy DLP39). Development proposals will be required to provide active frontages, well-located, safe and accessible pedestrian and cycle infrastructure and an appropriate intensity of use in centres and**

### **Policy DLP4 Achieving well designed places**

elsewhere. Designs should promote natural surveillance and defensible spaces.

- 8. An integrated and well-connected multifunctional open space network will be pursued throughout the borough, including through the design and layout of new residential and employment developments. This will deliver opportunities for sport and recreation and will help establish and support a strong natural environment. Properly designed and well-located open spaces will help mitigate flood risk, provide space for wildlife and encourage informal recreation for local people as well as help create a high-quality living environment. This will also be important for the delivery of the Nature Recovery Network strategy (Policy DLP32).**
- 9. The protection and enhancement of the borough's historic canal network and the area's natural waterways will be sought to the extent possible through the design and layout of appropriately located housing and employment development and by the integration of waterways into those proposals to create attractive waterside development. This will act as a unifying characteristic within the Dudley Borough's urban structure and landscape.**

5.24. The National Planning Policy Framework (NPPF) sets out how 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'.

5.25. NPPF also promotes the use of design codes and design guides by local planning authorities and specifies that they should set out the principles consistent with those included in the National Design Guide and National Design Code. Dudley Council was a National Design Code Pathfinder Pilot and is in the process of developing a Design Code for Lye and the Stour Valley. It is the intention to adopt the Design Code as a supplementary planning document and use the experience from the pilot to develop a borough -wide design code.



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- 5.26. The aim of the Local Plan is to create the conditions for economic and social growth, which will take place within a safe, attractive and accessible built and natural environment. The Plan also encourages and supports the growth of locations that encourage participation and community engagement. Successful placemaking in the borough will foster community stability and incorporate elements that create resilience to adverse economic and environmental impacts. The borough enjoys a unique heritage, reflected in its urban structure, which requires a sensitive approach to place-making and an insistence on a high quality of design for proposals that affect the historic built and natural environment.
- 5.27. Vibrant streets and spaces, defined by surrounding buildings and with their own distinct character, will provide the framework for a coherent and interconnected network of places. These will support ease of movement, social interaction and a sense of personal wellbeing, and will display a clear hierarchy of private, commercial and civic functions. The borough's network of centres will provide a focus and concentration for essential local services and activities with easy access by walking, cycling and public transport to residential areas, as detailed in policies in the Centres and Transport Sections as well as Policy DLP11 – Housing Density, Type and Accessibility. Its diverse, accessible, affordable and active villages, towns and neighbourhoods will encourage commercial activity, promote prosperity and support the wellbeing of the area's inhabitants.
- 5.28. The importance of high-quality design in creating places where people want to live, work and invest with renewed confidence is a fundamental plank of both national and local policy. The Government have published national design guidance that supports the National Planning Policy Framework, which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.29. The opportunity exists to transform the borough's strategic and town centres and regeneration corridors into distinctive places that provide a good quality of life for all who live in, work in and visit them. Investment in high-quality places will result in environmental, economic and social benefits, including community

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safety, health and well-being, inclusive communities, better public services, environmental sustainability, climate resilience, greater financial value of buildings and improved worklessness. Creating a higher quality of life for the borough's communities depends on many factors and will play an increasingly important role in attracting private sector investment and skilled workers.

### **Evidence**

- Historic Landscape Characterisation (HLC)
- National Design Code
- Art in the Public Realm Strategy & Action Plan 2020 – 2025
- West Midlands Design Charter 2020
- Supplementary Planning Documents or Supplementary Plans

### **Delivery**

- Development Management, legal and funding mechanisms
- Borough Design Codes

### **Cultural facilities and the visitor economy**

5.30. Dudley borough is a regional visitor destination attracting millions of people each year to experience a range of cultural and leisure activities. Tourism is an important contributor to the borough's economy and Dudley's continued success as a destination for tourists will depend on the borough having a diverse mix of facilities that are attractive to a range of audiences.

5.31. Alongside this, cultural assets such as theatres, cinemas, borough halls, libraries, galleries, museum, historic sites, leisure centres and places of worship can enrich people's quality of life, whilst also providing a major source of employment. Arts, leisure, and culture can bring significant benefits to the borough and the wider sub-region, both in terms of economic impact as well as improving accessibility to culture and leisure pursuits for residents, delivering social value and supporting our health and wellbeing. The economic benefits of having a borough where residents are fit, healthy and where cultural activities are accessible and enjoyed is well documented.

5.32. It is therefore appropriate to consider how planning can assist in supporting the cultural, tourism, heritage, and the visitor economy as set out in Policy DLP5.

**Policy DLP5 Cultural Facilities, Tourism, Heritage, and the Visitor Economy**

**Economy**

**Development Proposals**

- 1. Cultural, tourist and leisure venues and facilities within Dudley will be protected, enhanced and expanded (where appropriate) in partnership with key delivery partners and stakeholders. Such provision includes, protecting and promoting the borough’s strong industrial heritage and the smaller scale venues and attractions that are an important part of creating a diverse offer.**
  
- 2. Proposals for new developments or uses that contribute to the attractiveness of Dudley as a visitor destination will be supported in principle, subject to national guidance and policy requirements elsewhere in the Plan.**
  
- 3. Proposals for new or expanded facilities or uses should:**
  - a. Be of a high-quality design**
  - b. Be highly accessible, particularly within centres**
  - c. Not adversely impact on residential amenity or the operations of existing businesses**
  - d. Be designated to be flexible, adaptable, and where possible be capable of alternative or community-based uses**
  
- 4. Well-designed and accessible ancillary facilities will be supported in appropriate locations. Additional facilities that support the visitor economy and business tourism sectors (including hotels) will be**

## **Policy DLP5 Cultural Facilities, Tourism, Heritage, and the Visitor Economy**

encouraged and promoted within centre locations, in line with policy DLP2.

5. Development that would lead to the loss of an existing cultural or tourist facility in Dudley will be resisted unless:
  - a. The intention is to replace it with a facility that will provide an improved cultural or tourist offer; or
  - b. It can be demonstrated that there would be significant benefits to the local and wider community in removing the use and/or redeveloping the site.

### **The Visitor Economy**

6. Improvement and further development of visitor attractions will be supported where appropriate, to ensure that accessibility is maximised and to continue to raise the quality of the visitor experience throughout Dudley. This can be achieved by:
  - a. Enhancing/extending current attractions
  - b. Providing inclusive access, particularly within centres
  - c. Enhancing the visitor experience
  - d. Delivering necessary infrastructure
7. Links should be made to centres and those parts of Dudley and beyond that are well-connected by public transport, considering the needs of business as well as leisure visitors, to encourage more local use of cultural and tourist attractions.
8. Physical and promotional links to visitor attractions close to Dudley will be enhanced and encouraged, particularly in relation to the wider Black Country, Birmingham as a global city and a business

**Policy DLP5 Cultural Facilities, Tourism, Heritage, and the Visitor Economy**

**economy destination and the Black Country UNESCO Global Geopark.**

**Cultural facilities and events**

- 9. The promotion and protection of other cultural attractions and events across the borough will be encouraged, including the provision of new venues, performance spaces and facilities, particularly in the centres.**
  
- 10. In cases where adjacent new developments would prejudice the ongoing operation of successful cultural/performance venues, the “agents of change”<sup>3</sup> principle will be applied. This will protect the amenities of incoming residents whilst at the same time it will preserve and protect the existing adjacent use/activity.**

**Justification**

5.33. Dudley borough has a wide range of tourism and cultural assets including a strong industrial/historic heritage which includes Dudley Zoo and Castle, the Black Country Living Museum, Dudley Canal and Caverns, Stourbridge Glass Quarter, and an extensive canal network. Such varied attractions contribute to the borough’s historic landscape and heritage value (see DLP55). In addition, Dudley, and the wider Black Country, contains one of the world’s few urban geoparks, identified by UNESCO as a single, unified geographical area where sites and landscapes of international geological significance are located (Policy DLP35). Other attractions include Wren’s Nest National Nature Reserve and Dudley Museum at the Archives / Black Country UNESCO Global geopark headquarters.

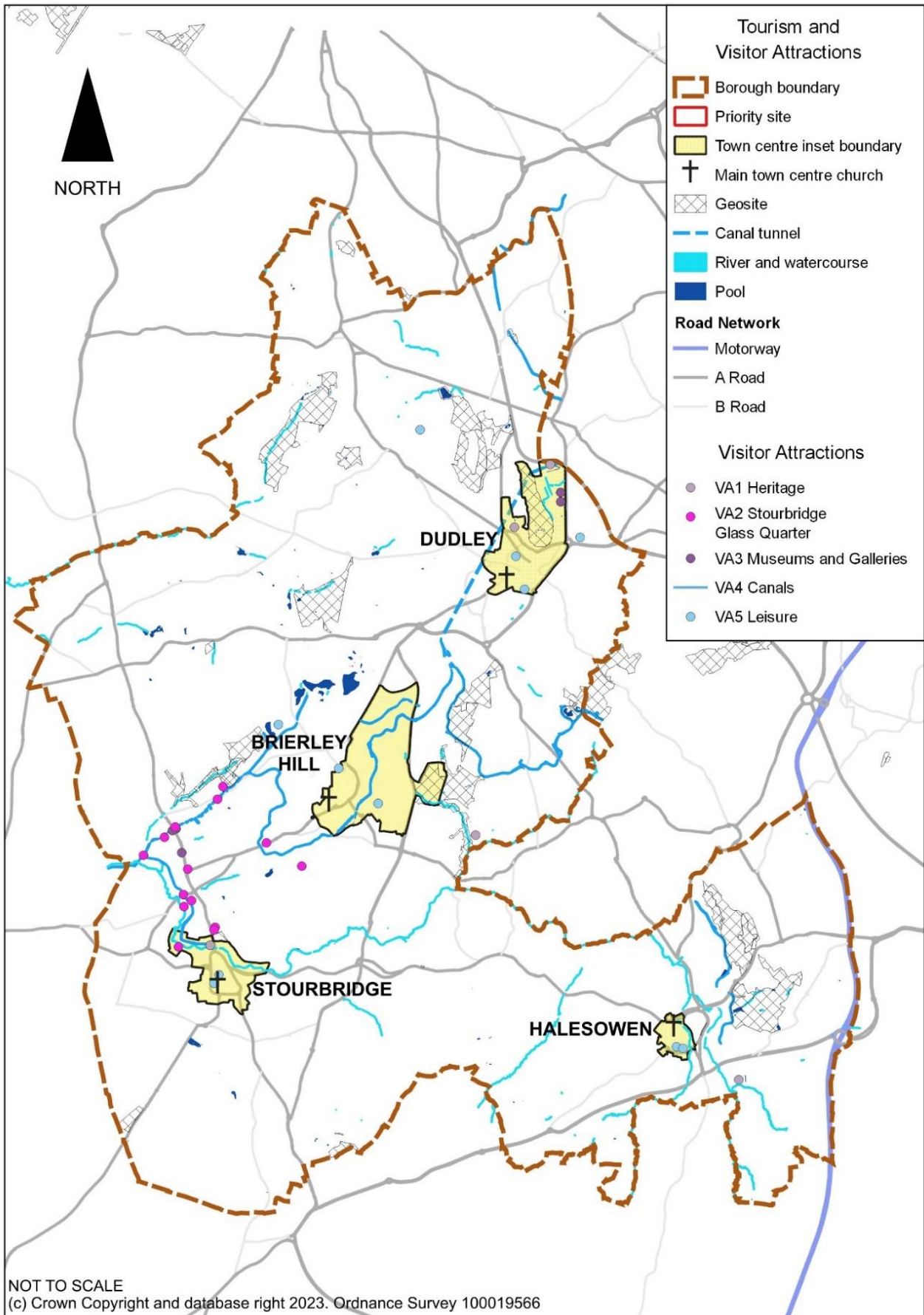
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<sup>3</sup> This requires new or incoming development to mitigate and protect its incoming residents and uses against potential impacts from extant activities in adjacent properties.

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- 5.34. Visitor attractions generated approximately 9.4 m trips a year to the borough in 2022 an increase of 400,000 from 2019. The estimated spend from the visitor economy generated £402m in 2022 an increase of 27% (£86m) compared with 2019, supporting 4,380 jobs an increase of 8% compared to 3,720 jobs in 2019<sup>2</sup>, including 800 jobs directly involved in the cultural sector<sup>3</sup>. The wide variety of attractions means that Dudley has a diverse offer which will continue to play an important role in the borough's overall regional and national position.
- 5.35. The Council's strategy sees the tourism and cultural sectors as being a key part of the local economy and this Plan should promote and support these sectors in a proactive and positive way. The borough's cultural assets and visitor facilities should be supported to grow and improve in ways that maintain their attractiveness and integrity; this will be the case particularly for those assets associated with the area's industrial heritage and historic environment. It is an objective of this Plan to enable the maintenance and improvement of facilities, including supporting appropriate opportunities for culture and tourism.
- 5.36. The protection, promotion and expansion of existing cultural facilities, visitor attractions and associated activities and infrastructure will ensure their role as key economic drivers stimulating and regenerating the local economy, in line with Strategic Priority 9 by supporting our network of centres as they adapt to changing demands and trends.

Figure 5.2 Dudley Borough Tourism and Visitor Attractions



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### Evidence

- West Midlands Regional Tourism Strategy 2019 -2029, West Midlands Growth Company
- West Midlands Cultural Sector Analysis, Hatch, We Made That, Tom Fleming Creative Consultancy, June 2021
- STEAM Economic Impact Assessment Report 2019-2022: Dudley, May 2023
- Glass Quarter Supplementary Planning Document (2009)

### Delivery

- Planning Management
- Other Local Plan/Regeneration Frameworks
- Promotion of tourism and cultural attractions in association with West Midlands Combined Authority and Growth Company
- Cultural Strategy
- Supplementary Planning Documents

### Monitoring

Policy	Indicator	Target
DLP1, DLP2 and DLP3	Delivery of net new homes by location, as set out in Policies DLP1, DLP2 and DLP3  Delivery of employment land development by location, as set out in Policies DLP1, DLP2 and DLP3.	As per policies
DLP4	Design Codes adopted  Updated SPDs on Design	In line with Local Development Scheme



## 6. Infrastructure

### Introduction

- 6.1. A key role of the Dudley Local Plan (DLP) is to plan for the growth required for a sustainable and prosperous borough. Ensuring effective delivery of development will require strong collaborative working, both between the local authority and jointly with public, private and third sector partners, involving a robust process of infrastructure planning and delivery.
- 6.2. The provision of appropriate infrastructure in a timely manner underpins the transformational and regeneration strategy of the DLP and these policies are intended to ensure the delivery of all spatial priorities.
- 6.3. The National Planning Policy Framework (NPPF) highlights that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing. It requires planning policies and decisions to support the expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections. The expansion of these networks in Dudley Borough will support the vision and spatial strategy of the Plan by supporting economic growth and sustainable development.

### Delivery Constraints

- 6.4. Physical and social infrastructure is necessary to enable and support the growth required over the Plan period. New housing and economic development will put pressure on existing services and utilities but may also create opportunities to provide robust and innovative infrastructure solutions.
- 6.5. The DLP will be supported by an Infrastructure Delivery Plan (IDP) at the Regulation 19 stage, which will draw upon a range of evidence including transport modelling, a Utilities Infrastructure Capacity Study, a Water Cycle Study, and a Viability and Delivery Study. This evidence underpins the DLP by identifying infrastructure investment required to support development, potential constraints to delivery and the key delivery mechanisms and partners.

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6.6. The DLP adopts a brownfield-first approach to maximise delivery of development within the urban area; however, poor ground conditions that are a legacy of the Dudley's mining and industrial past are a significant constraint, in both physical and financial terms. Therefore, tackling significant and structural delivery constraints are a priority for interventions, as they affect much of the development land supply in the urban area. The Council is working in partnership with the West Midlands Combined Authority, to ensure that brownfield land is prioritised for development and funding intervention.

6.7. Where valuable mineral resources are present, and it is viable to extract them as part of a remediation scheme, this may also help offset the costs.

### **Transport and Access to Residential Services**

6.8. Parts of Dudley's existing highway infrastructure suffers from congestion. The transport modelling evidence is available to view alongside the plan and updated transport modelling work is ongoing, and this evidence will be available to inform the Plan as it progresses. Assuming that proposals for improved public transport, walking and cycling are delivered, it is not anticipated that the development of new housing and employment land will have a significant additional impact.

6.9. Most new housing development in the urban area will enjoy good accessibility, including to sustainable modes of transport, centres of employment, schools, shops, health facilities and other residential services. This should help to reduce the requirement for additional travel and will also help mitigate the impact of development.

6.10. Infrastructure investment will be required to support development, including:

- public open space
- transport provision
- school places
- health facilities
- affordable housing
- sustainable drainage systems

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- wastewater treatment
- waste management

3.8. Changes may be required to the way that Dudley is powered over the Plan period, together with an increasing reliance on digital solutions. Where gaps in service provision exist, service providers are aware of them and will work to address them.

### Economic activity

6.11. As identified in the Economic Development Needs Assessment (EDNA), the Black Country comprises a clearly defined functional economic market area (FEMA) with strong employment and labour market links to a hinterland with Birmingham and South Staffordshire districts. It is a fast-growing functional economy and has the capacity to deliver significant growth, given the diversity, resilience and concentration of key national sectors located in the area. However, skills' challenges are holding it back.

6.12. Economic development strategies including the Strategic Economic Plan (SEP) and Local Industrial Strategy seek to address these challenges to accelerate the growth of the local economy and there are major investment plans in the Black Country – including for the transport infrastructure which is crucial to meeting the ambitions in the West Midlands Strategic Economic Plans.

6.13. Considerable investment is taking place in the Black Country including the delivery of projects within Dudley Borough through working with the West Midlands Combined Authority. Some key projects that will take place over the life of the DLP include the regeneration of Dudley Town Centre, and many of these projects are, and will, benefit from funds such as:

- Devolved Housing Deal
- Levelling Up Funds
- Towns Fund
- Future High Streets
- Transport settlements including City Regions Sustainable Transport Settlement (CRSTS)

6.14. Other infrastructure likely to be delivered before and during the plan period are:

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- The rollout of a fast-charging network for electric vehicles, ensuring that drivers will never be further than 30 miles from a rapid charging station
- 5G (and further generations) rollout

### **Planning Obligations**

6.15. Planning obligations currently deliver local infrastructure improvements necessary to mitigate the impact of development on the local area. Examples include affordable housing provision, access improvements, open space and residential services.

6.16. Financial viability has always impacted on the extent of planning obligations that can be secured in in Dudley, particularly in areas suffering from poor ground conditions. The DLP will be introducing requirements for sustainable design and to adapt to and mitigate against climate change. As informed by the Viability and Delivery Study<sup>1</sup>, viability impacts will vary according to the size, type (i.e., greenfield or brownfield) and location (e.g., whether the site is within a low or high value area) of the sites involved, and it is likely that interventions may be necessary to bring forward development on some of the more constrained sites within lower value areas.

6.17. The Community Infrastructure Levy (CIL) provides opportunities for local authorities to generate contributions for local and sub-regional infrastructure through a levy on a wide range of developments. This can present opportunities to provide a range of infrastructure currently beyond the scope of planning obligations: The Council has an adopted CIL charging regime, which has been endorsed by the Viability and Delivery Study.

### **Infrastructure Provision**

6.18. The following policy sets out how the Council will secure infrastructure provision from future planned development. It also sets out the requirement for viability evidence where, in exceptional circumstances, proposals are unable to comply with the policies of the DLP.

## **Policy DLP6 Infrastructure Provision**

- 1. All new developments should be supported by the necessary on and off-site infrastructure to serve its needs, mitigate its impacts on the environment and the local community, and ensure that it is sustainable and contributes to the proper planning of the wider area.**
- 2. Unless material circumstances or considerations indicate otherwise, development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements and proposals are provided and /or can be phased to support the requirements of the proposed development. These will be secured through planning obligations, the Community Infrastructure Levy/Infrastructure Funding Statements, planning conditions or other relevant means or mechanisms as necessary, to an appropriate timetable that is prioritised, resourced, managed, delivered and co-ordinated.**
- 3. Dudley Council will set out in supporting planning documents and planning guidance:**
  - a. The infrastructure that is to be provided or supported.**
  - b. The prioritisation of and resources for infrastructure provision**
  - c. The scale and form of obligation or levy to be applied to each type of infrastructure.**
  - d. Guidance for integration with infrastructure within adjoining local authority areas**
  - e. The procedure for maintenance payments and charges for preparing agreements.**
  - f. The defined circumstances and procedure for negotiation regarding infrastructure provision**

**Policy DLP6 Infrastructure Provision**

- 4. Exceptional circumstances, to a proposed development not meeting its on-site and off-site infrastructure needs or ability to deliver appropriate measures to mitigate against its impact on existing infrastructure, will only be considered where significant viability concerns can be evidenced through early engagement with the Council in raising this as an issue, and through the submission of a detailed (financial) Viability Assessment.**

**Justification**

6.19. The scale of growth proposed in the DLP will have impacts on the local environment and the capacity of a range of infrastructure and facilities. It is important that the appropriate investment takes place to ensure, future development is sustainable. The definition of infrastructure in this context, for which overall targets and standards are set in the DLP and national planning policy is wide, including:

- a) affordable housing
- b) renewable energy
- c) publicly accessible open space
- d) sustainable drainage
- e) sport and recreational facilities
- f) biodiversity net gain
- g) transport, including active travel
- h) air quality mitigation measures; and
- i) residential services

6.20. These requirements are set out in more detail within the appropriate sections of the DLP, with related policies and guidance contained in Supplementary Planning Documents/ Supplementary Plans. Policy requirements set out in the DLP have been subject to a proportionate assessment of viability to ensure that those requirements are realistic, and the cost of meeting the needs of relevant

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policies will not undermine the deliverability of the Plan. Each development proposal must address its own impacts through on-site and offsite provision or enhancements, secured through planning obligations or other relevant means.

- 6.21. Analysis suggests that education infrastructure needs arising from the proposed DLP growth are likely to be accommodated via expansions to the current school estate as opposed to the creation of new school(s). However due to the DLP plan period extending beyond current education forecasts this analysis would be ongoing, and contributions may be required.
- 6.22. Similar to education provision, analysis is suggesting that additional GP consulting rooms may be required in certain areas of the borough depending on the scale and nature of those developments. Consultation with key infrastructure providers will be conducted throughout the planning process in order to determine if contributions are required on a site-by-site basis.
- 6.23. Where the combined impact of several developments creates the need for infrastructure, it may be necessary for developer contributions to be pooled to allow the infrastructure to be secured in a fair and equitable way. Pooling may take place both between developments and also between Dudley and other local authorities where there is a cross-authority impact.

### **Broadband and Telecommunication Networks**

- 6.24. Planning policy can play an important role in helping to address key digital connectivity infrastructure needs, reflecting that modern telecommunications are important in the national and local economy and in people's lives.
- 6.25. The following policy sets out proposals for ensuring the provision of full fibre broadband connectivity is considered in all new major development proposals. It also sets out the approach for supporting and assessing 5G Network (and further generation) infrastructure proposals.
- 6.26. Policy DLP7 also sets out how the Council will respond positively to telecommunications proposals whilst balancing decisions against the need to protect and enhance the character and the overall environmental quality of the borough, as supported by relevant stipulations within the National Planning

Policy Framework. It also supports discussions with operators prior to any strategies and applications being finalised are encouraged to establish at an early stage a shared view of equipment needs and constraints.

### **Policy DLP7 Broadband and Telecommunications**

- 1. Proposed development comprising 10 or more new homes or more than 1,000 sqm of non-residential floorspace will be required to deliver Fibre to The Premises (FTTP) capacity / infrastructure to all individual units, with details on the delivery of FTTP set out within a submitted Fibre to The Premises (FTTP) Statement.**
- 2. This requirement will only be reduced where it can be clearly demonstrated to the satisfaction of the Council that it is not practical nor viable to deliver FTTP.**
- 3. Where FTTP is evidenced as impractical to deliver, as an alternative, non-next generation access technologies that can provide speeds in excess of 30MB per second, shall be provided.**
- 4. Any proposals for infrastructure to support the delivery of the latest generation (G) network will be supported in principle, subject to meeting the requirements of other local policies and national guidance.**
- 5. Proposals for telecommunications masts and equipment shall be accompanied by evidence to demonstrate that the sharing of an existing mast and other alternatives to the provision of a new mast has been considered and found not to be practical to provide for the efficient operation of the telecommunications network.**
- 6. Proposals for telecommunications masts and equipment shall be sensitively sited and designed to minimise impacts on the**



### **Policy DLP7 Broadband and Telecommunications**

**environment, amenity, and character of the surrounding area, with particular regard to their potential visual intrusion and risk to highway safety. Such proposals will be permitted provided that:**

- a. the siting and design of the apparatus is acceptable, including its external appearance.**
- b. the development shall not have an unacceptable effect on areas of ecological interest, areas of landscape importance, heritage assets, conservation areas or buildings of architectural or historical interest.**
- c. proper regard has been given to location and landscaping requirements, including innovative design solutions, that are complementary to the immediate surroundings.**
- d. any impact on amenity and/or highway safety is acceptable.**

#### **Justification**

6.27. Full fibre broadband is the future of connectivity and increases speeds from the 30 MB available for superfast broadband to 1000 MB (1GB). Currently full fibre coverage is very low across Dudley (0.6%), compared to 11.5% across England. Full fibre is required to meet future demands for connectivity, as highlighted by a 50% increase in demand each year, and to recognise the wider economic, health and service delivery benefits.

6.28. At the local level, the availability, reliability, and speed of broadband provision is a key consideration for house buyers and many view it to be as essential as more traditional utilities. Similarly, it is also a key concern in the public health and business sectors. However, despite the obvious benefits to developers and end-users, full fibre is not always provided in new residential and commercial properties.

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- 6.29. Planning policy can play a role in helping to achieve the necessary transformation in broadband connectivity. The NPPF clearly recognises this and supports the delivery of advanced, high-quality communications infrastructure and the expansion of highspeed broadband where possible.
- 6.30. Currently most properties in Dudley Borough are connected to superfast broadband (fibre to the cabinet and copper to the premises with speeds up to 30 MB) but the future is cited as full fibre (fibre to the premises with speeds up to 1GB). Fibre to the premises (FTTP) is recognised by the Government as a Next Generation Access (NGA) technology, with NGA defined as wired access networks that consist wholly or in part of optical elements, and which are capable of delivering broadband access services with enhanced characteristics (such as higher throughput) as compared to those provided over already existing copper networks.
- 6.31. The Government has committed to gigabit-capable broadband by 2025 and it is the aspiration of the Black Country Authorities (BCA), including Dudley, to support the rollout of full fibre across the Black Country as soon as possible. An options appraisal case is being progressed around full fibre. By seeking to deliver FTTP, Dudley is aiming to provide a futureproof solution for broadband delivery. Adopting this approach will prevent the need for fibre retrofitting programmes in the future, which have significant cost implications and cause considerable disruption through road works.
- 6.32. To help deliver this aspiration, Policy DLP7 requires developers to ensure FTTP is available at every new property on all major developments, except in the limited cases where this is not practical or viable, with the cost of installing FTTP in the build phase of new developments likely to be neutral or relatively small. On larger sites (around 25 or more homes) the provider will generally meet the cost voluntarily, with a contribution requested on smaller sites. Any costs to the developer could be balanced by increased sales values generated by fast and reliable broadband being available.
- 6.33. By implementing this policy approach, Dudley Council is seeking to ensure that future developments remain at the forefront of advances in broadband

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technology, allowing the borough to remain an attractive location for businesses and residents.

- 6.34. Where it is considered that delivery of FTTP is not viable or practical, evidence should be provided to demonstrate that a departure from policy is justified. Such evidence could include issues of viability, the ability to undertake the physical work required to install it and proximity to the nearest breakout point on the fibre network. There may also be circumstances where the operators themselves have concluded that servicing the site is not practical. Where a FTTP solution is not deemed possible, provision of technologies capable of providing speeds in excess of 30MB should be delivered instead.
- 6.35. The intention of Policy DLP7 is not to require developers to deliver FTTP solutions themselves. Instead, it focuses on the need to conduct early dialogue with telecom providers in order to best understand what their infrastructure specifications are and how these can be accommodated as part of the new development. The involvement of multiple telecoms providers at build stage will minimise the impact later.
- 6.36. To facilitate this, any application for a qualifying development should be supported by an “FTTP Statement”, which provides details of dialogue with the telecom operators, explains how FTTP will be provided to serve the development and confirms that this process will be completed upon occupation of the first property on the development. Conditions will then be applied to any subsequent permission to ensure that FTTP will be secured as envisaged by the statement. For outline applications, the statement may be more limited on specific details relating to the imminent implementation of FTTP and provide a commitment to supply these details later, including how and when the telecom operators will be consulted.
- 6.37. The newest generation mobile phone network (5G) is as fast as fibre, with speeds up to 1GB – five to ten times faster than current home broadband connectivity. 5G benefits include huge capacity, with the ability to connect thousands of users and devices at the same time at consistently ultrafast speeds and ultra-reliable, secure, and low latency, which will be transformational for industry. The demand for mobile data in the UK is growing

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rapidly, and as households and businesses become increasingly reliant on mobile connectivity, the infrastructure must be in place to ensure supply does not become a constraint on future demand.

- 6.38. The Government wants to be a world leader in 5G, the next generation of wireless connectivity, and for communities to benefit from investment in this new technology. The NPPF expects planning policies and decisions to support the expansion of next generation mobile technology such as 5G, and further generation networks. The West Midlands has been selected as the UK's first multi-city 5G test bed, paving the way for the future rollout of 5G across the UK, making the region the first in the UK ready to trial new 5G applications and services at scale.
- 6.39. To deploy 5G, and future generation technologies, and improve coverage in partial "not-spots" (a place where wireless internet, especially broadband, services are not available), mobile network operators will need to strengthen existing sites to accommodate additional equipment. To extend coverage into total not-spots or to add capacity in areas of high demand, mobile network operators will also need to identify and develop new sites.
- 6.40. Masts will need to be higher than at present to accommodate 5G, which may impact on local amenity and character in some areas. Mobile Network Operators are therefore encouraged to have early discussions with Dudley Council and to communicate and consult with local communities, especially in the case of new sites.
- 6.41. With regard to proposed new installations, especially in order to accord with national planning policy, it is important to require the siting and design of apparatus to be sympathetic and responsive to a site's location, with particular regard to it not having an unacceptable impact on natural or heritage assets, and/or unduly impacting on amenity and highway safety.

### Evidence

- Black Country Utilities Infrastructure Capacity Study (2029)
- Black Country Digital Infrastructure Evidence Base (2021)

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**Delivery**

- Planning Management
- Other Local Plan/Regeneration Frameworks
- Supplementary Planning Documents

**Monitoring**

<b>Policy</b>	<b>Indicator</b>	<b>Target</b>
DLP1, DLP7	Delivery of sufficient infrastructure to support new development.	Infrastructure Funding Statements (IFS) or related planning documents which may supersede IFS documents.

### 7. Health and Wellbeing

#### Introduction

- 7.1. The purpose of the planning system in England is to contribute to the achievement of sustainable development. The built and natural environments are key determinants of health and wellbeing. The NPPF states that one of the three overarching objectives of the planning system is supporting strong, vibrant, and healthy communities. The Health and Social Care Act (2012) gave local authorities new duties and responsibilities for health improvement and requires every local authority to use all levers at its disposal to improve health and wellbeing; Local Plans are one such lever.
- 7.2. Planning policies and decisions should aim to make sufficient provision for facilities such as health infrastructure and aim to achieve healthy, inclusive, and safe places that support healthy lifestyles, especially where they address identified local health and well-being needs. Engagement between Dudley and relevant organisations helps ensure that local the Dudley Local Plan supports these aims.
- 7.3. Ensuring a healthy and safe environment that contributes to people's health and wellbeing is a key objective of Dudley Council and their partners in the health, voluntary and other related sectors.

#### Linkages between health and the built and natural environment

- 7.4. The linkages between health and the built and natural environment are long established and the role of the environment in shaping the social, economic and environmental circumstances that determine health is increasingly recognised and understood. Climate change will have a negative impact on health and wellbeing and action 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 through outcomes such as reduced obesity and fuel poverty.
- 7.5. An increasing body of research indicates that the environment in which people live is linked to health across their lifetime. For example, the design of

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neighbourhoods can influence physical activity levels, travel patterns, social connectivity, food consumption, mental and physical health, and wellbeing outcomes. These are illustrated in the Barton and Grant (2010) Health Map.



**Figure 7.1 The determinants of health and well-being in our neighbourhoods**

7.6. Evidence including from the Sustainability and Transformation Partnership suggests that the Black Country, including Dudley, performs worse than the average for England with regards to risk factors for poor health outcomes that are linked to the built and natural environment. For example, Dudley has lower rates of physical activity and higher rates of obesity. Poor air quality is harmful to health and unhealthy fast food is easily available. In the home, rates of falls and hip fractures in older people are high, as are households living in fuel poverty, meaning people are exposed to the risk of cold housing in winter thereby exacerbating long-term conditions<sup>1</sup>.

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- 7.7. Dudley has lower rates of both life expectancy and healthy life expectancy than the average for England meaning people not only die earlier but live more of their life with ill health, which has implications for their ability to be productive and for how they use the built and natural environment. Dudley also has higher rates of multiple deprivation, of children living in poverty and of unemployment than the rest of England<sup>2</sup>. These factors all contribute to poorer health outcomes and are influenced by the built and natural environment.
- 7.8. Dudley also has higher rates of hospital admissions for alcohol compared to the England average. Many users of adult social care say they feel isolated and experience poor health-related quality of life.
- 7.9. The Dudley Health and wellbeing Strategy 2023-28, identifies the following as goals for tackling health and wellbeing:
- a) Promoting a healthy weight
  - b) Reducing the impact of Poverty
  - c) Reducing loneliness and isolation
- 7.10. Therefore, there is a need for the DLP to support initiatives aimed at encouraging healthier lifestyle choices, mental wellbeing and addressing socio-economic and environmental issues that contribute to poor health inequalities.

### **Policy DLP8 Health and Wellbeing**

- 1. The Council will support developments which create an environment that promotes healthy communities, protects, and improves the physical, social and mental health and wellbeing of its residents, including children, young people and vulnerable adults and which reduces health inequalities. Developments should help to maximise opportunities to improve the quality of life, make it easier for people within Dudley to lead healthy, active lifestyles and encourage healthy choices.**



## Policy DLP8 Health and Wellbeing

2. The following developments are required to provide a screening Health Impact Assessment as part of the planning application:
  - a. residential developments over 150 dwellings or 5ha
  - b. Industrial developments over 5ha
  - c. other developments over 1ha
  - d. new developments which include any of the following uses:
    - I. Hot Food Takeaways
  - e. development which would result in the loss of any of the following uses:
    - I. Education Facilities
    - II. Health Facilities
    - III. Leisure and Community Facilities
    - IV. Public Accessible Open Space
3. Developments which have a significant negative impact on health and wellbeing will not be supported where applicants cannot provide mitigation of, or compensation for such impacts through planning conditions and/or financial/other contributions secured through planning obligations.
4. To support the physical, social, and mental health and wellbeing of its residents, Dudley will support vibrant centres and local facilities, this will include managing the location, concentration of and operation (including opening hours) of businesses which contain uses running contrary to these aims including:
  - a. Proposed developments for Hot food takeaways (including hybrid uses incorporating such uses). Developments will only be supported where they support this aim and Policy DLP29

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### Justification

- 7.11. The DLP encourages planning decisions that help improve the overall health and wellbeing of residents and help people lead healthier lives more easily. The aim of the policy is to assess and improve the health impacts of new developments and minimise negative impacts. Improving the health of residents helps to reduce the burden on the National Health Service, thereby providing society with wider economic benefits.
- 7.12. A Health Impact Assessment can be a useful tool in assessing development proposals where there are expected to be significant impacts on health and wellbeing. They should be used to reduce adverse impacts and maximise positive impacts on the health and wellbeing of the population, as well as reduce health inequalities, through influencing the wider determinants of health. This may include provision of infrastructure for health services or for physical activity, recreation, and active travel. Health Impact Assessments help to achieve sustainable development by finding ways to create a healthy and just society, enhance and improve the places where people live.
- 7.13. Health Impact Assessments can be carried out at any stage in the development process but are best undertaken at the earliest stage possible. This should ideally be prior to the submission of planning applications, to ensure that health and wellbeing issues are considered and addressed fully at the outset. Where this is not appropriate, they should form part of the material submitted to support the relevant planning application. This can be provided as a standalone assessment, or as part of a wider Sustainability Appraisal (SA), Environmental Impact Assessment (EIA), or Integrated Impact Assessment (IIA).
- 7.14. The Marmot Review (February 2010) highlighted that socio-economic inequalities, including the built environment, have a clear effect on the health outcomes of the population. One of the key policy objectives aimed at reducing the gap in life expectancy between people of lower and higher socio-economic backgrounds, is to *'create and develop healthy and sustainable places and communities'*.

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- 7.15. In February 2020, The Institute of Health Equity published the Health Foundation's *Health Equity in England: The Marmot Review 10 Years On*. The report highlights that poor health is increasing, the health gap has grown between wealthy and deprived areas and that place matters to health. The review went on to recommend:
- Investment in the development of economic, social and cultural resources in the most deprived communities
  - 100% of new housing to be carbon neutral by 2030, with an increased proportion being either affordable or in the social housing sector
  - Aim for net zero carbon emissions by 2030 ensuring inequalities do not widen as a result.
- 7.16. Many of these issues are addressed in the wider policies of the Dudley Local Plan.
- 7.17. Residents of Dudley Borough suffer from poorer health, particularly in the more deprived wards, outcomes that the rest of England, across a broad range of indicators. The evidence from Public Health England and elsewhere suggests that Dudley also performs worse with regards to risk factors for poor health outcomes that are linked to the built environment.
- 7.18. Dudley has higher rates of physically inactive adults and children and higher rates of obesity than those for England as well as lower rates of the population eating 'five a day' and a higher number of fast-food outlets per 100,000 population. Obesity is considered a risk factor for cancer and diabetes and maternal obesity is a risk factor for infant mortality and associated with poor health. High concentrations of Hot Food Takeaways in certain areas of those which are not appropriately located, can result in an undue influence on poor choice of diet than contributes to a wider range of health issues discussed above. Additionally, such proposals can lead to increased levels of environmental health issues, such as odour, litter issues and anti-social behaviour).

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**Evidence**

- Dudley Health and Wellbeing Strategy, 2023-28, Dudley Health and Wellbeing Board
- Black Country Integrated Care Board, Primary Care Estates Strategy.
- Black Country Integrated Care Board, Primary Care Estates Strategy, Dudley Estates Pack.
- Black Country ICB, Integrated Care Strategy.
- A Healthy Map for the Local Human Habitat – Strategic Review of Health Inequalities in England post-2010, Institute of Health Equity, 2010.
- Fair Society, Healthy Lives: The marmot Review – Strategic Review of Health Inequalities in England post-2010, Institute of Health Equity, 2010
- Health Equity in England: the Marmot Review 10 years on, Institute of Health Equity, 2020
- *Planning for Health in the Black Country: Evidence Base for Black Country Plan Health and Wellbeing Chapter, 2021*
- Health Impact Assessment in spatial planning, a guide for local authority public health and planning teams, Public Health England, October 2020

**Delivery**

- Through Development Management and Supplementary Planning Documents
- Implementation and funding will be sought through planning conditions, planning agreements and planning obligations as well as through external funding sources.

**Healthcare Infrastructure**

<b>Policy DLP9 Healthcare Infrastructure</b>
<b>1. New Healthcare facilities should be:</b>

## **Policy DLP9 Healthcare Infrastructure**

- a. Well-designed and complement and enhance neighbourhood services and amenities;
  - b. Well-served by public transport infrastructure, walking and cycling facilities and directed to a centre appropriate in role and scale to the proposed development, and its intended catchment area, in accordance with policies DLP24 and DLP25. Proposals located outside centres must be justified in terms of relevant policies such as DLP26 and DLP27, where applicable;
  - c. Wherever possible, located to address accessibility gaps in terms of the standards set out in Policy DLP11, particularly where a significant amount of new housing is proposed;
  - d. Where possible, co-located with a mix of compatible community services on a single site.
2. Existing primary and secondary healthcare infrastructure and services will be protected, unless it can be demonstrated that the loss of the existing facility has a satisfactory replacement or is no longer fit for purpose as part of a wider public service transformation plan which requires investment in modern infrastructure and facilities. New or improved healthcare facilities and services will be provided, in accordance with requirements agreed between the Local Planning Authorities and Local Health Organisations.
3. Proposals for major residential developments of 10 units or more must be assessed against the capacity of existing healthcare facilities and/or services. Where the demand generated by the residents of the new developments would have unacceptable impacts upon the capacity of these facilities, developers will be required to contribute to the provision or improvement of such

### Policy DLP9 Healthcare Infrastructure

services. Where it is not possible to address such provision through planning conditions, a planning agreement or planning obligations may be required.

4. In the first instance, infrastructure contributions will be sought to deal with relevant issues on the site or in its immediate vicinity. Where this is not possible, an offsite (commuted sum) contribution will be negotiated.
5. The effects of the obligations on the financial viability of development will be a relevant consideration. Where necessary, financial viability assessments will be required to be submitted.

#### Justification

7.19. Meeting Dudley's future housing needs will have an impact on existing healthcare infrastructure and generate demand for both extended and new facilities across the Plan area, as well as impacting upon service delivery as population growth results in additional medical interventions in the population.

7.20. Health Services in Dudley are currently experiencing limitations on their physical and operations capacity, which inhibit their ability to respond to the area's health needs.

7.21. Dudley Council and its partners, including other healthcare infrastructure providers, have a critical role to play in delivering high-quality services and ensuring Dudley Borough's healthcare infrastructure amenities and facilities are maintained, improved and expanded<sup>4</sup>.

7.22. As the borough grows and changes, social and community facilities must be developed to meet the changing needs of the borough's diverse communities.

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<sup>4</sup> The infrastructure strategies of these partner organisations have helped inform this policy

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This will in turn mean that, new, improved and expanded healthcare facilities will be required. 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. Opportunities will be explored for the co-location of health and other community facilities such as community centres, libraries and sport and recreation facilities.

- 7.23. 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 would be secured through planning agreements or planning obligations, in line with the relevant regulations in operation at the time; these are currently the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). As set out in the latest national guidance and any local guidance, contributions will be sought initially to support infrastructure on-site, with alternatives being considered where this is not possible.
- 7.24. In establishing the needs for and level of any developer contributions, residential developments will be assessed against the ability of nearby primary healthcare provision to be delivered without being compromised by demand from additional residents. Assessment of the capacity of existing healthcare facilities to meet the demand generated by residents of new development, uses an established method adopted by the Integrated Care Board (ICB). Applicants should consult the ICB in advance of the submission of a planning application where a significant amount of housing is to be provided. It is proposed to produce separate guidance as part of an SPD, on the methodology used for calculating the appropriate level of developer contributions.
- 7.25. As part of viability considerations, depending on the extent of other planning obligations required, such contributions may not be viable on some sites, 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.

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### Evidence

- Black Country Integrated Care Board, Primary Care Estates Strategy
- Black Country Integrated Care Board, Primary Care Estates Strategy, Dudley Estates Pack
- Black Country ICB, Integrated Care Strategy.
- The Black Country STP Draft Estates Strategy, Black Country and West Birmingham Sustainability and Transformation Partnership, July 2018.
- Summer 2019 STP.ICS Estates Strategy Check-point Return, Black Country and West Birmingham Sustainability Transformation Partnership, July 2019
- Health Infrastructure Strategy, Dudley Clinical Commissioning Group, May 2016
- Planning for Health in the Black Country: Evidence Base for the Black Country Plan Health and Wellbeing Chapter, 2021.

### Monitoring

Policy	Indicator	Target
<b>DLP8</b>	Number of HIAs received.  Number of applications approved contrary to HIA assessments	0%
<b>DLP9</b>	Loss of Health Care capacity during the plan period	None



## 8. Housing

### Introduction

- 8.1. The policies in this section will help to create a network of cohesive, healthy, and prosperous communities in Dudley, which is a fundamental element of the Plan’s vision and objectives and will deliver the overarching strategic priorities. The provision of sufficient land to promote sustainable housing growth is the cornerstone of this approach. The policies also ensure the provision of a balanced range of housing in terms of type, tenure, wheelchair accessibility and affordability, and sufficient specialist provision for gypsies, travellers, and travelling showpeople, and for those who wish to self or custom build.
- 8.2. New housing will be of a well-designed high build quality, meeting national space and water efficiency standards, achieving high levels of energy efficiency and adapting to climate change.
- 8.3. Maximising sustainable transport access to key residential services and focusing high density increases in the areas of greatest accessibility is at the heart of the Spatial Strategy. Providing a balanced network of quality education facilities is a further key part of this approach and to delivering economic prosperity.

### Delivering Sustainable Growth

<b>Policy DLP10 Delivering Sustainable Housing Growth</b>
<ul style="list-style-type: none"><li>1. <b>Sufficient land will be provided to deliver at least 10,876 net new homes over the plan period of 2023-2041. The key sources of housing land supply are summarised in Table 8.1 and all housing allocations are set out in DLP Part Two.</b></li><li>2. <b>The majority of the requirement will be met through sites with existing planning permission and sites allocated for housing by this Plan. Additional housing supply will also be secured on windfall sites in the urban area in Dudley. The estimated</b></li></ul>

**Policy DLP10 Delivering Sustainable Housing Growth**

net effect of housing renewal up to 2041 will be reviewed annually and considered in the calculation of housing land supply.

3. The development of sites for housing should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing neighbouring uses. Incremental development of an allocated site will only be allowed where it would not prejudice the achievement of high-quality design on the allocation.

**Table 8.1 Dudley Housing Land Supply and Indicative Phasing 2023 - 2041**

Sources of Supply		Total	2023 - 2028	2028 - 2033	2033 - 2038	2038 - 2041
<b>CURRENT SUPPLY</b> (2022/2023)	Sites under construction	<b>948</b>	948	0	0	0
	Sites with planning permission or prior approval	<b>1965</b>	1965	0	0	0
<b>HOUSING ALLOCATIONS</b>	Brierley Hill Strategic Centre sites	<b>1177</b>	102	287	518	270
	Brierley Hill Strategic Centre Occupied Employment Land sites	<b>459</b>	0	29	186	244
	Dudley Town Centre sites	<b>682</b>	12	153	473	44

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	Stourbridge Town Centre sites	<b>291</b>	206	54	31	0
	Halesowen Town Centre sites	<b>261</b>	84	105	54	18
	Regeneration Corridor 1	<b>585</b>	108	216	216	45
	Regeneration Corridor 2	<b>854</b>	153	361	118	222
	Regeneration Corridor 3	<b>514</b>	154	140	97	123
	Regeneration Corridor 4	<b>100</b>	57	9	34	0
	Other – sites outside centres and regeneration corridors	<b>377</b>	148	166	26	37
<b>WINDFALL ALLOWANCES</b>	Small sites (179 dwellings 22/23)	<b>2685</b>	358	895	895	537
<b>ADDITIONAL CAPACITY</b>	Brierley Hill Waterfront Offices (large windfall)	<b>200</b>				200
	Centres uplift allowance (to be updated for 2023/24)	<b>138</b>				138
<b>TOTAL GROSS HOMES</b>		<b>11,236</b>	<b>4,295</b>	<b>2,415</b>	<b>2,648</b>	<b>1,878</b>
<b>TOTAL HOMES</b>	<b>LOSS</b> Estimated housing demolitions	<b>360</b>	100	100	100	60
<b>TOTAL NET HOMES</b>		<b>10,876</b>	<b>4,195</b>	<b>2,315</b>	<b>2,548</b>	<b>1,818</b>

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### Justification

- 8.4. The DLP identifies sufficient land to provide 10,876 additional homes by 2041. This will accommodate 90.98% of current local housing need up to 2041 (homes) with 96.4% of the supply on brownfield land and 3.6% of the supply on greenfield land – this accounts for all housing supply apart from the windfall sites. A balanced range of sites has been provided in terms of size, location, and market attractiveness.
- 8.5. The detail of the housing allocations across Dudley are provided in DLP Part Two and all sites are shown on the Policies Map. Housing capacity has been identified in accordance with the Spatial Strategy and based on the following information:
- a) Strategic Housing Land Availability Assessments (SHLAAs) and the Black Country Employment Area Review (BEAR),
  - b) An estimate of likely windfall development on small sites up to 2041,
  - c) An assessment of the likely capacity of the strategic centre,
  - d) Application of a density uplift to existing allocations likely to gain permission after 2027.
- 8.6. The housing supply from allocations on occupied employment land has been discounted by 15% in order to take account of the multiple delivery constraints that typically affect such sites and that are likely to reduce delivery on a minority of sites. Delivery constraints include poor ground conditions and the need for large-scale master-planning, land assembly, business relocations and residential service access improvements. The supply from sites with planning permission but not yet under construction has been discounted by 10% in accordance with historic lapse rates. These discounts are balanced rates that take account of the likely availability of external funding to address constraints, as set out in the Viability and Delivery Study. Together, these discounts provide sufficient flexibility in the housing land supply to meet any unforeseen circumstances.
- 8.7. The Plan period has been divided into four phases – 2023 to 2028 (five years), 2028 to 2033 (five-ten years), 2033 to 2038 (ten-fifteen years) and 2038 to 2041

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(fifteen to eighteen years). A trajectory showing delivery for each phase is shown in the most up to date SHLAA, which demonstrates a steady supply of housing completions over the Plan period.

**Evidence**

- Dudley SHLAA 2022/2023
- Black Country Employment Areas Review (2021)
- Dudley Viability and Delivery Study (2023)

**Delivery**

- Annual update of the SHLAA
- Housing renewal will be delivered through local authority intervention
- Securing funding to facilitate delivery
- Working with key partners and delivery agencies

**Housing Density, Type and Accessibility**

8.8. It is important that the new homes delivered over the plan period are located in places with good sustainable transport access to key residential services and provide a mix of types and densities which are appropriate to their location and help meet local needs.

<b>Policy DLP11 Housing Density, Type and Accessibility</b>
<p><b>1. The density and type of new housing provided on any housing site should be informed by:</b></p> <ul style="list-style-type: none"> <li>a. <b>The need for a range of types and sizes of accommodation to meet identified sub-regional and local needs,</b></li> <li>b. <b>The level of accessibility by sustainable transport to residential services, including any improvements to be secured through development, as set out in Table 8.2,</b></li> </ul>



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**Table 8.2 Dudley Borough Housing Accessibility Standards**

Density (homes per hectare net)	Very High 100+ Only appropriate within a Strategic Centre or Town Centre	High 45+	Moderate 40+
Indicative proportion of flats	100%	>15%	0-15%
Indicative amount of housing suited to families	Low	Medium	High
Accessibility (by either walking or public transport, unless stated)			
Employment – Strategic Centre or other employment area	20 mins	20 mins	30 mins
Health – Primary Care e.g., GP Surgery or Health Centre	10 mins	10 mins	15 mins
Fresh Food – Centre or food store	N/A	10 mins	15 mins
Education – Primary School (walking distance only)	N/A	15 mins	10 mins
Education – Secondary School	N/A	25 mins	20 mins

### Justification

8.9. Achieving an appropriate density and housing type mix is crucial both to the success of each new housing development and the overall sustainability of the Spatial Strategy. It is important that every major development, of ten homes or more, contributes to providing an appropriate house type mix and density, aligned with current local needs. Achieving the right density and mix of house types will also help to protect and improve physical, social and mental health and wellbeing.

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- 8.10. The accessibility of all housing developments to a range of residential services by walking, cycling or public transport is key to achieving sustainable communities. As high-density developments tend to accommodate more people, they should generally be located in those areas with the best access to services, to encourage use of sustainable transport modes. The highest densities of 100 homes per hectare should be in areas with the best access to public transport and services, but also where a high density development presents the best design solution to reflect historic character and distinctiveness. Therefore, such densities will only be acceptable within Strategic Centres and Town Centres. Conversely, lower density developments, accommodating more families, should enjoy high levels of accessibility to schools. Not all developments with good sustainable access to services will be suited to the highest densities – in some cases a lower density will be more appropriate, for example in area of historic character, to reflect the density of adjacent uses or to meet the need for a mix of housing types.
- 8.11. Table 8.2 provides access standards for differing house type mixes/densities, in relation to four priority residential services: employment, health, fresh food and education. Proxies have been selected for each service. Employment is represented by Strategic Centres and retain employment areas. The proxy used for fresh food is a centre, or an existing good store outside a centre that currently provides a range and choice of fresh food. The access standards have been developed based on survey evidence regarding the distance people are prepared to travel to each service by foot and public transport and are designed to help create well-connected and walkable neighbourhoods. Although open space does not form one of the priority residential services for the purposes of establishing the appropriate density and type of housing, Policy DLP35 taken together with local standards and policies will ensure that a sufficient quantity and quality of different types of open space is available close to where people live.
- 8.12. Housing developments of ten homes or more will be expected to meet the accessibility standards set out in Table 8.2, which vary according to density and likely house type mix. Where there is an identified gap in service provision against one or more of these standards, investment will be sought to improve



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either service provision or access to existing services sufficient to ensure standards are met. New service provision, including for centre uses, should be located, and justified in accordance with Policies DLP26 and DLP14 in particular.

8.13. Current accessibility to residential services by sustainable transport modes across Dudley has been modelled. This modelling shows the high levels of accessibility achieved by the Spatial Strategy. However, there are some gaps in the provision that will need to be addressed through service or access improvements. The model will be updated on a regular basis to reflect changes in service provision and public transport services. Local circumstances, such as planned changes to service provision, will be considered when assessing accessibility on a site-by-site basis.

8.14. The Black Country Housing Market Assessment (HMA) 2021 (to be updated for the regulation 19 version of the plan) demonstrates that new households to be generated over the Plan period will need the following mix of home tenures and types.

**Table 8.3 Black Country Housing Market Assessment Mix**

	One bedroom	Two bedrooms	Three bedrooms	Four + bedrooms
Owner Occupied	19.1%	27.9%	30.5%	22.6%
Private Rented	22.2%	22.3%	20.3%	35.2%
First Homes	20.6%	26.9%	33.6%	18.9%
Shared Ownership	25.0%	32.0%	27.5%	15.5%
Social Rent / Affordable Rent	25.7%	14.9%	22.2%	37.2%

8.15. It is important that housing provision reflects the needs of these new households, allowing for at least one bedroom per person, whilst also reflecting the varying needs set out in the HMA.

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**Evidence**

- Black Country Housing Market Assessment (2021)
- Black Country Urban Capacity Review Update (2023)

**Delivery**

- Supplementary Planning Documents
- Development Management process

**Delivering Affordable, Wheelchair Accessible and Self-Build / Custom-Build Housing**

8.16. To meet local needs, a sufficient proportion of new homes provided over the plan period should be affordable and wheelchair accessible, and enough plots should be provided to meet local demand for self-build and custom-build housing. Viability should be considered when setting targets.

**Policy DLP12 Delivering Affordable, Wheelchair Accessible and Self-Build / Custom-Build Housing**

**Affordable Housing**

1. **Developments of ten homes or more should, where financially viable, provide a range of tenure that will meet the accommodation needs of both existing and future residents, in line with the most recently available information.**
2. **All developments of ten homes or more should provide a proportion of affordable housing, where this is financially viable. The minimum proportion of affordable housing that should be provided is:**
  - a. **On all sites in lower value zones and brownfield sites\* in medium value zones: 10% affordable housing,**
  - b. **On greenfield sites\* in medium value zones: 20% affordable housing,**
  - c. **On all sites in higher value zones: 30% affordable housing**

**Policy DLP12 Delivering Affordable, Wheelchair Accessible and Self-Build / Custom-Build Housing**

3. 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. Detailed guidance will be set out in a Supplementary Planning Document.
4. The affordable housing secured through developer contributions should be broken down by tenure as follows:
  - 25% First Homes
  - 15% Shared Ownership
  - 60% Social Rent or Affordable Rent

**National Wheelchair Accessibility Standards**

5. All developments of ten homes or more should provide a proportion of wheelchair accessible housing, where this is financially viable. The minimum proportion that should be provided is:
  - a. On all brownfield sites\*, and on greenfield sites\* in lower value zones: 20% of homes to meet the optional Building Regulations Requirement M4(2): Accessible and Adaptable Dwellings,
  - b. On greenfield sites\* in medium or higher value zones: 15% of homes to meet the optional Building Regulations Requirement M4(3): Wheelchair User Dwellings and all remaining homes to meet the optional Building Regulations Requirement M4(2): Accessible and Adaptable Dwellings.
6. Other than for reasons of financial viability, these requirements will only be reduced where it can be demonstrated that any of the following apply:
  - a. It is not practically achievable given the physical characteristics of the site, or

## **Policy DLP12 Delivering Affordable, Wheelchair Accessible and Self-Build / Custom-Build Housing**

- b. Site specific factors mean that step-free access to the dwelling cannot be achieved, or**
- c. The homes are located on the first floor or above of a non-lift serviced multi-storey development.**

### **Self-Build and Custom-Build Plots**

- 7. On developments of 100 homes or more, where there is currently a need identified in the self-build and custom-build register for the local authority, at least 5% of plots should be made available for self-build or custom-build, or sufficient to match the current number on the register if lower. Any plots that have not been sold after 12 months of appropriate marketing will revert to the developer to build.**

### **Financial Viability Assessments**

- 8. On sites where applying the affordable housing or wheelchair accessibility requirements can be demonstrated to make the development unviable, the maximum proportion of such housing will be sought that will not undermine the viability of the development, subject to achieving optimum tenure mix and securing other planning obligations necessary for the development to gain planning permission.**
- 9. Financial viability assessments conforming to national guidance will be required to be submitted and, where necessary, independently appraised by an appropriate professional appointed by the local planning authority at the cost of the applicant. Flexible arrangements will be sought through planning agreements, wherever possible, to allow for changing market conditions in future years. Any viability assessment should be prepared on the basis**

**Policy DLP12 Delivering Affordable, Wheelchair Accessible and Self-Build / Custom-Build Housing**

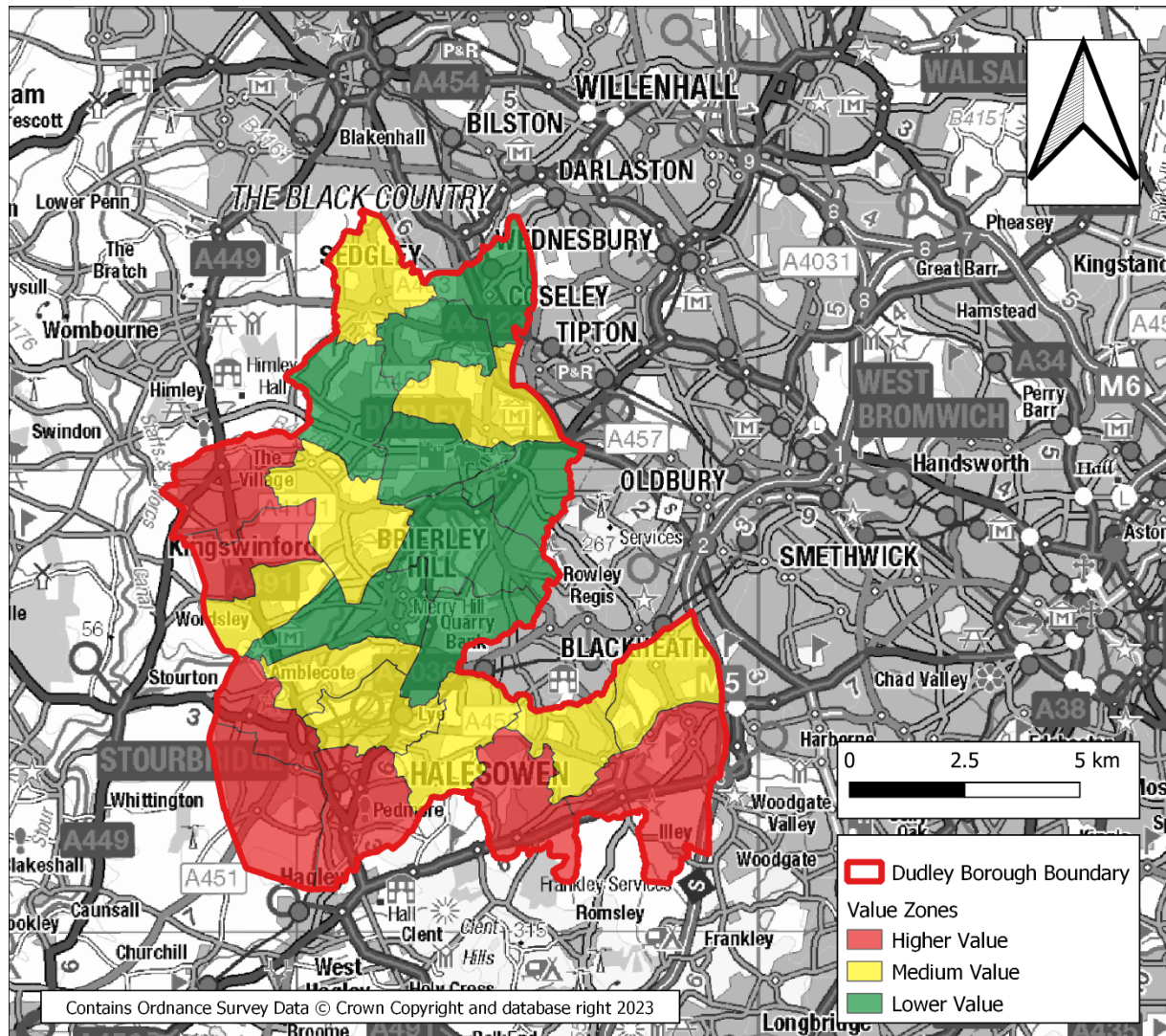
**that it will be made publicly available other than in exceptional circumstances, and in such circumstances an executive summary will be made publicly available.**

\* or parts of such sites

**Justification**

- 8.17. Rising house prices and low average incomes over a long period has made market housing increasingly unaffordable for many households in Dudley. The Black Country SHMA (2021) identifies requirements for new homes to be made available for affordable or social rent, shared ownership and First Homes. To meet this level of need over the Plan period, 32.7% of new housing would have to be affordable.
- 8.18. The Viability and Delivery study demonstrates that viability varies greatly according to local housing values and whether the site is greenfield or brownfield. Therefore, a sliding scale of affordable housing requirements, ranging from 10% to 30%, has been set out in Policy DLP12 which reflects this variation. This approach should ensure that viability appraisals are not required at planning application stage for many sites. However, viability issues can vary significantly from site to site and are often caused by poor ground conditions, the extent of which cannot be accurately assessed until planning application stage. To maximise delivery of affordable housing over the Plan period, it is important that affordable housing is sought on all eligible sites, that viability is assessed on a site-by-site basis where required, and that a flexible approach is employed wherever possible to allow for changing market conditions.

Figure 8.1 Black Country Housing Value Zones



8.19. 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 borough. However, there may be circumstances where this goal is better achieved through the provision of a 100% affordable housing development to boost the affordable housing provision, or through a 100% market housing development with off-site provision of the affordable housing requirement.

8.20. There are currently 83 individuals on the self-build and custom-build register for Dudley. To meet the modest need for self-build and custom-build plots across

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Dudley, developers of larger sites will be expected to make available a small proportion of the development as serviced self-build and custom-build plots, as defined in national legislation and guidance. These plots will not form part of the affordable housing requirement for the development. Detailed guidance for the plots, for example on design, will be provided at a local level where appropriate.

- 8.21. Dudley will work with partners to meet identified needs to accommodate older people, people with disabilities, and those with other special needs. The Black Country SHMA (2021) concludes that 17,866 accessible and adaptable homes, including 1,674 wheelchair user homes, will be required by Black Country households in 2039 due to disability or old age. There is a need for these types of homes across all tenures. This implies that a significant uplift will be required to the number of homes that meet these standards currently. Although some improvements to existing homes funded through Disabled Facilities Grants may contribute towards this uplift, the provision of new homes meeting the standards would reduce the need for adaptations to be retrofitted and make the housing stock more responsive to the evolving needs of the local population.
- 8.22. Accessible and adaptable homes that meet the M4(2) Building Regulations are designed and built to a standard that meets the needs of occupants with differing needs, including some older or disabled people, and are only slightly more expensive to build than standard housing. They must also allow adaptation to meet the changing needs of occupants over time. Homes built to this standard are more flexible and readily adaptable as people's needs change, for example if they have children and require easy access for pushchairs, if they have a temporary or permanent disability or health issue, or as they gradually age and their mobility decreases. Wheelchair user homes that meet the M4(3) Building Regulations are required by fewer households but involve a significantly increased cost.
- 8.23. Therefore, all major housing developments will be expected to provide 20% of homes at the M4(2) standard, where this is financially viable. For major housing developments on greenfield sites in medium and higher value zones, where viability is less likely to be a constraint, there will be a requirement for 15%



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wheelchair user homes at the M4(3) standard, with the remainder of homes required to meet the M4(2) standard.

8.24. The standards will be applied through planning conditions or section 106 agreements, which will require an agreed number of units to be constructed to the specified Building Regulations requirements.

8.25. Policy DLP12 allows for an element of flexibility in recognition of the practicalities of delivering these standards, in particular given the challenges that may arise given the topography of some sites, where access within the gradients specified in the Building Regulations Approved Document may not be achievable. Where step free access to dwellings cannot feasibly be achieved due to site specific factors, the optional standards will not be required for the homes affected. Where multi storey flats or apartments are being developed without lift provision, homes on the first floor or above will not be required to meet the M4(2) or M4(3) standards. Ground floor flats in multi storey developments will still be required to meet the optional standards. Where lifts are provided the standards will be applied in accordance with the Policy.

### **Evidence**

- Black Country Strategic Housing Market Assessment (2021)
- Dudley Viability and Delivery Study (2023)
- Dudley Strategic Housing Land Availability Assessment (SHLAA) (2023)

### **Delivery**

- Local Plan documents and negotiations with developers through the Development Management process
- Implementation of Housing Strategies
- Securing funding to facilitate delivery
- Working with key partners and delivery agencies

### **Supported Accommodation**

8.26. The Council is committed to delivering homes for all. This means a diverse range of housing to suit the needs of our residents, including for those with



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specialist needs and the older population. This accommodation needs to be situated in locations that support a high quality of life and enable independence, where possible, through good access to transport, amenities and public open space.

### **Policy DLP13 Supported Accommodation**

- 1. The Council will support the provision of accommodation for people with specific needs, where a need has been identified. Proposals providing accommodation for people with specific needs, including care homes and extra care facilities will be considered in relation to the following criteria:**
  - a. Accessibility to public transport links and key local services**
  - b. Compatibility with either adjacent use and resulting impact on the character and adequate level of overall amenity of the surrounding area**
  - c. Provision for sufficient parking for residents, staff and visitors, and manoeuvring of vehicles and impact on highway safety**
  - d. Provision of private amenity space or be in close proximity to an area of public open space.**
- 2. Development proposals should be consistent with other Local Plan policies.**

### **Justification**

8.27. The National Planning Policy Framework recognises that the provision of housing to meet the needs of present and future generations is a key role of the planning system, and widening the choice of high-quality housing types, densities, and affordability is a key driver towards the delivery of sustainable developments. Policies within the Dudley Plan aspire to create a network of cohesive, healthy and prosperous communities with equal access to a mix of affordable and range of housing options.

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**Evidence**

- Black Country Strategic Housing Market Assessment (2021)
- Dudley Strategic Housing Land Availability Assessment (SHLAA) (2023)

**Delivery**

- Local Plan documents and negotiations with developers through the Development Management process
- Implementation of Housing Strategies
- Securing funding to facilitate delivery
- Working with key partners and delivery agencies

**Housing Development, Extensions and Alterations to Existing Dwellings**

8.28. It is important that all new development proposals are assessed in terms of their relationship to and their impact on the functioning, quality and character of the surrounding environment. This will protect and enhance the character of an area through high quality design and most importantly ensure that reasonable standards of privacy and residential amenity are maintained.

<p><b>Policy DLP14 Housing Development, Extensions and Alterations to Existing Dwellings</b></p>
<p><b>1. Housing development, residential conversions, extensions, and alterations to existing dwellings will be supported when:</b></p> <ul style="list-style-type: none"><li><b>a. The design of the development is of an appropriate form, scale and mass and is sited appropriately,</b></li><li><b>b. Materials which respect and are responsive to the context and character of the area are used – unless the proposal can be assessed as being significantly innovative, particularly in terms of sustainable measures or outstanding design. In the case of residential conversions, extensions and alterations, the development shall not</b></li></ul>

**Policy DLP14 Housing Development, Extensions and Alterations to Existing Dwellings**

**have a detrimental impact on the character, form, and design of the host dwelling,**

- c. The development is appropriate in its locality and would not cause unacceptable harm to the amenities of the occupiers of neighbouring dwellings, including harm arising from loss of privacy, outlook, and sunlight – considering factors such as levels, orientation, and the separation of development,**
- d. An appropriate level of amenity shall be provided for future occupiers of the development, including the provision of adequate accessible space for the storage and collection of household waste and recycling,**
- e. The development would provide adequate access, parking, and provision for the manoeuvring of vehicles, with no detrimental impact on highway safety and the free flow of traffic,**
- f. Housing development is sited on previously developed land and on sites in sustainable locations, close to public transport facilities and links.**

8.29. The built environment, particularly residential, is one of the most important factors in determining overall quality of life. Residential spaces must work in way in which the community can both co-exist and create synergy, which requires residential areas to be protected and, where necessary, enhanced to ensure they are fit for purpose and that residential amenity is maintained. This can be in terms of ensuring privacy, preventing nuisance noise, providing adequate space for parking and waste storage and ensuring housing will continue to be fit for future residents. In that regard, careful control over the range and intensity of non-residential activity allowed in housing areas is essential.

8.30. Additionally, design standards are important in maintaining the overall quality of the built environment and ensuring that residents live in communities which they

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can be proud of and respect. Residential development should be in keeping with the character of an area, to create an urban environment that is congruent and visually appealing.

8.31. The Council is committed to maintaining the quality and functioning of housing areas to ensure the wellbeing of residents. In that regard, policy DLP14 sets out measures to maintain and enhance the quality of residential development and living conditions.

**Evidence**

- Residential Design Guide Supplementary Planning Document (2023)

**Delivery**

- Local Plan documents and negotiations with developers through the Development Management process
- Implementation of Housing Strategies
- Securing funding to facilitate delivery
- Working with key partners and delivery agencies

**Accommodation for Gypsies and Travellers and Travelling Showpeople**

8.32. In accordance with national guidance, the Dudley Local Plan aims to provide sufficient, appropriately designed, and integrated sites to accommodate the needs of the gypsy, traveller and travelling show people communities over the plan period.

<p><b>Policy DLP15 Accommodation for Gypsies and Travellers and Travelling Showpeople</b></p>
<p><b>1. New Gypsy and Traveller permanent pitches will be provided to meet identified needs up to 2041 as set out in Table 8.4 in accordance with the Black Country Gypsy and Traveller Accommodation Assessment (GTAA) 2022 and 2023 addendum.</b></p>

## **Policy DLP15 Accommodation for Gypsies and Travellers and Travelling Showpeople**

- 2. Accommodation need for Gypsies and Travellers and Travelling Showpeople over the Plan period will be met through sites with planning permission, allocated sites and other sites granted planning permission during the Plan period in accordance with the criteria set out below. Dudley Council will pursue funding and / or management arrangements for new sites, or expansion of sites where necessary.**
- 3. Applications for permanent Gypsy and Traveller pitches and Travelling Showpeople plots will only be supported where all of the following criteria are met:**
  - a. The site should be suitable as a place to live, particularly regarding health and safety, and the development should be designed to provide adequate levels of privacy and amenity for both occupants and neighbouring uses.**
  - b. The site should meet moderate standards of access to residential services as set out in Policy DLP11**
  - c. The site should be located and designed to facilitate integration with neighbouring communities.**
  - d. The site should be suitable to allow for the planned number of pitches, an amenity block, a play area, access roads, parking and an area set aside for work purposes where appropriate, including, in the case of Travelling Showpeople, sufficient level space for outdoor storage and maintenance of equipment.**
  - e. There is safe and convenient pedestrian and vehicular access to and from the public highway and adequate space for parking and manoeuvring within the site.**
  - f. There is no conflict with other relevant policies such as those relating to the protection of the Green Belt, other greenfield land and**

### **Policy DLP15 Accommodation for Gypsies and Travellers and Travelling Showpeople**

**industrial land, local distinctiveness and those concerned with development within areas at risk of flooding or on contaminated land.**

**g. The site should be served or capable of being served by adequate on-site services for water supply, power, drainage, sewage, waste disposal (storage and collection) and recycling.**

**4. The location, design and facilities provided on new sites will be determined in consultation with local Gypsies and Travellers and Travelling Showpeople and will also consider / reflect any available national guidance. Proposals should be well designed as set out in Policy DLP4.**

**5. Existing Traveller sites will be safeguarded and their redevelopment or use for other purposes will be opposed, unless there is evidence either that a suitable replacement with equivalent capacity has been provided elsewhere or that the existing site is no longer required to meet identified need.**

#### **Justification**

8.33. Dudley Council along with Sandwell, Walsall and Wolverhampton councils commissioned a joint Black Country Gypsy and Traveller Accommodation Assessment which was completed in February 2022. The study provides a robust assessment of needs in accordance with national guidance and identified the likely future local need for Gypsy and Traveller and Travelling Showpeople accommodation.

8.34. DLP Part Two provides details of sites allocated in the DLP for Gypsy and Traveller pitches. Planning permission will also be granted for additional sites that meet the criteria set out in Policy DLP15, where appropriate.

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- 8.35. Permanent Gypsy and Traveller pitches, and Travelling Showpeople plots, have fixed infrastructure with all the normal residential amenities and are used as a base to travel from. They are intended to allow Gypsies and Travellers to obtain good access to education, health, and other services. It is important that pitches and plots are well designed in line with Secured by Design principles, and it is recommended that advice is sought from West Midlands Police Design Out Crime Officers.
- 8.36. The GTAA identified that Gypsies and Travellers prefer small, family-sized sites with approximately 10-15 pitches, but will accept larger sites if carefully planned and designed in consultation with the Gypsy community. Local authorities may assist Gypsies and Travellers living on their own land without planning permission to obtain retrospective planning permission where this is deemed appropriate.

### **Gypsy and Traveller Permanent Pitches**

- 8.37. The 2022 GTAA need figures (including an updated figure to 2041) are provided in table 8.4.

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**Table 8.4 Summary of accommodation needs to 2041**

<b>Period</b>	<b>Ethnic definition</b>	<b>PPTS 2015 'travel for all'</b>
Total 2021-26	22	13
Total 2026-31	7	6
Total 2031-36	8	7
Total 2036-41	9	8
Total 2021-41	46	34

RRR 2023 – updated Addendum Gypsy and Traveller Needs figures to 2041

8.38. Based on the PPTS 2015 'travel for all' definition the total need identified is for 19 pitches up to 2031, and an additional 15 pitches from 2031 to 2041, providing an overall need of 34 pitches over the Plan period. The ethnic definition identified a total need identified is for 29 pitches up to 2031, and an additional 17 pitches from 2031 to 2041, providing an overall need of 46 pitches over the Plan period. The evidence supports the following approach towards meeting need:

- a) safeguard existing gypsy and traveller pitches;
- b) allocate existing temporary or unauthorised sites for permanent use (subject to other planning considerations);
- c) intensify and extend existing sites, where appropriate;
- d) carry forward existing pitch allocations from adopted Plans;
- e) allocate new pitches on sites which have emerged since adopted Plans.



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**Table 8.5 Dudley Supply of Gypsy and Traveller Permanent Pitches Up to 2041**

<b>Total requirement Gypsy &amp; Traveller Accommodation over the period 2021 - 2041 (based on ethnic definition/PPTS 2015 “travel for all”)</b>	<b>46/34 pitches</b>
Existing authorised pitches in use	41
Additional capacity (on existing authorised sites)	14
Total Provision	55
<b>Total new pitches required to 2041</b> (Need minus additional capacity)	<b>32/20</b>

- 8.39. Despite assessing several sites, no deliverable site options were put forward for Dudley borough through either the Black Country Plan two “call for sites” or the subsequent Dudley Local Plan ‘call for sites’ process. It is likely that the Council will have a shortfall in meeting the need for the Plan period.
- 8.40. If it is not possible to identify and allocate further sites to meet the remaining need for 32/20 pitches up to 2041, the remaining need will be met within the “broad location” of the Dudley urban area, through the planning application process, with proposals considered against the criteria set out in Policy DLP15 and any other relevant Local Plan policies. This is consistent with a recent trend, where a small windfall site has come forward within the urban area and approved in accordance with other planning policies.
- 8.41. The GTAA identifies a need for 46 pitches over the Plan period for those families / individuals that meet the ethnic definition set out in the GTAA, but do not meet the PPTS travel for all definition, and whose needs are not met by bricks and mortar accommodation. This need will seek to be met within the urban area, through the planning application process, with proposals considered against the criteria set out in Policy DLP15 and any other relevant Local Plan policies.

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### **Travelling Showpeople Plots**

- 8.42. Travelling Showpeople have different accommodation requirements to those of Gypsies and Travellers, and form part of a different community. They require large plots capable of accommodating lorries and equipment, which are more suited to mixed use areas.
- 8.43. The GTAA identifies a need for 24 Travelling Showpeople plots over the Plan period. It is not possible to identify and allocate sites to meet this need, as no deliverable site options have been put forward through both Dudley borough through either the Black Country Plan two “call for sites” or the subsequent Dudley Local Plan call for sites process. Therefore, this need will be met within the “broad location” of the urban area, through the planning application process, with proposals considered against the criteria set out in Policy DLP15 and any other relevant Local Plan policies.
- 8.44. The GTAA identified a need for a transit site to be provided in Dudley to meet the needs of Travellers and help prevent the occurrence of unauthorised encampments. A permanent transit site was approved in December 2022; therefore, this need has been addressed.

### **Evidence**

- Black Country Gypsy and Traveller Accommodation Assessment (2022)
- Black Country Gypsy and Traveller Accommodation Assessment: Updated Needs Figures to 2041 (2023)

### **Delivery**

- Allocations in Local Plan Documents and bids for Government funding where required.
- Planning applications determined through the Development Management process

### **Monitoring**

- Development Management – applications determined.

**Education Facilities**

8.45. A variety of services are required to meet the needs of new residents, including education facilities. It is important that these facilities can be easily accessed by sustainable forms of transport and meet the variety of needs for different age groups and educational needs.

<b>Policy DLP16 Education Facilities</b>
<p><b>1. New nursery, school and further and higher education facilities should be:</b></p> <ul style="list-style-type: none"><li><b>a. Well-designed and complement and enhance neighbourhood services and amenities,</b></li><li><b>b. Well-served by public transport infrastructure, walking, and cycling facilities, particularly in centres, and located to minimise the number and length of journeys needed in relation to its intended catchment area,</b></li><li><b>c. Wherever possible, located to address accessibility gaps in terms of the standards set out in Policy DLP11, particularly where a significant amount of new housing is proposed.</b></li></ul> <p><b>2. New and improved facilities will be secured through a range of funding measures. 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 or Community Infrastructure Levy will be secured sufficient to meet the need, where this is financially viable. For strategic allocations, the likely requirement for on-site provision of new schools is set out in DLP Part Two. Where land is provided for a new school as part of a housing development, the financial contribution made by that development towards education facilities will be reduced accordingly.</b></p>

### **Policy DLP16 Education Facilities**

- 3. On sites where the education facility requirement is proven not to be viable, the maximum proportion of funding will be sought that will not undermine the viability of the development, subject to securing other planning obligations necessary for the development to gain planning permission. A financial viability assessment will be required to be submitted.**
- 4. New and redeveloped education facilities should include provision for wider community use of sports and other facilities where appropriate.**
- 5. The existing network of education facilities will be protected and enhanced. The physical enhancement and expansion of higher and further educational facilities and related business and research will be supported where it helps to realise the educational training and research potential of the Dudley Borough. Proposals involving the loss of an education facility will be permitted only where adequate provision is available to meet the needs of the community served by the facility.**

#### **Justification**

8.46. Housing growth over the Plan period is likely to generate the need for further investment in education provision for all age groups, including nursery and further and higher education. National guidance sets out the presumption that housing developments will fund the provision of education facilities sufficient to meet their own needs, including the provision of land for the construction of new buildings where necessary. However, the Viability and Delivery Study indicates that depending on the extent of other planning obligations required, this may not be viable on some sites, particularly those located in lower value zones, as shown in Figure 8.1. Where it can be proven that it is not viable for a housing development to fund all its own education facility needs, the developer should

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work with the Local Education Authority to investigate available options and ensure that these needs can and will be met.

- 8.47. Improvements to existing educational settings should be explored to help address low educational attainment, which is a key priority. It is important that any investment in educational settings is focused to support centres, address accessibility gaps, generate maximum service improvements, and secure community benefits. Increasing community use of school sports facilities would make a major contribution towards meeting open space, sport and recreation standards and improving health through increased sports participation.
- 8.48. The preferred location for major education facilities, which generate a large number of trips, is the network of identified centres. However, there may be cases where a development is isolated from a centre or provision within a centre may not be possible. In such cases the priority, when selecting a location, should be addressing accessibility gaps in accordance with access standards set out in Policy DLP11, to maximise sustainable access to the facility.
- 8.49. Higher and further education institutions and research facilities play a major role in the economy and have a key role in helping deliver economic and social transformation. Attracting and retaining graduates in Dudley is also key to securing a knowledge-based economy. The higher and further education sector is a major driver of economic, social, and cultural regeneration and ongoing investment in the existing network of this sector is supported. Initiatives that strengthen linkages between the sector and wider economy will also be supported.

### **Evidence**

- Dudley Viability and Delivery Study (2023)

### **Delivery**

- Local Education Authority school expansion and improvement programmes
- National DfE Free School Programmes
- Use of planning obligations or other funding mechanisms to address the impact of development on the need for education facilities

### Houses in Multiple Occupation

8.50. In recent years, as house prices have risen in comparison with local wages, the demand for houses in multiple occupations (where facilities are shared by separate households) has increased across Dudley, and now requires a formal policy approach.

#### **Policy DLP17 Houses in Multiple Occupation**

- 1. Proposals for the creation of Houses in Multiple Occupation, including the conversion of buildings or sub-division of dwellings, will be permitted provided that:**
  - a. The development would not result in the loss of family-sized dwellings in areas where there is a proven demand for such accommodation.**
  - b. The development is unlikely to be detrimental to the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance, or impact on visual amenity.**
  - c. The development would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment.**
  - d. Provision for off- and on-street car and cycle parking is sufficient and appropriately incorporated and would not have an adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or impeding proper access to the area.**
  - e. The site is in an area that has good access by walking and public transport to residential services, as set out in Policy DLP11.**
  - f. The development meets policy DLP39, national space standards and provides a satisfactory standard of living accommodation, to ensure that the occupiers have adequate floor space and the internal layout is shown to be suitable for the number of units proposed in terms of**

**Policy DLP17 Houses in Multiple Occupation**

**daylight, outlook, and the juxtaposition of living rooms and bedrooms.**

- g. Adequate provision is made for the storage and disposal of refuse and recycling.**
- h. Adequate provision of residential amenity is made, including outdoor amenity space for sitting out, play, and drying clothes, and for external storage space, including cycle storage.**

**Justification**

- 8.51. Houses in Multiple Occupation (HMO) are defined as homes accommodating three or more unrelated households who typically share kitchens, lounges, and bathrooms. Proposals for the conversion of an existing home to a HMO designed to accommodate three to six people do not normally require planning permission. From 15<sup>th</sup> September 2023, Dudley has an Article 4 in place that removes Permitted Development Rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use).
- 8.52. HMOs are an increasingly popular part of the housing market within parts of Dudley. As rooms can be rented individually, they provide additional affordable accommodation options, used primarily by students, young people, and those on lower incomes.
- 8.53. Whilst the area’s stock of HMOs is contributing to meeting housing needs, increased numbers of multiple occupancy properties have the potential to create harmful impacts. Concentrations of HMOs within neighbourhoods can lead to imbalanced and unsustainable communities and harm the social mix and fabric of the area by increasing the proportion of short-term householders. They can damage the residential amenity and character of surrounding areas, as the level of activity associated with a HMO is significantly greater than a typical family house, thus increasing the potential for noise and disturbance.
- 8.54. Harmful impacts associated with high numbers of HMOs can include:

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- a. reduced social cohesion resulting from demographic imbalance and unsustainable communities,
- b. reduced housing choice resulting from housing type/tenure imbalance (e.g., a shift from permanent family housing to more transient accommodation and a growth in the private sector at the expense of owner-occupation),
- c. reduced community engagement from residents resulting from an increase in the transient population of an area,
- d. noise and disturbance resulting from intensification of the residential use and/or the lifestyle of the occupants,
- e. detriment to the visual amenity and character of the area resulting from poor or accumulative external alterations to properties and/or poor waste management,
- f. reduced community facilities resulting from a shift in the character of shops and businesses,
- g. increased anti-social behaviour and fear of crime resulting from the lifestyles of some HMO occupants, the transient nature of the accommodation and inadequately designed/maintained properties,
- h. highway safety concerns resulting from congested on-street parking.

8.55. Whilst this type of accommodation can address certain housing needs, HMOs tends to be grouped together in part of the urban area, becoming the dominant type of housing, which can lead to social and environmental problems for local communities. Alongside this, an over-concentration of HMO properties can lead to a loss of family-sized units. This in turn can lead to a consequential increase in the overall number of units unsuited to family occupation. This can pose a serious issue for maintaining a mixed sustainable housing offer across Dudley.

8.56. The Black Country SHMA (2021) signalled that the greatest demand in the future will be for homes of three bedrooms or more. It is important, therefore, that an approach is taken to the creation of HMOs and the sub-division of existing properties that only allows those proposals that do not impact upon the overall supply of family-sized homes to be consented. In applying this policy, 'family-sized dwellings' means houses with three or more bedrooms.



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8.57. Planning policy needs to balance the growing demand for HMOs with the need to avoid high concentrations which can cause a loss of amenity, increased social or environmental problems, and undermine health and stability of communities. Ease of access to work and education provision without needing a car also needs to be considered. New HMOs should be located in sustainable locations that allow ease of access to employment and residential services by means of sustainable transport, whilst reducing the need to use a private car. Proposals for new HMOs should look to address detailed local amenity issues, including local parking pressures and impacts of neighbours.

### **Evidence**

- Black Country Strategic Housing Market Assessment (2021)
- Article 4 Direction HMOs

### **Delivery**

- Local Plan and Supplementary Planning Documents
- Planning applications determined through the Development Management process

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**Monitoring**

Policy	Indicator	Target
DLP10	Annual Dudley net housing completions	Phased housing targets for Dudley as set out in Table 8.1
DLP12	% affordable housing delivery on eligible sites  % wheelchair accessible and adaptable housing delivery on eligible sites  % self-build and custom-build plot availability on eligible sites	Minimum 10-30% depending on value zone set out in Policy DLP12  Minimum % M4(2) and M4(3) as set out in Policy DLP12  5% on developments of 100 homes or more as set out in Policy DLP12
DLP15	Annual gypsy and traveller residential pitch and travelling show people plot completions	Phased targets for Dudley as set out in DLP15.

### 9. Employment

#### Introduction

- 9.1. The policies in this section are concerned with promoting and supporting employment in manufacturing, research, and development (Use Class E(g)(ii), E(g)(iii) and B2), warehousing (Use Class B8) and other uses that are appropriately located in industrial employment areas. Offices (Use Class E(g)(i)) are not classed as an employment use for the purposes of these policies: they are covered by policies DLP24-DLP30, which relate to uses that are more appropriately located in town centres.
- 9.2. An agenda for economic growth is reflected in the ambitions of the relevant national and regional strategic documents on this subject, especially:
- the National Planning Policy Framework (NPPF), which states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development, and that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth.
  - the West Midlands Combined Authority (WMCA) “Plan for Growth (2022)” which states that WMCA will deliver economic growth through new powers over economic development, transport investment, investing in skills and working with investors, and committing to net zero targets, especially around suitable employment clusters, including aerospace, electric vehicles and battery technology, and logistics and distribution, delivered through levers for growth, including developing future skills pathways and securing direct competitive funding.
  - the West Midlands Local Industrial Strategy (2019) which sets out a path for raising productivity via several key employment sectors.
- 9.3. Previous economic growth strategies related to the former Black Country Local Enterprise Partnership (now defunct) such as the ‘Black Country Strategic

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Economic Plan' (2014) and the 'Black Country Economy of Together' (2021) have effectively been subsumed by the regional WMCA strategies.

- 9.4. This growth agenda, when transposed at a local (Dudley) level, underlies the importance of meeting borough wide employment land needs expressed in strategic targets, including the projected demand for jobs from existing and future working age residents. This builds on Dudley's rich industrial heritage and adapting the existing portfolio of industrial land within the borough to provide the right environment, flexibility and interventions to encourage investment, especially in sustainable and progressive businesses. It provides a framework for meaningful long term employment opportunities and the creation of a prosperous, and economically strong and more sustainable borough.
- 9.5. In recognition of the strong economic functional relationships between the Black Country Authorities, the Council has continued to work in partnership with the other Black Country Councils to update the economic evidence base (for the Functional Economic Market Area- see further details below). The evidence base for the employment land policies primarily consists of a four stage Economic Development Needs Assessment (EDNA), and the Black Country Employment Area Review (BEAR). The EDNA 2023 (update) provides an up-to-date objective assessment of the industrial land needs for the Black Country, apportioned between the Black Country Authorities to 2041, based upon an independent assessment of the area's economic development needs.
- 9.6. The key conclusions of the EDNA studies are:
  - a) the Black Country is a clearly defined geographical unit, but with strong employment and labour market links to a hinterland that includes south Staffordshire, north Worcestershire, Birmingham, and Solihull.
  - b) the Black Country has been hit hard by the COVID-19 recession but is expected to recover strongly and has the capacity to deliver significant growth, given the diversity, resilience and concentration of key national sectors located in the area.
  - c) even pre-COVID19, recent growth was achieved against a backdrop of a weak local skills base, low business start-up rates and low GVA per head in comparison with the West Midlands and UK averages.

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- d) the Black Country employment land supply in 2020 was largely that inherited from the Core Strategy and the suite of Tier 2 Plans which supported it and is dominated by small sites in the urban area.
- e) going forward, attracting high-growth knowledge-based industries in line with SEP ambitions will require the provision of more prestigious sites, high-quality space with easy access to key transport hubs and good connectivity.
- f) the Plan also needs to ensure that Dudley Borough can accommodate a variety of business needs, including start-ups and smaller businesses - this means that a mixed portfolio of sites will need to be made available, including larger and smaller sites and spaces (including areas of both higher and lower specification).
- g) it is imperative to protect the existing supply of land to meet future needs that will arise from a high growth-driven economy.
- h) there is a significant gap between the employment land supply, inherited from the Core Strategy and subsequent Tier 2 Plans, and forecast future needs.

5.1. To address these issues, the strategy that underpins the Employment Land Policies is made up of the following elements:

- a) to facilitate the growth and diversification of the economy, the Plan allocates land for new development within Dudley Borough, to accommodate jobs and output growth (Policy DLP18).
- b) to accommodate a variety of business needs including high technology manufacturing and logistics sectors, the Plan provides for a balanced portfolio of sites (Policy DLP18).
- c) to protect and enhance land and premises within existing employment areas where this provides for the needs of jobs and businesses (Policies DLP19, DLP20, DLP21).
- d) to recognise that some sites will become unsuitable for continued employment uses and to facilitate their redevelopment to alternative uses including housing (Policy DLP21).
- e) to enable local communities to share the benefits of economic growth (DLP23).

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- 9.7. In terms of Dudley's specific employment land needs, the evidence contained within the latest Black Country Economic Development Needs Assessment (EDNA) 2023 provides an overall target figure for the Black Country area from 2020 to 2041 (470 hectares (ha) or 22.38ha per annum) with the target figure for Dudley Borough being 72ha or 3.42ha per annum.
- 9.8. This target figure has been evidenced through past employment land completions between 2001-2020 and is based upon the high rate of past completions scenario. Review of market intelligence data in the last five years (i.e., employment land enquiries) indicates that for Dudley MBC it is the high rate of past completions scenario that better reflects demand trends for the future.
- 9.9. The target figure of 72ha for Dudley (2020 to 2041) is based on past completions and, therefore, a split for manufacturing uses and logistics/storage and distribution has not been given within the EDNA. However, based on assumptions made within OE forecasts, it is estimated that 22.32ha is required for manufacturing uses and 48.96ha is required for storage and distribution uses (based on 32% Manufacturing and 68% Distribution and Logistics).
- 9.10. Within the EDNA, that overall employment land need figure for the Black Country is stated to increase to from 470ha to 533ha to take on board the employment land lost as a result of planned redevelopment to alternative uses. In Dudley, that total target figure of 72ha is increased to 98ha by adding in 26ha associated with those sites comprising existing operational employment land which are allocated for housing. The need for the replacement of such losses will be monitored as the Plan is implemented.

### **Providing For Economic Growth and Jobs**

- 9.11. This policy seeks to ensure a sufficient quantum of development opportunities are provided to meet the demand for economic growth and support the diversification of the Dudley economy.

**Policy DLP18 Economic growth and job creation**

- 1. Dudley Council will seek to deliver at least 72 hectares of new employment land between 2020 to 2041\* through:**
  - a. the development of Employment Opportunity Sites allocated within this Plan, equal to 24ha, with that figure including completions since 2020.**
  - b. the redevelopment, intensification, conversion and enhancement of existing employment areas and premises, including the development of small opportunity sites (sites between 0.25 ha and 0.4 ha).**
  - c. the Duty to Cooperate process: the development of employment sites outside of the borough, which have an evidenced functional economic link to Dudley Borough.**
- 2. The plan will deliver a portfolio of sites of various sizes to meet a range of business needs, with an emphasis on the development of sites to support growth of the borough and future demand.**
- 3. The allocated Employment Opportunity Sites, as shown on the Policies Map, will be safeguarded for industrial employment uses within Use Classes E(g) (ii), E(g) (iii), B2 and B8.**
- 4. The council will support the regeneration and renewal of designated Strategic and Local Employment Areas and, as appropriate, Other Employment Areas, especially those Local Employment Areas which are located within designated Regeneration Corridors and identified as Industrial Renewal Areas on the Policies Map, to enable Dudley Borough's employment areas to be fit-for-purpose in the long term, and to grow and rejuvenate the local economy, especially through:**

**Policy DLP18 Economic growth and job creation**

- a. environmental enhancements.
- b. access improvements, including for pedestrians and cyclists.
- c. the incorporation of renewable energy measures, and, as appropriate, installations measures and/or facilities which contribute towards a circular economy approach.
- d. the marketing and promotion of employment areas, and
- e. with particular regard to Local Employment Areas, opportunities to enable those areas to be more open to, and inclusive of, the local communities which they serve.

\*The need for the replacement of an additional 26ha of existing employment land because of losses to alternative developments will be monitored over the Plan period.

**Justification**

9.12. The NPPF specifically states that for forecasting future trends:

- a) Plan makers should consider forecasts of quantitative and qualitative need (i.e. the number of units and floorspace for other uses needed) but also its unique characteristics (e.g. the footprint of economic uses and proximity to infrastructure), with the key output being an estimate of the scale of future needs, broken down by economic sectors.
- b) Local authorities should develop an idea of future needs based on a range of data that is current and robust. Authorities will need to take account of business cycles and make use of forecasts and surveys to assess employment land requirements.
- c) Emerging sectors that are well-suited to the area being covered by the analysis should be encouraged where possible - market segments should be identified within the employment land under consideration.



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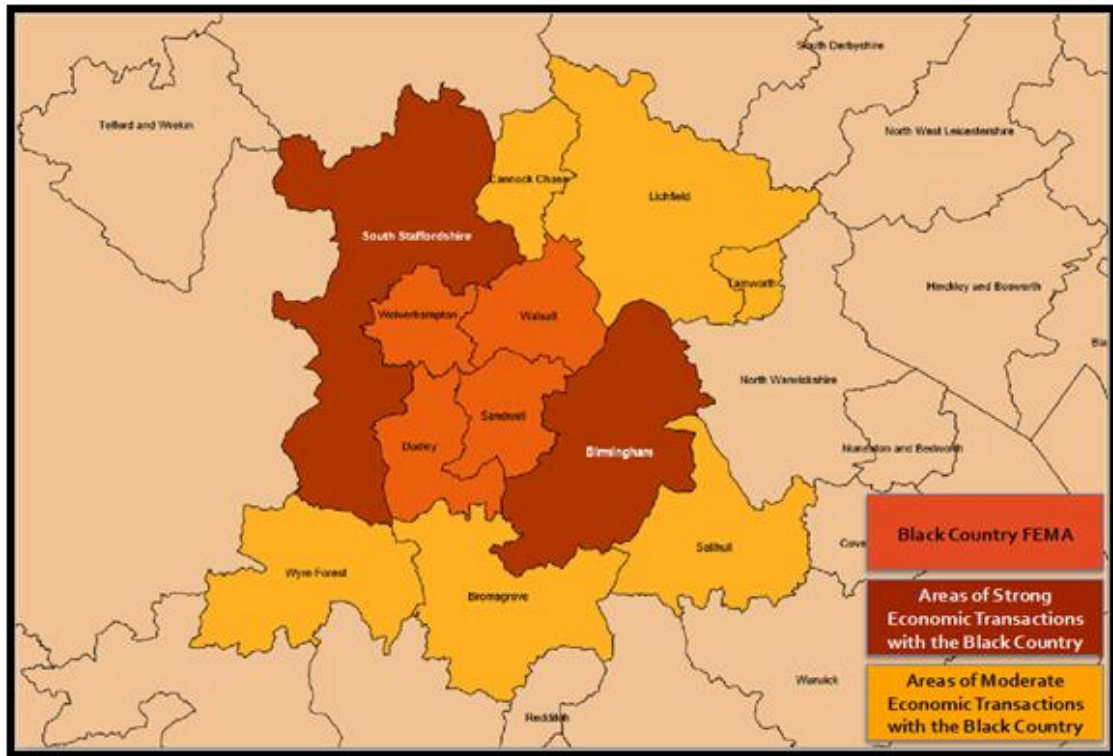
- d) The available stock of land should be compared with the particular requirements of the area so that gaps in local land provision can be identified.

- 9.13. To contribute towards meeting the evidenced need for Dudley of 72ha of land for employment development for the period up to 2040, the Plan allocates 24ha of employment land for the period between 2020 – 2041, identified as Employment Opportunity Sites (EOS) on the Policies Map, with that figure also factoring in completions since 2020. To ensure that such sites make an effective contribution towards meeting needs, EOS shall be safeguarded for industrial employment uses within Use Classes E(g) (ii), E(g) (iii), B2 and B8, with consideration given to restricting development to those suitable uses through the application of appropriate planning conditions.
- 9.14. Further contributions to the supply of land to meet that need are likely to come forward through the redevelopment, intensification, conversion and enhancement of existing employment areas and premises, including the development of small opportunity sites (sites between 0.25 ha and 0.4 ha). However, while small sites can provide a constant supply of developable land, in overall terms, historically they have shown to have made a limited contribution to the delivery of overall development needs, and the availability of such sites can also be difficult to predict. As set out in the EDNA (2023) there is an assumption that small sites (less than 0.4ha) can deliver at least 1.1ha, giving a total supply of 25ha. This source could yield further supply over the Plan period and will be monitored accordingly.
- 9.15. Current evidence states 47ha or 65% of employment land need (not including replacement of employment land losses) arising in Dudley cannot be met solely within the borough. This unmet need should be exported, as far as possible, to authorities that have a strong existing or potential functional economic relationship with Dudley, for example in terms of migration patterns, commuting links and / or connectivity through physical infrastructure such as rail and motorway. These are authorities evidenced as, primarily, being within the same Functional Economic Market Area (FEMA) as Dudley – the Black Country FEMA

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- and also those authorities outside of the FEMA, which have strong or moderate economic relationships with Dudley.

**Figure 9.1 The Black Country FEMA**



9.16. Details of the Black Country FEMA are shown in the above Figure 9.1 The FEMA for the Black Country, as set out within the 2017 EDNA and confirmed within the 2022 EDNA update, comprises the Black Country Authorities, with identified areas of strong economic transaction with the Black Country: South Staffs; Birmingham, and areas of moderate economic transaction with the Black Country: Wyre Forest; Bromsgrove; Solihull; Tamworth; Lichfield; Cannock Chase. Dudley’s strongest FEMA relationships with exporting LPAs outside of the Black Country, based on net migration patterns, are with Wyre Forest and Bromsgrove.

9.17. The work to export unmet need is ongoing, through the Duty to Cooperate process, and evidenced through relevant Statement of Common Ground. However, given that South Staffordshire District is an area of strong economic transaction with the Black Country, and that authority has been generally able

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to demonstrate a surplus of employment land to meet its needs, the siting of the West Midlands (Strategic Rail Freight) Interchange (WMSRFI) near J12 of the M6 and within that district, has been the subject of an assessment by (consultants) Stantec (2021 report), to determine how much land could be exported to neighbouring authorities with strong functional economic ties with South Staffordshire.

- 9.18. That report evidenced that 14 ha from the total 193 ha can be directly apportioned to Dudley to meet its needs. Given the robustness of this evidence that figure of 14 ha can be considered as a commitment towards contributing to Dudley's employment land supply, which given the offer of WMSRFI as Europe's largest new logistics development site, can be directly attributed towards Dudley's logistics need total.
- 9.19. It is recognised that as there are a limited number of vacant, brownfield sites, which are appropriately sized and located to be considered as EOS, then an emphasis needs to be placed not only on the churn of land and premises within existing employment areas to contribute towards meeting Dudley's need, but also the renewal and rejuvenation of those employment areas so as to ensure that they become areas which can adapt to accommodate long term, sustainable economic development, particularly in providing premises for those companies involved with modern, cutting edge technologies and provide an opportunity to meet future growth needs.
- 9.20. In order to align with and progress the objectives of the Plan aimed at the regeneration of the urban environment, a priority for the renewal of existing designated employment areas should be where such areas fall within designated Regeneration Corridors. It is also considered that suitable interventions be aimed at environmental enhancements, the incorporation of sustainable energy, drainage and transport measures, as well, where appropriate, the opening up of employment areas so that they are better integrated in with local communities which they serve: e.g., a tap house associated with a brewery.

### Strategic Employment Areas

9.21. This policy provides for a sufficient stock of high-quality Strategic Employment Land suitable for a growing and diversified economy.

#### **Policy DLP19 Strategic Employment Areas**

- 1. Strategic Employment Areas are identified on the Policies Map, and are characterised by excellent accessibility, high-quality environments, and clusters of high technology growth sector businesses.**
- 2. These areas will be safeguarded for manufacturing and logistics uses within Use Classes E(g)(ii), E(g)(iii), B2 and B8.**
- 3. Within Strategic Employment Areas, high-quality development or redevelopment of sites and premises will be required, and proposed development that prejudices or dilutes the delivery of appropriate employment activity, or deters investment in such uses, will be refused.**
- 4. Some ancillary employment-generating non-Class E(g)(ii), E(g)(iii), and Class B2 and B8 uses, such as childcare facilities and small-scale food and drink outlets of less than 280 m<sup>2</sup>, may also be permitted in Strategic Employment Areas, where they can be shown to strongly support, maintain or enhance the business and employment function of the area and meet sequential and other national or local policy tests as necessary.**

#### **Justification**

9.22. Strategic Employment Areas (SEAs) are high-quality employment areas that are considered essential to the long-term success of the Dudley's economy. They correspond to areas of the strongest occupier and market demand and are of

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high environmental quality with good links to the Strategic Highway Network and should be protected from non-employment uses that could impact upon their viability as employment locations. These areas contain, or have the potential to attract, those knowledge-based growth sector businesses whose success will be critical to the delivery of Dudley's economic ambitions.

- 9.23. Policy DLP19 is based on the approach set out in the 2011 Black Country Core Strategy, which distinguished between Strategic High-Quality Employment Areas and Local Employment Areas. The Strategic Employment Areas in the DLP are the equivalent of the (existing and potential) Strategic High-Quality Employment Areas in the Core Strategy. The EDNA recommended that the approach set out in the Core Strategy has served the Black Country well and subject to some refinement, should be carried forward into the BCA's development plans, such as the DLP.
- 9.24. The characteristics and extent of the Strategic Employment Areas reflect the findings of the Black Country Employment Area Review (BEAR). The BEAR re-examined the totality of the Black Country's employment areas against a set of criteria based on those set out in the Core Strategy and the recommendations of the EDNA.
- 9.25. The key characteristics of Strategic Employment Areas are as follows:
- a) To be highly accessible to the Strategic Highway Network, preferably well located in relation to the motorway network, to provide good accessibility to international, national, and regional markets and supply chains.
  - b) To have good public transport accessibility.
  - c) To maintain a critical mass of active industrial and logistics sites and premises that are well suited to the needs of modern industry.
  - d) To maintain an existing (or develop a potential) high-quality environment, including suitable landscaping and greenspace and an attractive and functional built environment.
  - e) To be attractive to national and / or international investment.
- 9.26. The majority of the Strategic Employment Areas, as designated on the Policies Map, satisfy all these characteristics or are considered capable of acquiring

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them. The BEAR has found that it is not always necessary for an area to display all these characteristics to attract high-quality development. For example, the Pensnett Trading Estate, where the market has delivered high-quality investment, despite the area being some distance from the motorway network.

- 9.27. The Plan seeks to safeguard land and premises within Strategic Employment Areas for industrial and logistics activity and supports proposals that involve the improvement and renewal of land and premises within them. However, some small-scale ancillary uses will be supported in Strategic Employment Areas where this meets the day-to-day needs of employees of businesses within the Strategic Employment Areas. While Policy DLP19 considers development for uses that are not within an industrial employment use class, these will only be supported in exceptional circumstances as it is the Council's intention to safeguard Strategic Employment Areas from non-manufacturing / logistics uses.

### Local Employment Areas

- 9.28. In order to achieve the appropriate balance and underpin the local economy, it is essential to make provision for those types of industrial, logistics and commercial activities that do not need to be situated in Strategic Employment Areas and are not appropriate for town centres or residential locations.

#### **Policy DLP20 Local Employment Areas**

- 1. Local Employment Areas are identified on the Policies Map, and are characterised by a critical mass of industrial, warehousing and service activity with good access to local markets and employees.**
- 2. These areas will have a particular focus on providing for the needs of locally based investment and will be safeguarded for the following uses:**
  - a. industry and warehousing - Classes E(g)(ii), E(g)(iii), B2 and B8.**

### **Policy DLP20 Local Employment Areas**

- b. motor trade activities including car showrooms and vehicle repair and testing premises.**
  - c. haulage and transfer depots.**
  - d. wholesale trade and builders' merchants.**
  - e. scrap metal, timber and construction premises.**
  - f. waste collection, transfer and recycling uses.**
- 3. Some ancillary employment-generating non-Class E(g)(ii), E(g)(iii)), and Class B2 and B8 uses, such as childcare facilities and small-scale food and drink outlets of less than 280 m<sup>2</sup>, may also be permitted in Local Employment Areas, where they can be shown to strongly support, maintain or enhance the business and employment function of the area, and meet sequential and other national or local policy tests as necessary.**

### **Justification**

- 9.29. Local Employment Areas (LEAs) are particularly prevalent in Dudley, and the wider Black Country and play an important role in the local economy. They offer a valuable source of mainly low-cost industrial units that are vital in providing local jobs and a balanced portfolio of sites of different sizes and quality.
- 9.30. Policy DLP20 is based on the approach set out in the 2011 Black Country Core Strategy, which distinguished between Strategic High-Quality Employment Areas and Local Quality Employment Areas. The LEAs in the Dudley Local Plan are the equivalent of the Local Quality Employment Areas in the Core Strategy. The EDNA recommended that the approach set out in the Core Strategy has served Dudley Borough, and the Black Country overall well and, subject to some refinement, should be continued. This has informed the policy approach of the DLP.

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- 9.31. The characteristics and extent of the LEAs reflects the findings of the BEAR. The BEAR re-examined all of Dudley's (and the wider Black Country's) employment areas against a set of criteria based on those in the Core Strategy and with regard to the recommendations of the EDNA.
- 9.32. The key characteristics of LEAs are:
- a) a critical mass of active industrial and service uses and premises that are fit for purpose.
  - b) good access to local markets, suppliers, and employees.
  - c) the existing or potential use and / or the traffic generated by the use does not have an unacceptable impact on the amenity of surrounding land uses or on the highway network.
  - d) good public transport accessibility.
- 9.33. LEAs are designated on the Policies Map. The Plan seeks to safeguard these areas as locations for industrial and logistics activity and uses that share the characteristics of Class E(g)(ii), E(g)(iii)) and B2 and B8 uses, which are typically located within industrial areas.
- 9.34. The Plan also supports proposals that involve the improvement and renewal of land and premises within them, particularly where this involves older outdated industrial premises that are no longer fit for purpose. This process of redevelopment, intensification and enhancement of existing LEAs provides an opportunity to meet future growth needs.
- 9.35. LEAs are often vulnerable to pressure for redevelopment to other uses such as housing. However, the loss of too much local employment land will compromise the successful delivery of the Plan's employment strategy. It would inhibit economic development, endanger the viability of businesses, and affect the balance of jobs and workers. This would mean that workers located at companies in LEAs who are displaced by new, alternative forms of development, would have to travel increased distances to work and the viability and sustainability of firms would be put at risk. These areas will therefore be primarily safeguarded from non-employment uses.



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9.36. Sites within LEAs may also be appropriate for uses that serve the needs of businesses and employees working in the area. Such uses include food and drink or childcare facilities. Such uses should be of a scale, nature, and location to serve the needs of the employment area, where existing facilities are inadequate and where such needs cannot be met in adjacent centres of the Borough.

### Other Employment Areas

9.37. It is recognised that there are a number of established employment areas across Dudley Borough that are not of the quality of Strategic or Local Employment Areas. Sites and premises within these areas may be suitable for redevelopment for a continued employment use, or to alternative uses such as housing. This policy provides a flexible policy framework to guide development proposals in these areas.

#### **Policy DLP21 Other Employment Areas**

- 1. For employment areas that are not designated as either Strategic Employment Areas or Local Employment Areas on the Policies Map, but which comprise existing occupied employment land within Dudley Borough, will be classed as Other Employment Areas, and will either be:**
  - a. retained and enhanced for industrial employment uses within Class E(g)(ii), E(g)(iii), and Class B2 and B8, and allowed to be developed for such uses, or**
  - b. be redeveloped for housing, or**
  - c. where the Other Employment Area can be evidenced as being easily and safely accessible via a direct footpath link to the boundary of a designated centre, for community, entertainment, food and drink, or leisure and recreation uses.**

## **Policy DLP21 Other Employment Areas**

- 2. Development for uses under 1(b) or 1(c) will only be acceptable where there is robust evidence to demonstrate to the satisfaction of the council, that:**
  - a. the site is no longer required for industrial employment purposes, including the possible relocation of displaced employment uses from other parts of Dudley Borough.**
  - b. the site is no longer viable for industrial employment uses.**
  - c. there are satisfactory arrangements in place for the relocation of existing occupiers of the employment uses on the site, particularly within the local area.**
  - d. the site can be brought forward for housing in a comprehensive manner and would not lead to piecemeal development.**
  - e. residential development or development under 1 (c), would not adversely affect the ongoing operation of existing or proposed employment uses on the site or nearby to the site.**
  - f. the site is suitable for housing or other non-ancillary non-employment uses in accordance with local or national planning policies relating to those uses.**

### **Justification**

9.38. There are a number of existing employment sites and areas that are not designated as Strategic or LEA's as, when assessed through the BEAR, they do not meet the thresholds for being allocated as LEA. These tend to be older, less marketable employment sites close to or within residential areas, where proposals for their redevelopment to deliver new homes could give rise to significant regeneration and community benefits.

9.39. It is also recognised that there are also a few such areas within the borough which, given their location within close proximity, via safe and direct pedestrian

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access, to an existing centre, could provide space for complementary non-employment uses to help sustain and enhance the vitality and viability of the centre.

9.40. Whilst Dudley will continue to support the existing businesses within these areas, it is therefore also necessary for the Plan to allow flexibility for them to be reused for alternative forms of appropriate development. The circumstances where such redevelopment will be permitted are set out in sections 2a - f of the policy.

9.41. In addressing criteria a and b, applicants will be required to submit an Economic and Market Assessment (EMA) that demonstrates that the site is unsuitable for continued employment use. The sustainability of the site's location, including its accessibility by a choice of modes of transport, will be one matter that should be considered in this context. The EMA should also include evidence that the site is vacant (unless it can be demonstrated that occupiers are to be relocated) and has been marketed over a reasonable period of time and at realistic rental and capital values.

### **Balancing Employment Land and Housing and Protecting the Viability and Integrity of Existing Industrial and Business Uses**

9.42. New housing and employment developments on previously developed land not allocated for these uses can make an important and positive contribution towards meeting future development needs. The following policy sets out the approach for assessing windfall employment and housing developments, ensuring they are located in suitable and sustainable locations, as well as the protection of existing business uses from non-industrial development. Such development proposals will also need to consider the Plan's other relevant development management policies, such as DLP8 Health and Wellbeing and DLP39 Design Quality.

**Policy DLP22 Balancing Employment land and Housing, and Protecting the Viability and Integrity of Existing Industrial and Business Uses**

- 1. Before releasing any employment land in Dudley, we will first ensure the retention of an adequate supply of occupied and available employment land to meet defined needs as set out in Policies DLP19, DLP20 and DLP21. We will consider the availability of employment land within the area, the quality of the site and its geographical market. In areas identified for new housing we will positively plan to facilitate housing growth by:**
  - a. Encouraging any existing operation which by virtue of the scale and nature of operations, traffic generation and other amenity considerations may restrict the regeneration of the area to relocate. This relocation will be facilitated with the full support of the local authority concerned, provided that suitable alternative sites and premises are available.**
  - b. Resist new development where this may restrict the regeneration of the area by virtue of the scale and nature of operations, traffic generation and other amenity considerations. Existing businesses who may wish to redevelop or extend their premises will be encouraged to relocate with the full support of the local authority, provided that suitable alternative sites and premises are available.**
- 2. Where new non-industrial development is proposed near to an existing business (E(g) (ii) (iii), B2 and B8) site, particularly where those non-industrial uses may threaten the viability of the neighbouring industrial use or the integrity of the wider industrial area, such a proposal will only be permitted;**
  - a. if the site is no longer viable and required either for employment use, including relocation of businesses displaced from sites released to other uses, or for other employment-generating uses.**

**Policy DLP22 Balancing Employment land and Housing, and Protecting the Viability and Integrity of Existing Industrial and Business Uses**

- b. if it can be demonstrated that the new non-industrial development would not adversely affect the continued viability and operation of the existing business use, and suitable mitigation measures can be built into the new proposal to address such concerns as necessary. Where this is to be achieved by way of a buffer, the new development will be required to provide and maintain the buffer.**
- 3. Any proposals resulting in the loss of employment land should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing existing and neighbouring uses. Incremental development will only be allowed where it would not prejudice master planning of the wider area.**

**Justification**

- 9.43. Locating the right development in the right place ensures that proposals are sustainable, have a positive relationship with the surrounding area and uses, and integrate well, complementing the character of their location.
- 9.44. Policies DLP10 and DLP18 allocates sites for residential, and employment uses based on the anticipated availability of land for development at the time of the preparation of the Plan. However, there will always be windfall sites put forward for development in areas where it is not currently anticipated, and it is important that such development is brought forward in a comprehensive way.
- 9.45. Existing businesses wanting to grow should not have unreasonable restrictions put on them because of a change in nearby land uses since they were established. Therefore, new developments will need to reflect the 'agent of change' principle by proving that the person or business responsible for the proposed new development / change is responsible for managing the impact of that change in relation to noise and other potential nuisances generated by existing land uses in the vicinity. Similarly, where an existing business or

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community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant will need to provide mitigation before the development has been completed.

**Social Value**

9.46. Restructuring Dudley’s economy is one of the key principles of the Dudley Local Plan’s 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.

<b>Policy DLP23 Social value</b>
<ul style="list-style-type: none"><li><b>1. Planning applications for new major job-creating development will be required to demonstrate how job opportunities arising from the proposed development will be made available to the residents of Dudley Borough, particularly those in the most deprived areas and priority groups.</b></li> <li><b>2. Planning conditions or obligations will be applied as appropriate to secure initiatives and/or contributions to a range of measures to benefit the local community, including the potential for working with local colleges and universities, to ensure the provision of:</b><ul style="list-style-type: none"><li><b>a. training and support to assist local residents in accessing employment opportunities</b></li><li><b>b. improved accessibility of the development to residents by a choice of modes of transport</b></li><li><b>c. child-care facilities, and</b></li><li><b>d. measures to assist those with physical or mental health disabilities to access employment opportunities</b></li></ul></li></ul>

**Policy DLP23 Social value**

- 3. As appropriate, the council will also require applicants of proposals for new major job-creating development to make financial or other contributions secured through planning obligations, Community Infrastructure Levy (CIL) / Infrastructure Levy monies or other suitable means, to provide social value.**

**Justification**

- 9.47. 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 borough. It is therefore important that jobs created through new developments across Dudley are accessible to as many of the borough's residents as possible, especially those in the most deprived areas or priority groups.
- 9.48. There are several aspects to improving the accessibility of job opportunities to residents. It may be necessary for improvements to public transport infrastructure and services to be funded, and better facilities for pedestrians and cyclists to be provided. This would help ensure that residents are able to travel to and from their places of employment within reasonable timescales.
- 9.49. Support may also need to be provided to assist residents, particularly those from either disadvantaged groups or deprived areas, in applying for new jobs and to receive training that will assist them in accessing employment opportunities. Childcare provision may also help in enhancing access to employment and individuals with mental or physical health difficulties may also require support to enable them to access jobs.
- 9.50. There are existing support structures and facilities in place across the borough and the sub-region to help ensure that local people can access and receive appropriate training to develop the necessary skills to compete successfully for jobs.

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9.51. To assist with this, where major new employment-creating development is proposed, negotiations with companies will take place to devise suitable bespoke training and recruitment programmes that can benefit local people.

9.52. Attracting graduates to, and retaining them within, Dudley and the wider Black Country will also be key to securing a knowledge-based economy. The higher and further education sector is a major driver of economic, social and cultural regeneration and ongoing investment in this sector is supported. Dudley Council will also support initiatives that strengthen linkages between the education sector and the wider economy.

### **Evidence**

- Economic Development Needs Assessment (EDNA) Stage 3 (2022) and Stage 4 (2023)
- Black Country Employment Areas Review (BEAR) 2021
- Strategic Sites Study (2021)
- West Midlands Strategic Rail Freight Interchange: Employment Issues Response Paper – Whose need will the SRFI serve? (2021)
- Site Assessment process (2023)
- Landowner Engagement Technical Report (2023)

### **Delivery**

- Through the Development Management process
- Through partnership with Economic Development Partners in promoting development opportunities and improvement programmes



### 10. Centres and Town Centre Uses

#### Introduction

- 10.1. The purpose of the centres policies is to help secure the investment, jobs and regeneration needed to create a mature, well-balanced, and functioning network of centres, where residents shop, work, live and spend their leisure time. Concentrating development in centres that are highly accessible by sustainable transport contributes towards planning priorities such as health and wellbeing and addressing climate change. Delivering a vital and viable network of centres will significantly contribute towards meeting the current and future needs of Dudley residents.
- 10.2. Dudley's centres are re-purposing and as such are subject to changes in many different ways such as the shift in focus from retail to include leisure, commercial, residential, community and health services, local facilities and civic uses. It is a priority to maintain and enhance them appropriate to their scale, role and function in order to underpin the vital role they play in contributing to the economic growth, character and identity of Dudley.

#### Dudley Borough Centres

- 10.3. Table 10.1 sets out the hierarchy of centres for Dudley Borough. Investment in retail and town centre uses that are of an appropriate scale to meet the centres position in the hierarchy will be supported along with the enhancement of the existing provision to facilitate sustainable development. A hierarchy of centres for Dudley which consists of four levels has been identified:
- Strategic Centres
  - Town Centres
  - District Centres
  - Local Centres

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**Table 10.1 Hierarchy of Centres**

<b>Strategic Town Centre</b>	<b>Town Centres</b>	<b>District Centres</b>	<b>Local Centres</b>
Brierley Hill	Dudley Halesowen Stourbridge	Kingswinford Lye Sedgley	Amblecote Cradley/ Windmill Hill Gornal Wood Hawne Netherton Oldswinford Pensnett Quarry Bank Roseville Shell Corner The Stag Upper Gornal Wall Heath Wollaston Wordsley

10.4. Within the borough, Brierley Hill is the strategic centre and as such is the focus for growth as well as a primary location for retail, leisure, and cultural facilities. The three town centres of Dudley, Halesowen and Stourbridge will complement Brierley Hill, as well as meeting the day-to-day needs of the local communities including retail, leisure, and community activities. Developments in Brierley Hill, Dudley, Halesowen and Stourbridge will be subject to the additional policies set out in **Part Two –Centres and Allocations.**

10.5. The district and local centres range in scale but all provide day-to-day convenience shopping and services to meet local needs and provide important services to the communities they serve; therefore, it is important to retain the viability and vitality of these centres.

10.6. There are three district centres which provide a reasonable range and choice of goods and services. They all benefit from good public transport links, car parking provision and a strong walk-in catchment area. They provide a focus for

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community facilities and are traditionally a main shopping destination. It is important that these centres retain or improve their existing level and quality of convenience retail as well as other shops to sustain and enhance their viability.

- 10.7. There are 15 local centres in the borough which generally have a small-scale supermarket and a range of convenience-based shops. It will remain important to provide sufficient and attractive well located car parking and access to public transport to underpin the relative competitiveness of each centre both in terms of attracting investment and meeting the public's needs.
- 10.8. Within the borough there are also a significant number of small-scale local shops, located individually or in small parades of shops. Such provision complements the retail hierarchy by; providing residents with access to local shops and services to meet essential day-to-day needs; as well as being located within walking distance of the residential communities they serve. On this basis such provision, wherever possible, should be protected.

### **Policy DLP24 Dudley Borough Centres**

- 1. The priority for Dudley's Centres is to ensure that they remain focused on serving the needs of their communities while enabling centres to repurpose and diversify by providing a well-balanced mix of commercial, business and service functions. This includes both retail provision and a mix of leisure, office, residential and other appropriate, complementary town centre uses that are accessible by a variety of sustainable means of transport.**
- 2. The hierarchy of Dudley's Centres is set out in Table 10.1:**
  - a. Brierley Hill Strategic Centre (Tier One Centre)**
  - b. Dudley, Halesowen and Stourbridge Town Centres (Tier Two Centres)**
  - c. Kingswinford, Lye and Sedgley District Centres (Tier Three Centres)**
  - d. A Network of Local Centres (Tier Four Centres)**

## Policy DLP24 Dudley Borough Centres

### **e. Other small centres, including small parades of shops**

- 3. This hierarchy of centres will be supported, and the Council will ensure that developments in centres is facilitated in a manner that reflects their scale, role and function, and resisting proposals that would undermine this strategy.**
- 4. The council will allot for the delivery of additional convenience retail floorspace within Dudley Town Centre preferably in the form of an anchor food retail store, evidenced as a qualitative need in order to help sustain that centre's vitality and viability**
- 5. To enable the diversification and improve the vitality of Dudley Centres the following range of uses are considered acceptable unless a site-specific use has been identified in a site allocation policy:**
  - a. At ground floor within the Tier one and Tier 2 designated Town Centre Core Areas:**
    - I. Class E uses, excluding Research and development of products or processes E(g(ii)) and industrial processes E(g(iii))**
    - II. Drinking establishments and Public Houses (Sui-Generis)**
  - b. At upper floors within the Town Centre Core Areas or outside of the Town Centre Core areas but within the Centre Boundaries or all centres:**
    - I. Uses falling with Class E, subject to the provisions of Policy DLP27**
    - II. Drinking establishments and public houses (Sui-Generis)**
    - III. Learning and non-residential institutions, including places of further education, museums, and places of worships (F1 uses)**

### **Policy DLP24 Dudley Borough Centres**

- IV. Community halls or meeting places, areas for outdoor sport and recreation, including, sports stadia and indoor and outdoor swimming pools and skating rings (F2 uses)**
  - V. Hot Food Takeaways (Sui Generis), subject to the provisions of Policy DLP29**
  - VI. Cinemas, theatres, laundrettes, amusement arcades, music and concert halls, casinos, night clubs, betting offices, payday loan shops, bingo and dance halls (Sui-Generis)**
  - VII. Residential developments (C3)**
  - VIII. Hotels (C2)**
- 6. Measures to enhance the vitality, accessibility, and sustainability of centres, including maximising public realm, open space, provision of green infrastructure and vehicle charging points, will be supported.**
- 7. New housing and employment development should have their service needs met by, and contribute to the regeneration of, the existing network of centres.**

#### **Justification**

10.9. Centres are best placed to sustainably serve their communities' needs as places to shop, work, study, spend leisure time and live. Centres therefore need to offer the best accessibility to a range of services for residents, workers, and visitors, particularly by sustainable transport methods. The concentration of investment within centres is the basis to achieve transformation and economic growth, to make the fullest possible use of existing and future infrastructure and to deliver sustainable regeneration. Centres make a crucial contribution to sustainability through helping to tackle climate change, by reducing the need to travel, and promoting healthy, child friendly communities, with well-designed public realm and green infrastructure provision.

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10.10. The boundaries for the Town centres are set out in Figure 10.1, and boundaries for the Tier 1 and 2 Town centre boundaries and Town Centre Core areas are set out in the relevant centres section.

10.11. Challenges facing the High Street include, changing shopping patterns (including the rise in online shopping) and the closure of anchor stores impacting upon centres' viability and vitality, as evidenced by high vacancy rates. In addition, changing working patterns, including the increased move towards home working, has left uncertainty about the future of centres-based office activity. The increased move towards centre living provides the opportunity for new residential developments to significantly contribute towards the regeneration of the borough's centres, as part of mixed-use developments and upper floor living, as well utilising redundant and vacant in-centre sites. Therefore, future growth and investment within centres may not necessarily be led by the traditional retail sector.

10.12. Future investment will focus on qualitative improvements and more flexibility to protect centres, rather than the need to provide additional floorspace. This is likely to be market-led and will facilitate reoccupation, reconfiguration and repurposing of existing buildings, particularly vacant floorspace. This approach will seek to ensure that centres are well balanced, with a mix of uses performing a variety of functions. Maximum opportunity should be made of structural changes to centres, such as floorspace changing to other uses (particularly residential), and an increased focus for centres to:

- a) Provide services/non-transactional uses, including high activity-based uses such as health, education and civic facilities
- b) Provide an enhanced experience, a unique sense of place and well-balanced marketing, with centres functioning as community meeting and focal points, generating footfall and facilitating alternative uses that contribute to both the day and night time economy
- c) Support independent operators, local markets, and short-term occupation of units for innovative uses
- d) Support and provide local retail provision

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10.13. It is likely that following the introduction of the Class E use class, it will broaden the range of uses that we see in the traditional shopping centres and high streets. The flexibility will help centres respond to and adapt to changing circumstances, however where appropriate planning conditions may be used to restrict specific uses.

**Evidence**

- Updated Black Country Plan Centre Study (2023)
- Dudley Borough Strategic, Town, District & Local Centre Health checks (2023)

**Delivery**

- Development Management through the determination of planning applications

**Local and District Centres and Local Services**

7.4 Local and district centres make a significant contribution to the quality of life of the communities they serve providing access to day-to-day convenience shopping and accommodating local service needs. To ensure the long-term sustainability of such centres it is important to retain their future vitality.

<b>Policy DLP25 Local and District Centres and Local Services</b>
<b><u>Designated District and Local Centres</u></b>
<ol style="list-style-type: none"> <li><b>1. It is a priority for tier three centres to serve the day-to-day shopping and service needs of the communities that they serve. Convenience retail developments and proposals to extend or refurbish existing food store where they are well integrated with the centre and meet the requirements of DLP26 and DLP27 will be supported.</b></li> <li><b>2. Developments within District and local centres should reflect the scale, character and nature of the centre and help the centres’ role and function in serving the local needs and sustain the economic viability</b></li> </ol>

## **Policy DLP25 Local and District Centres and Local Services**

and vitality of the centre. All new developments will need to be sensitive to the local character and enhance the public realm of the centre.

3. Proposals should reduce the need to travel, and promote the use of sustainable transport methods, including public transport, walking and cycling.

### **Parades and Local Shops**

4. Within retail parades outside of designated centres, small scale commercial uses (Class E) and community facilities would be supported where the proposal would not result in the parade being unable to meet the day-to-day needs and it can be demonstrated that:
  - a. The proposal meets the provisions of DLP26.
  - b. The proposal would retain an active frontage.
  - c. The development would not either individually or cumulatively had a detrimental impact on the amenity of local residents, due to noise, odour or highway safety.
  - d. Would not impact on the viability or vitality of any designated centres.
5. Development involving the loss of valued local services, local shops (F.2) and community facilities, including public houses, particularly where the facility serves a community within a defined accessible neighbourhood will be refused, unless it can be demonstrated that:
  - a. the use is no longer viable, by providing evidence that the property has been actively and appropriately marketed for a minimum of 6 months, and that the use cannot be viably sustained.
  - b. There is an alternative or similar facility available within a safe and reasonably achieved 1000m walking distance.



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10.14. Dudley has 3 district centres and 15 local centres of varying sizes. These centres act as a crucial focus for and provide key services and facilities for Dudley's existing and future communities in the most sustainable way. The existing centres are often dependent on smaller supermarkets and/or convenience stores to anchor their retail offer.

10.15. There are a number of local parades and freestanding small shops throughout the borough, which provide for the day to day needs and offerings for the communities they serve. As well as providing informal places for interaction and contributing to the health and wellbeing of the community.

10.16. Where proposals would lead to the loss of valued local facilities without the appropriate alternative provision, it must be demonstrated that the site has been marketed for the existing use and therefore there is no reasonable prospect for the retention of the current use.

### **Evidence**

- Updated Black Country Plan Centre Study (2023)
- Dudley Borough Strategic, Town, District & Local Centre Health checks (2023)

### **Delivery**

- Development Management through the determination of planning applications

### **Small Scale Local Facilities**

10.17. This policy applies to proposals for small-scale local facilities (centre uses and complementary uses including social infrastructure and community uses) not in a centre, which have a proposed unit floorspace of under 280 sqm (gross). The priority is for local service needs to be met by the existing network of centres, to ensure their vitality and viability. However, some small-scale provision may be justified in certain circumstances to meet local community needs.

### **Policy DLP26 Small Scale Local Facilities**

- 1. Proposals including extensions to existing floorspace for small-scale local facilities for main town centre uses, as identified in national planning policy guidance, will be permitted in edge of and out-of-centre locations, where the new or extended unit, does not exceed 280sqm(gross) of floorspace, subject to the following requirement being met:**
  - a. The proposal does not unduly impact on the health and wellbeing of the community it is intended to serve**
  - b. The proposal is of an appropriate scale and nature to meet the specific day-to-day needs of a population with convenient, safe walking distances for new or improved facilities, with particular reference to accessible neighbourhoods**
  - c. Existing facilities that meet day-to-day needs will not be undermined**
  - d. Access to the proposal by means other than by car can be demonstrated and will be improved**

#### **Justification**

10.18. The existing network of centres plays a crucial role in serving the local needs of the Dudley Borough. Centres are also dependent on smaller units, such as supermarkets and convenience stores, to anchor their retail and service offer. It is therefore a priority to protect and support this approach. Local facilities are also provided in existing stand-alone locations and in small parades of shops. It is recognised that stand-alone provision to serve local communities, particularly where it offers social infrastructure, plays a positive role under certain, specific circumstances.

10.19. This policy relates to proposals for small-scale local facilities for new units of up to 280sqm (gross) of floorspace and extensions to existing units which would

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result in a total floor up to 280sqm (gross) and applies to new developments, changes of use and variations of conditions, including:

- a) Proposals related to petrol filling stations and drive-thru facilities.
- b) Proposals for ancillary uses under Policy DLP20

10.20. Proposals that have unit sizes under 280sqm (gross) but comprise a number of units where the total floorspace of the proposal exceeds 280sqm (gross) or where the proposed uplift in floorspace of unit size is under 280sqm but would create a unit over 280sqm will also have to meet the requirements of Policy DLP27.

### Evidence

- Updated Black Country Plan Centre Study (2023)

### Delivery

- Development Management through the determination of planning applications

### Edge-of-Centre and Out-of-Centre developments

10.21. This policy applies to proposals not in a centre (in edge and out-of-centre locations), which have a proposed floorspace of over 280sqm (gross).

10.22. The approach is intended to focus appropriate uses within the existing network of centres. Very limited existing and future capacity means that any growth not in centres can cause adverse impacts on them. This policy sets out robust requirements that will ensure that investments in centres is maximised and significant adverse impacts are prevented.

### **Policy DLP27 Edge-of-Centre and Out-of-Centre Development**

- 1. For main town centre uses, as defined by national planning policy guidance, within edge-of-centre or out-of-centre locations, above a**

## **Policy DLP27 Edge-of-Centre and Out-of-Centre Development**

locally set threshold of 280sqm (gross) of floorspace, a sequential test approach will be required.

2. For retail and leisure uses within edge-of-centre or out-of-centre locations, above a locally set threshold of 280sqm (gross) floorspace, both a Sequential Test and Retail Impact Assessment will be required.
3. For retail and leisure proposals within District and Local Centres, above a locally set threshold of 500sqm (net) floorspace, a Retail Impact Assessment will be required.
4. Edge-of-centre locations will be defined as follows:
  - a. For Strategic and Town Centres - retail uses (E(a)) a location within 400m of the Town Centre Core Area boundary. For other main town centre uses, within 400m of the Town Centre boundary.
  - b. For District and Local Centres – main town centre uses, adjoining the centre boundary.
5. Edge and out-of-centre proposals should be assessed for accessibility by a choice of transport modes, in particular sustainable transport means, including active travel links, and support both social inclusion and cohesion. Edge-of-centre proposals will need to demonstrate that they will be well-integrated with existing in-centre provision.

### **Justification**

10.23. The intention of DLP27 is to ensure that investment is focused in Centres, with the priority for the existing network of centres to serve Dudley's current and future needs. Therefore, strong justification is required for edge-of and out-of-centre developments that could otherwise undermine the strategy for promoting the regeneration of Dudley and ensuring the vitality of its centres.

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- 10.24. The Centres study identifies little capacity to support additional floorspace, which means proposals that do not serve centres are likely to adversely impact upon their vitality and viability. The regeneration strategy for centres is focussed on bringing vacant floorspace back into use, and a consolidated retail and leisure offer is essential to facilitate diversification, such as encouraging linked trips.
- 10.25. Centres are often dependent on units such as supermarkets and convenience stores to anchor retail and service offers. It is therefore important to protect and support this approach where appropriate. Consequently, the impact of proposals for centre uses not in centres are a cause for concern and there is a need for an appropriate robust policy approach to ensure all potential options to focus development in centres are thoroughly explored, and proposals are tested for their potential significant adverse impacts on existing centres. This is particularly the case for large scale out-of-centre speculative retail and leisure proposals.
- 10.26. For the purposes of applying the Impact Assessment, 280sqm (gross) is the locally set threshold for undertaking impact tests on retail and leisure proposals. This applies to new development, changes of use, variations of conditions, extensions to increase the floorspace of existing unit(s) that would result in developments with a floorspace over 280sqm including;
- a) Proposals related to petrol filling stations and drive-through facilities.
  - b) Proposals for ancillary retail and leisure uses under Policies DLP19 and DLP20
- 10.27. Flexibility should be demonstrated when assessing potential in-centre locations, including in terms of specific types of goods and services and elements of the business models of proposals, such as 'drive-through' facilities not necessarily needing to be outside a centre solely for vehicular access and circulation reasons.
- 10.28. It is important to ensure edge-of-centre proposals do not cause any significant adverse impacts, particularly as they share catchment areas with in-centre provision. Edge-of-centre proposals should support regeneration through being

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well-integrated, particularly through direct pedestrian linkages complementing and enhancing adjacent in-centre provisions.

10.29. Retail Impact tests should be proportionate to the nature and scale of proposals, and to assist with the determination of proposals should include as a minimum the estimated turnover and trade draw from relevant centres. Additional evidence should include information regarding capacity, catchment and health of the existing retail commitments.

**Evidence**

- Updated Black Country Plan Centre Study (2023)

**Delivery**

- Development Management through the determination of planning applications

**Residential Developments in Centres**

10.30. The upper storey of shops and other commercial buildings, and the reuse of vacant and redundant buildings within centres, offers opportunities for residential development.

10.31. Residential living within centres can increase the vitality of an area and provide natural surveillance outside of normal business hours. Encouraging more people to live in centre locations increases the viability of centres and provide a sustainable location due to reducing the need to travel by car through good transport links and increased opportunities for walking and cycling.

<b>Policy DLP28 Residential Developments in Centres</b>
<p><b>1. Development proposals involving residential developments within Town, District and Local Centres, including the conversion or development of upper floors, the reuse of redundant buildings or new build developments, will be permitted provided that the following points are considered:</b></p>

## **Policy DLP28 Residential Developments in Centres**

- a. That there is no unduly adverse effect on the amenities of the locality by means of design, appearance or traffic generation.**
- b. That proposals maximise the potential use of the whole building including appropriate space for cycle storage and the storage and collection of household waste and recycling.**
- c. A reduction in the level of parking against the standards normally required for residential development may be considered applicable, where the site is evidenced as being within a 400m walking distance of public transport.**
- d. A reduction in the amount of amenity space against the standards normally required for residential development may be acceptable, where the reduced area comprises high quality landscaped public realm and/or overlooks and has ready access to an area of adjoining Public Open Space.**
- e. That sound proofing measures for proposed residential units are properly considered.**
- f. Development would not affect the vitality or viability of any existing business or use within its vicinity.**

### **Justification**

10.32. Residential developments can play an important role in ensuring the vitality of centres and provides residents' easier access to a range of services and facilities. This can be through change of uses of vacant properties, conversions of upper floors, or new residential or mixed-use developments.

10.33. Following changes in the use class order and GPDO, Class MA, allows changes of uses from Class E (Commercial, Business and Service) to residential, subject to prior approval. Which supports the reuse of vacant units for residential accommodation to bring these units into a new use to help the vitality of the centres and introducing more flexibility within centre locations.

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10.34. Centres play an important role in meeting the housing need for the borough, while also providing accommodation in sustainable locations with access to a range of amenities. The type and location of residential accommodation within centres should reflect the size and function of the centre.

10.35. Where a residential use would be introduced adjacent to established uses, the residential development would be expected to incorporate suitable mitigation measures where the operations of an existing business or community facility would have significant adverse effect on the new development (this includes change of uses).

### Evidence

- Updated Black Country Plan Centre Study (2023)

### Delivery

- Development Management through the determination of planning applications

### Hot Food Takeaways

10.36. The control of the numbers of Hot Food Takeaways in particular locations will assist in providing a healthy balance of food choices across the borough. It also aims to counteract the over concentration of Hot Food Takeaways in certain locations.

### Policy DLP29 Hot Food Takeaways

- 1. All applications for Hot Food Takeaways (Sui-Generis), whether through new build or change of uses, will be assessed on their individual merits, subject to considerations on their location and the number, distribution and proximity of other Hot Food Takeaways and impact on the vitality and viability of centres.**



## Policy DLP29 Hot Food Takeaways

- 2. Proposals for Hot Food Takeaways will be subject to provisions applicable to their locations:**
  - a. Proposals for new Hot Food Takeaways, as a primary use of a planning unit, will not be permitted within a designated Town Centre Core Areas.**
  - b. No more than two Hot Food Takeaways will be permitted adjacent to one another within the boundaries of the borough's centres or within retail parades.**
  - c. Elsewhere, Hot Food Takeaways will be permitted where they do not give rise to or exacerbate a concentration (typically 3 or 4) of these uses.**
  - d. Proposals for Hot Food Takeaways will not be supported where they are located outside of a Centre and within 400m of a secondary school<sup>5</sup>.**
- 3. In all locations, planning permission for Hot Food Takeaways will only be granted where, there would not be an adverse impact on public or highways safety. Regard will be given to:**
  - a. Existing traffic conditions, including availability of parking spaces.**
  - b. Availability of safe legal loading areas**
  - c. Proximity to junctions, pelican crossings, bus bays and bus stops**
  - d. Accessibility of the site by public transport and cycling**
- 4. Applications for Hot Food Takeaways within close proximity to residential properties will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of disturbance, vibrations, odours, traffic impacts, litter and hours of operation as a result of the proposal.**

<sup>5</sup> The Exclusion Zones apply to Secondary Schools only as Primary School are pupils cannot go out at lunchtimes and the majority of journeys to and from school are made with a parent or guardian.

## Policy DLP29 Hot Food Takeaways

- 5. The cumulative impact of proposed Hot Food Takeaways will be assessed with regard to their risks around community safety, crime and disorder.**
- 6. Wherever practicable, extract equipment should be accommodated internally within the building and routed within existing chimneys. Where external equipment is proposed, it should not be detrimental to the area or host property.**
- 7. Health Impact Assessment is submitted with consideration given to the cumulative impact of Hot Food Takeaways within the vicinity.**

### Justification

10.37. Although it is recognised that Hot Food Takeaways can provide an important complementary service, alongside other retail uses. In centres, high concentrations of Hot Food Takeaways can pose a serious threat to the vitality and viability of the centre. They can also have a detrimental impact on the amenity of the surrounding areas, including the retail character and function of the centre, due to the hours of operations, increased litter, odours, noise and general disturbance, as well as traffic and parking problems.

10.38. Within centres the location and concentration of Hot Food Takeaways will be restricted to help maintain a diverse and viable centre this includes the clustering of Hot Food Takeaways (more than 2 uses adjacent to each other).

10.39. Poor diet is a significant factor in obesity and associated poor health. Dudley Borough has higher rates of obesity, including childhood obesity, than those for England, as well as a higher number of fast-food outlets per 100,000 population. Obesity is considered a risk factor for poor health, cancer and diabetes. A high concentration of Hot Food Takeaways in certain areas or proposals which are inappropriately located, can result in an undue influence on poor choice of diet that contributes to a wide range of health issues, including obesity and diabetes.

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10.40. Research has indicated that the more overweight a person is and the younger a person is when they become overweight, the greater the impact on the person's health. Therefore, it is important to support establishing healthy eating habits from a young age and minimise the negative impacts of Hot Food Takeaways on children's health.

10.41. It is considered that the location of Hot Food Takeaways in close proximity to schools can lead to children consuming a greater amount of unhealthy food, therefore undermining initiatives to promote healthier diets. There is concern that the effects of fast-food consumption on children's diets can add to health problems relating to obesity and a proliferation of Hot Food Takeaways within walking distance of schools can be seen as a contributing factor to rising levels of childhood obesity. Therefore 400m (equivalent of a 10-minute walk) is considered sufficient to deter school children from walking to Hot Food Takeaways during lunch breaks or after school.

### **Evidence**

- Updated Black Country Plan Centre Study (2023)
- Dudley Borough Strategic, Town, District & Local Centre Health checks (2023)
- Planning for Health in the Black Country: Evidence Base for Black Country Plan Health and Wellbeing Chapter, 2021

### **Delivery**

- Development Management through the determination of planning applications

### **Shop Front Security**

10.42. Shop fronts can enhance street scenes and play an important role in making centres active, vibrant, and safe places to shop. The design of shop fronts (including new shop fronts and alterations of existing ones) should be an integral part of the design of the wider building and its use.

## **Policy DLP30 Shop Front Security**

- 1. The Council will support a hierarchical approach to shopfront security with the preference for other security measures being fully exhausted before resorting to physical barriers such as an external grille or shutter. Early discussions with the local planning authority are actively encouraged.**
- 2. When considering security for a shopfront the following principles should be applied:**
  - a. Within conservation areas, on listed and locally listed building, or where proposals affect the appearance or setting of a Heritage Asset, external roller grilles or shutters will not be permitted.**
  - b. Security requirements should be carefully considered and integrated in the design of all new or replacement shopfronts, using the established Secured by Design approach.**
  - c. Security fixtures should not be located on architectural features of the shopfront or building. Alarm boxes and security cameras, where deemed appropriate, should be positioned unobtrusively, having regard to the symmetry of the building.**
  - d. Priority should be given to integrating physical measures (such as stallriser, smaller paned glass with mullions and transoms, the use of toughened or laminated glass etc.) into the design of existing and new shopfronts.**
  - e. If additional security is deemed necessary priority should be given to the use of discreetly designed and retractable internal security shutters/grilles.**
  - f. In circumstances where external security measures are agreed to be necessary, demountable external grilles of a visually appropriate design and colour should be considered.**

### **Policy DLP30 Shop Front Security**

- g. To secure recessed doorways, retractable or folding gates can be used, however the use of roller shutters or in recessed doorways would be not supported.**
- 3. External roller grilles or shutters will only be accepted if it has been clearly demonstrated that all other security options have been fully exhausted and where a departure from this stance can be justified. The Local Planning Authority will work with applicants to consider these options. In these circumstances, external roller grilles or shutters would only be acceptable if designed in accordance with the following guidelines:**
  - a. It must be of a design that allows for the shop window display to remain clearly visible behind.**
  - b. The use of solid or perforated roller shutters for shopfronts would not be supported.**
  - c. Shutters must not extend beyond the span of the shop window and must be contained within an area defined by the fascia and pilasters of the shop front.**
  - d. Shutter box housings and guide channels should form an integral part of the shopfront design and be concealed behind the fascia or should be set back flush with the shopfront. Where visible they should be finished in a colour to match that of the shopfront.**
  - e. The installation of shutters should not result in the loss, removal or inappropriate alterations of an historic shopfront.**

#### **Justification**

10.43. Shopfronts make an essential contribution to the quality of both the urban area and the businesses that occupy them. An increase in the number of standardised style shop fronts, projecting signs, bulky illuminated advertisement

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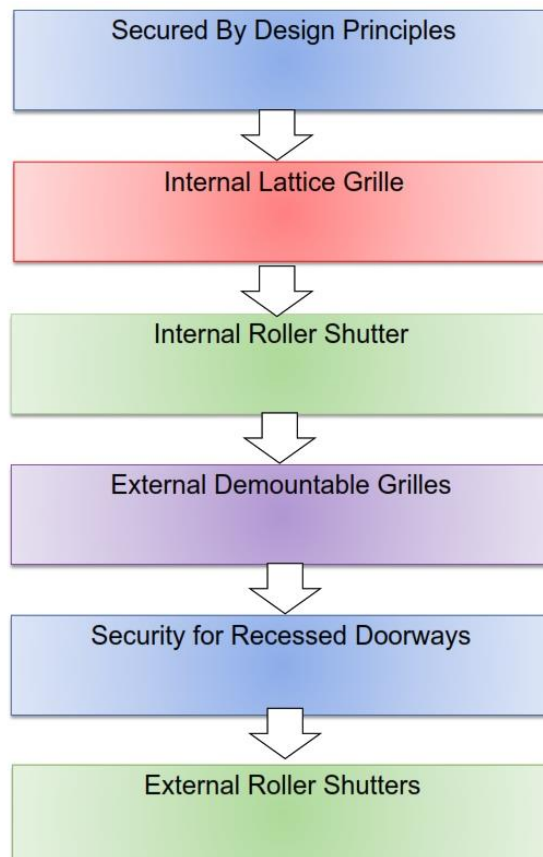
and poorly designed security measures can harm the appearance of the street scene.

10.44. Shop fronts, particularly those which are original and/or are a period character, contribute to local character and distinctiveness and form an important part of the overall street scene. The design and material of all shopfronts should respect the character of the area and buildings of which they form a part of.

10.45. Where security shutters are necessary, a hierarchal approach (as shown in Fig. 10.2) is supported with preference for other security measures being fully exhausted before resorting to physical barriers, such as external roller shutters are used, and this should be evidenced as part of any application. More details about this approach can be found in the Shopfront and Advertisement SPD.

10.46. This policy should be read in conjunction with the Shopfront and Advertisement SPD which sets out details guidance on the way Dudley Council expects proposals for new or replacements shop fronts and advertisements (or the alterations of existing ones) to be designed.

**Figure 10.2 Hierarchal Approach**



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### Monitoring

Policy	Indicator	Target
<b>DLP24</b>	Number of applications approved with a Town Centre Core Area for uses outside of the acceptable use list	0%
<b>DLP25</b>	Number of valued local services lost without appropriate alternative provision.  Number of Vacant units within the District and Local Centres	0%  0%
<b>DLP26</b>	Number of developments of up to 200sqm gross floorspace for town centre uses permitted outside of centres that meet the requirements of Policy DLP24 and DLPBH1, as a proportion of all such permissions	100%
<b>DLP27</b>	Number of developments over 200sqm gross floorspace for town centre uses permitted outside of centres that meet the requirements of Policy DLP24, as a proportion of all such permissions	100%
<b>DLP28</b>	Number of new residential units within Centre Locations	Success of this policy will be monitored by the number of applications received and approved
<b>DLP29</b>	Number of Hot Food Takeaways approved with 400m of a school  Number of Hot Food Takeaways approved in centre locations which would result in more	0  0

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	than 2 no. Hot Food Takeaway uses adjacent to each other	
<b>DLP30</b>	Number of external roller shutters/grilles approved within conservation areas, on Listed or Locally Listed Buildings or affecting the appearance of setting of a Heritage Asset	0



### 11. Environment

#### Introduction

- 11.1. Dudley enjoys a unique physical and cultural heritage thanks to its origins as a mainstay of heavy industry and driver of the Industrial Revolution. The geological complexity of the area, its topography, its settlement patterns, and the existence of significant areas of green and open space within a large population require a set of robust and relevant planning policies that will help to protect and enhance what gives the borough its unique physical, ecological and historic character and appearance. Despite its mainly urban character, Dudley has an extensive network of formal and informal green spaces and designated nature conservation sites that form the green infrastructure network for the borough.
- 11.2. The protection and improvement of the borough's biodiversity and geodiversity will improve the attractiveness of the area for people to live, work, study and visit while at the same time improving the physical and natural sustainability of the conurbation in the face of climate change. This will directly contribute to achieving Strategic Priorities one and two.
- 11.3. The DLP addresses a number of established and evolving topic areas, including the natural and historic environments, air quality, flooding and climate change.
- 11.4. This section includes a specific section containing policies designed to mitigate and adapt to a changing climate, including policies on the management of heat risk, the use of renewable energy, the availability of local heat networks and the need for increasing resilience and efficiency to help combat the changes that are affecting people and the environment.
- 11.5. The importance of green infrastructure, in achieving a healthy and stable environment, is reflected throughout the Plan and is supported in this section by policies on trees and Biodiversity Net Gain.
- 11.6. The importance of the borough in terms of its contribution to geological science and the environment is recognised by being part of the Black Country UNESCO Global Geopark, which is also reflected in a planning policy for the first time.

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11.7. Within the borough is Fens Pool Special Areas of Conservation (SAC). This site is of European importance and the DLP has a major role to play in ensuring its special environmental qualities are not impacted adversely by development.

**Nature Conservation**

11.8. The protection and improvement of the borough’s biodiversity and geodiversity will safeguard and improve the environmental attractiveness and value of the area for residents and visitors, while at the same time improving the physical and natural sustainability of communities within the wider conurbation in the face of climate change. This will directly contribute to delivering Strategic Priority one, which is also associated with supporting the physical and mental wellbeing of residents.

<p><b>Policy DLP31 Nature Conservation</b></p>
<p><b>1. Development within Dudley will safeguard nature conservation, inside and outside its boundaries, by ensuring that:</b></p> <ul style="list-style-type: none"><li><b>a. development will not be permitted where it would, alone or in combination with other plans or projects, have an adverse impact on the integrity of a European or internationally designated site, including Special Areas of Conservation (SAC);</b></li><li><b>b. development is not permitted where it would harm nationally (Sites of Special Scientific Interest and National Nature Reserves) or regionally (Local Nature Reserves and Sites of Importance for Nature Conservation) designated nature conservation sites;</b></li><li><b>c. locally designated nature conservation sites (Sites of Local Importance for Nature Conservation), important habitats and geological features are protected from development proposals that could negatively impact them;</b></li><li><b>d. the movement of wildlife within Dudley and its adjoining areas, through both linear habitats (e.g. wildlife corridors) and the wider</b></li></ul>

## Policy DLP31 Nature Conservation

urban matrix (e.g. stepping-stone sites) is not impeded by development;

- e. species that are legally protected, in decline, are rare within Dudley and the sub-region or that are covered by national, regional, or local Biodiversity Action Plans will be protected when development occurs in accordance with Part I of the Wildlife and Countryside Act 1981.
2. Adequate information must be submitted with planning applications for proposals that may affect any designated site or important habitat, species, or geological feature, to ensure that the likely impacts of the proposal can be fully assessed. A Local Site Assessment must be undertaken and submitted to the Local Sites Partnership where development is likely to impact upon a Site of Importance for Nature Conservation. Supporting information must include a data search from the Local Records Centre<sup>6</sup>. Where the necessary information is not made available, there will be a presumption against granting permission.
3. Where, exceptionally, the strategic benefits of a development clearly outweigh the importance of a local nature conservation site, species, habitat or geological feature, damage must be minimised. Any remaining impacts, including any reduction in area, must be fully mitigated. Compensation will only be accepted in exceptional circumstances. A mitigation strategy must accompany relevant planning applications.
4. Over the plan period, Dudley will update evidence on designated nature conservation sites and Local Nature Reserves as necessary in conjunction with the Local Sites Partnership and Natural England and will amend existing designations in accordance with this

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<sup>6</sup> Local Environmental Records Centre for Birmingham and the Black Country (EcoRecord).

## Policy DLP31 Nature Conservation

evidence. Consequently, sites may receive new, or increased, protection over the Plan period. The Local Environmental Records Centre hold, collate and disseminate the definitive and up-to-date register of locally designated nature conservation sites on behalf of the Dudley Council.

5. All appropriate development should positively contribute to the natural environment of Dudley by:
  - a. extending and improving the condition of nature conservation sites;
  - b. improving wildlife movement; and / or
  - c. restoring or creating habitats / geological features that actively contribute to the implementation of Nature Recovery Networks, Biodiversity Action Plans (BAPs) and / or Geodiversity Action Plans (GAPs) at a national, regional, or local level.
  - d. ensuring that canal and natural watercourse-side developments deliver improved and extended corridors for the movement of wildlife and people.
6. Details of how improvements (appropriate to their location and scale) will contribute to the natural environment, and their ongoing management for the benefit of biodiversity and geodiversity, will be expected to accompany planning applications. Proposals should be informed by Local Nature Recovery Strategies.
7. Additional guidance will be provided within SPDs where relevant.

### Justification

11.9. The past development and redevelopment of the borough along with the rest of the Black Country, has led to it being referred to as an “*endless village*”<sup>7</sup>, which describes the interlinked settlements and patches of encapsulated countryside

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<sup>7</sup> [CABI](#)

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present today. The wider Black Country is home to internationally and nationally designated nature conservation sites and has the most diverse geology, for its size, of any area on Earth<sup>8</sup>. Many rare and protected species are found thriving within its matrix of greenspace and the built environment.

11.10. Sitting at the heart of the British mainland the borough can play an important role in helping species migrate and adapt to climate change as their existing habitats are rendered unsuitable. It is therefore very important to increase the ability of landscapes and their ecosystems to adapt in response to changes in the climate by increasing the range, extent, and connectivity of habitats. In order to protect vulnerable species, the Nature Recovery Network process, which is taking place at a national level, will allow isolated nature conservation sites to be protected, buffered, improved, and linked to others. This will be supplemented by the Black Country Nature Recovery Network Strategy and subsequent work, which all development will be required to consider as set out under Policy DLP 32. When considering the movement of wildlife, development proposals should incorporate the recommendations from the Black Country Local Nature Recovery Opportunity Map and Strategy and the ecological networks identified in this document. Species dispersal will be aided by extending, widening, and improving the habitats of wildlife corridors. Conversely, fragmentation and weakening of wildlife sites and wildlife corridors by development will be opposed.

11.11. Sites of Importance for Nature Conservation (SINC's) and Sites of Local Importance for Nature Conservation (SLINC's) are identified through the process of Local Site Assessment. This process is overseen by the Birmingham and Black Country Local Sites Partnership. The role of the Partnership is to provide expert advice to the area's local authorities and other organisations as appropriate on the selection, management, protection and review of the network of local sites throughout Birmingham and the Black Country. The Partnership comprises representatives of all the organisations involved in the operation of the local sites system. Assessments will need to follow the most recent local sites guidance for selection. If sites are endorsed by the Partnership, then the

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<sup>8</sup> Comment by Black Country Geological Society

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relevant procedures to adopt and designate local sites within the area will be carried out.

11.12. It is particularly important to protect and enhance SINC's; an up-to-date Local Site Assessment will be required to support any proposal that could potentially impact upon or harm a SINC.

11.13. Development offers an opportunity to improve the local environment, and this is especially so in an urban area. Dudley is committed to meeting its "Biodiversity Duty" under the Natural Environment and Rural Communities Act (2006) and to delivering the principles of the NPPF by proactively protecting, restoring and creating a richer and more sustainable wildlife and geology. The local Biodiversity Partnership, Geodiversity Partnership, Birmingham and Black Country Local Nature Partnership and Local Sites Partnership will identify, map, and regularly review the priorities for protection and improvement throughout the Black Country, in accordance with the Black Country Nature Recovery Network strategy. These will be used to inform planning decisions.

### **Evidence**

- EcoRecord - Birmingham and Black Country Local Records Centre
- Birmingham and Black Country Local Sites Assessment Reports
- Black Country Local Nature Recovery Strategy and Opportunity Map (2022)
- Biodiversity Action Plan for Birmingham and the Black Country (2009)
- Geodiversity Action Plan for the Black Country (2005)
- An Ecological Evaluation of the Black Country Green Belt (2019)

### **Delivery**

- Biodiversity and Geodiversity Action Plans
- Development and implementation of Black Country Nature Recovery Strategy
- Updated ecological surveys and Local Sites Assessment Reports, as appropriate
- Development Management process

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### **Nature Recovery Network and Biodiversity Net Gain**

11.14. The Nature Recovery Network (NRN) is a major commitment in the government's 25 Year Environment Plan. The government has set out in the Environment Act (2021) that a Local Nature Recovery Strategy (LNRS) will be prepared locally and published for all areas of England, and that these will:

- a) agree priorities for nature's recovery;
- b) map the most valuable existing habitat for nature using the best available data; and
- c) map specific proposals for creating or improving habitat for nature and wider environmental goals.

11.15. The LNRS will help restore many ecosystem functions and improve the services upon which society depends, benefitting nature, people and the economy, and helping to address three of the biggest challenges society faces: biodiversity loss, climate change and human wellbeing.

11.16. LNRSs will support delivery of mandatory biodiversity net gain and provide a focus for a strengthened duty on all public authorities to conserve and enhance biodiversity, which were also introduced by the Environment Act (2021). They will underpin the Nature Recovery Network, alongside work to develop partnerships and to integrate nature into incentives and land management actions.

11.17. Biodiversity net gain is a process that attempts to leave the environment in a more valuable and richer condition than it was found to be in previously. The Government has set out in the Environment Act (2021) that development proposals are required to provide a minimum 10% uplift in habitat quality where sites are being developed.

11.18. This process involves the use of a metric as a proxy for recognising the negative impacts on habitats arising from a development and calculating how much new or restored habitat, and of what types, is required to deliver sufficient net gain.

11.19. Policy DLP32 sets out how development proposals will be required to consider the Nature Recovery Network Strategy and how biodiversity net gain will be secured.

**Policy DLP32 Nature Recovery Network and Biodiversity Net Gain**

- 1. All development shall deliver the Local Nature Recovery Network Strategy in line with the following principles:**
  - a. take account of where in the Local Nature Recovery Network the development is located and deliver benefits appropriate to that zone;**
  - b. follow the mitigation hierarchy of avoidance, mitigation and compensation, and provide for the protection, enhancement, restoration and creation of wildlife habitat and green infrastructure;**
  - c. follow the principles of Making Space for Nature and recognise that spaces are needed for nature and that these should be of sufficient size and quality and must be appropriately connected to other areas of green infrastructure, to address the objectives of the Black Country Nature Recovery Network Strategy.**
- 2. All development shall deliver a minimum 10% net gain in biodiversity value when measured against baseline site information.**
- 3. Losses and gains as a result of proposed development will be calculated using the most current national Biodiversity Metric.**
- 4. Development that is likely to have an impact on biodiversity will be considered in accordance with the mitigation hierarchy set out in the NPPF.**
- 5. Biodiversity net gain shall be provided in line with the following principles:**
  - a. a preference for on-site habitat provision / enhancement wherever practicable, followed by improvements to sites within the local area, and then other sites elsewhere within Dudley;**



**Policy DLP32 Nature Recovery Network and Biodiversity Net Gain**

- b. the maintenance and where possible enhancement of the ability of plants and animals (including pollinating insects) to move, migrate and genetically disperse across Dudley and the Black Country;**
  - c. the provision / enhancement of priority habitats identified at the national, regional, or local level, having regard to the scarcity of that habitat within Dudley and the Black Country;**
- 6. Exemptions to the need to provide biodiversity net gain on all development will be as set out in the relevant legislation and national guidance.**
- 7. Biodiversity net gain is not applied to irreplaceable habitats, such as ancient woodlands. Any mitigation and / or compensation requirements for sites identified and protected under European law or successor legislation should be dealt with as appropriate separately to biodiversity net gain provision.**
- 8. Off-site compensation will be accepted as a fall-back only if compensating for losses is not possible within the development site boundary; where off-site measures are needed to meet biodiversity net gain requirements, it is expected that the off-site habitat enhancement or creation will be local to the development site.**
- 9. Provision of on-or off-site compensation should not replace or adversely impact on existing alternative / valuable habitats in those locations and should be provided prior to development.**
- 10. Biodiversity net gain plans will need to be agreed prior to commencement<sup>9</sup>, subject to appropriate legal agreements and conservation covenants.**

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<sup>9</sup> This can be after the grant of planning permission but must be before work starts on site

**Policy DLP32 Nature Recovery Network and Biodiversity Net Gain**

- 11. Sites and areas identified to provide for biodiversity net gain requirements should be managed and monitored for at least 30 years post-provision, via obligations or conservation covenants.**
- 12. Monitoring plans will be required as part of the grant of planning permission and should include indicators<sup>10</sup> to demonstrate the amount and type of biodiversity net gain provided through development, which should be as specific as possible to help build an evidence base for future reviews of the plan.**

**Justification**

11.20. Locally developed Nature Recovery Network Strategies (LNRNS) are required by the Environment Act (2021). LNRNS will help to map the Nature Recovery Network locally and nationally, and will help to plan, prioritise and target action and investment in nature at a regional level across England.

11.21. The Environment Act (2021) introduces a new duty on all public bodies to have regard to any relevant LNRNS, creating an incentive for a wide range of organisations to engage with the creation of an LNRNS and to take steps to support its delivery. Local authorities and other public bodies designated by the Secretary of State will also have to report on what steps they have taken, at least every five years.

11.22. Dudley alongside the other Black Country Authorities commissioned a Local Nature Recovery Network Strategy. This has produced opportunities mapping that future development proposals will be required to consider in demonstrating how they deliver benefits appropriate to the zones identified. The Nature Recovery Network Opportunities Map is shown in the Black Country Nature

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<sup>10</sup> Examples of indicators include (but may not be restricted to) the total number and type of biodiversity units created, the number of developments achieving biodiversity net gains and a record of on-site and off-site contributions.

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Recovery Strategy, alongside a description of the components of the opportunities map.

- 11.23. The final version of the Black Country LNRNS will eventually form an integral part of a wider West Midlands LNRNS that is to be produced in the future. In the meantime, it will carry weight as evidence supporting DLP32.
- 11.24. The Environment Act underpins the government's approach to establishing the NRN. The Environment Act sets the framework for at least one legally binding biodiversity target, establishes spatial mapping and planning tools to identify existing and potential habitat for wildlife and agrees local priorities for enhancing biodiversity in every area of England (LNRs); creates duties and incentives, including mandatory biodiversity net gain.
- 11.25. Biodiversity net gain has been described as a measurable target for development projects where impacts on biodiversity are outweighed by a clear mitigation hierarchy approach to first avoid and then minimise impacts, including through restoration and / or compensation.
- 11.26. A locally specific biodiversity net gain policy helps Dudley to identify opportunities for the delivery of biodiversity net gain delivery and determine the 'strategic significance' score that is part of the Biodiversity Metric. In this way, biodiversity net gain can help meet local objectives in addition to contributing to wider nature recovery plans; this will ensure that the right habitats are provided in the right places. Including biodiversity net gain in the Local Plan can also link biodiversity to other strategic objectives and the overall place-making strategy for an area, enabling a more holistic approach to the environment.
- 11.27. Net gain is an approach to development, and / or land management, which aims to leave the natural environment in a measurably better state than beforehand.
- 11.28. Mandatory biodiversity net gain will provide a financial incentive for development to support the delivery of LNRs through an uplift in the calculation of biodiversity units created at sites identified by the strategy. LNRs have also been designed to help local planning authorities deliver existing policy on conserving and enhancing biodiversity and to reflect this in the land use plans for their area.

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- 11.29. The Environment Act (2021) proposes that new developments must demonstrate a minimum 10% increase in biodiversity on or near development sites. New development should always seek to enhance rather than reduce levels of biodiversity present on a site. This will require a baseline assessment of what is currently present, and an estimation of how proposed designs will add to that level of biodiversity, supported by evidence that a minimum 10% net gain has been delivered.
- 11.30. Development generates opportunities to help achieve an overall nature conservation benefit. It will often be possible to secure significant improvements through relatively simple measures, such as the incorporation of green and blue infrastructure and features including bird / bat boxes and bricks that can enable wildlife to disperse throughout the borough.
- 11.31. Biodiversity features of value frequently occur beyond designated sites and should be conserved, enhanced and additional features created as part of development.
- 11.32. On-site biodiversity improvements will also be vital to enhancing the liveability of urban areas, and improving the connection of people to nature, particularly as development densities increase. Development should also contribute to wildlife and habitat connectivity in the wider area, in line with the Birmingham and Black Country Biodiversity Action Plan and the Black Country Local Nature Recovery Network Strategy.
- 11.33. The ways in which developments secure a net gain in biodiversity value will vary depending on the scale and nature of the site. On some sites, the focus will be on the retention of existing habitats. For others, this may be impracticable, and it may be necessary instead to make significant provision for new habitats either on- or off-site.
- 11.34. It can be challenging to establish new habitats. It is essential that the most important and irreplaceable habitats are protected, and so mitigation rather than retention will not be appropriate in some circumstances.

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### **Evidence**

- The Environment Act 2021
- The Government's 25 Year Environment Plan
- Nature Networks Evidence Handbook - Natural England Research Report NERR081
- Making Space for Nature (Lawton et al. 2010)
- DEFRA Biodiversity Metric 4.0
- Biodiversity Net Gain – Principles and Guidance for UK Construction and Developments – CIEEM
- The Black Country Local Nature Recovery Network Strategy

### **Delivery**

- Development Management, legal and funding mechanisms.
- Biodiversity Net Gain plans accompanying development proposals.

### **Provision, retention and protection of trees, woodlands, and hedgerows**

11.35. Section 197 of the Town and Country Planning Act 1990 places a duty on the Local Planning Authority to secure the planting of new trees. Dudley Council will secure the planting of new trees in locations where they will complement the surrounding architecture and the local landscape. and ensuring that the species of tree planted is suitable for each location.

11.36. A main theme of the Government's 25-Year Environment Plan is the need to plant more trees. This is to be achieved not only as part of the creation of extensive new woodlands but also in urban areas; this will be accomplished in part by encouraging businesses to offset their emissions in a cost-effective way through planting trees. The national ambition is to deliver one million new urban trees and a further 11 million new trees across the country by 2060.

**Policy DLP33 Provision, retention and protection of trees, woodlands, Ancient Woodland, and Veteran trees**

**Retention and protection of trees and woodland**

- 1. Development that would result in the loss of or damage to ancient woodland will not be permitted. Development adjacent to ancient woodland will be required to provide an appropriate landscaping buffer, with a minimum depth of 15m<sup>11</sup> and a preferred depth of 50m.**
- 2. Development that would result in the loss of or damage to ancient or veteran trees will not be permitted. Veteran or ancient trees likely to be impacted by development should be protected, by the provision of a buffer around them of a minimum of 15 times the diameter of the tree (as measured in accordance with the appropriate standard). The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times its diameter<sup>12</sup>.**
- 3. There will be a presumption against the removal of trees that contribute to public amenity and air quality management unless sound arboricultural reasons support their removal<sup>13</sup>. Where removal is unavoidable, replacement trees must be provided to compensate for their loss, on a site-by-site basis in conjunction with the LPA.**
- 4. The planting of new, species diverse, trees and woodlands will be sought, in appropriate locations, to increase the extent of tree canopy cover in Dudley to a minimum of 20%.**

**Habitat Creation**

<sup>11</sup> Natural England and Forestry Commission guidance, January 2022

<sup>12</sup> Natural England and Forestry Commission guidance, January 2022

<sup>13</sup> The tree is a clearly identified and immediate threat to human safety; disease is significantly impacting the tree's longevity and safety; the tree is causing clearly evidenced structural damage to property where remedial works cannot be undertaken to alleviate the problem; the tree is creating a clearly identified danger or causing significant damage to the adopted highway / footpath network.

**Policy DLP33 Provision, retention and protection of trees, woodlands, Ancient Woodland, and Veteran trees**

5. All available data on extant tree canopy cover and associated habitat <sup>14</sup> will be considered when making decisions on the proposed loss of trees and woodland to accommodate infrastructure and other development proposals. All major developments must deliver a minimum of 20% canopy cover, with the emphasis on retaining existing established trees.
6. In areas where evidence demonstrates that current levels of tree canopy cover are low, proposals that incorporate additional tree planting, to increase existing levels of habitat and urban tree canopy cover to above the required minimum of 20% will be considered positively, as part of the wider contribution to biodiversity net gain, where such planting would not adversely affect areas with recognised ecological or biodiversity value that would be damaged or destroyed by tree planting<sup>15</sup>.
7. Tree species identified as being resilient to predicted climate change and pests and diseases are to be favoured in landscaping schemes or as replacement planting, to maximise habitats for local wildlife/species and maintain and increase biodiversity. This should be achieved through a mix of native and non-native species to maintain a healthy and diverse tree population.
8. Opportunities for increasing tree provision through habitat creation and the enhancement of ecological networks, including connecting areas of ancient woodland, will be maximised, in particular by means of the biodiversity net gain and Nature Recovery Network initiatives (see Policy DLP32).

**Trees and development**

<sup>14</sup> e.g. from the local ecological records centre

<sup>15</sup> See also Local Nature Recovery Network Strategy

**Policy DLP33 Provision, retention and protection of trees, woodlands, Ancient Woodland, and Veteran trees**

- 9. Development must be designed around the need to incorporate trees already present on site, using sensitive and well-designed site layouts to maximise their retention. No design work, however conceptual, should start until the tree constraints associated with a development site are well understood.**
- 10. An arboricultural survey, carried out to the appropriate standard BS5837:2012 (BS5837:2012 - Trees in relation to Design, Demolition and Construction, BSI: London) should be undertaken prior to removal of any vegetation or site groundworks and used to inform a proposal's layout at the beginning of the design process.**
- 11. Existing mature trees<sup>16</sup>, trees that are ecologically important, and ancient/veteran trees, must be retained and integrated into the proposed landscaping scheme, recognising the important contribution of trees to the character and amenity<sup>17</sup> of a development site and to local green infrastructure networks.**
- 12. In addition to meeting the requirements for replacement trees on sites and biodiversity net gain, new tree planting must be included in all new residential developments and other significant proposals<sup>18</sup>, as street trees or as part of landscaping schemes with suitable planting specifications for trees in hard landscapes.**
- 13. Development proposals should use large-canopied species where possible, which provide a wider range of health, biodiversity and**

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<sup>16</sup> Health and status as assessed in a report produced by an accredited arboriculturist

<sup>17</sup> National planning guidance identifies trees worthy of retention on amenity grounds (through use of a TPO) as those that are visible in part or whole from a public place and / or those with individual, collective, and wider impact (in terms of size, form, future potential, rarity, cultural / historic value, landscape contribution and / or contribution to a conservation area). Other factors such as value for nature conservation and climate change may also be considered.

<sup>18</sup> E.g., new infrastructure, non-residential development, town centre regeneration and other similar schemes



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climate change mitigation and adaptation benefits because of their larger surface area as well as making a positive contribution to increasing overall tree canopy cover <sup>19</sup>.

14. Consideration must be given to the suitability of planting positions in proximity to adjacent constructions, such as walls and buildings, to avoid the risk of structural damage occurring as trees grow and mature.
15. Ensure both existing and new trees have a suitable growing environment with adequate space allowed to reach their mature height and spread without causing nuisance to built structures and their occupants.
16. To enable trees to reach their optimum size, a sufficient soil volume must be available to the root system. The soil type, including drainage, must be such that tree roots are able to grow and function adequately.
17. Plan and sufficiently resource post planting care for three to five years as detailed in BS8545:2014. (British Standard 8545:2014 Trees: from nursery to independence in the landscape – Recommendations. BSI: London).
18. Details of instructions for householders regarding their planning liability and maintenance of trees planted in private gardens for major developments must also be provided.
19. To show new tree planting has been undertaken in accordance with the approved details and plans; the applicant must submit to the Council a verification document from the landscape consultant confirming the works are completed as approved. This shall include

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<sup>19</sup> The area of ground covered by trees when seen from above.

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confirmation of tree pits, ground preparation and photographs of the trees after planting. Without such proof of planting, the developer will have a continued obligation to plant or replace any trees in the approved plans.

20. All planting proposals must demonstrate that they:
  - a. have been designed to use suitable species.

take account of the need for biosecurity, including control of non-native invasive species; and
  - b. ensure all planting stock is supplied free of pests or pathogens.
21. All new major developments must make a minimum contribution of 20% tree canopy cover across the development site (estimated growth 25-years from planting)<sup>20</sup> To be monitored annually using Blueskys National Tree Map and GIS Data
22. New houses and other buildings must be carefully designed and located to prevent an incompatible degree of shade<sup>21</sup> being cast by both existing and new trees that might result in future pressure for them to be removed.
23. The positioning of trees in relation to streets and buildings should not worsen air quality for people using and living in them. Care should be taken to position trees and / or design streets and buildings in a way that allows for street-level ventilation to occur, to avoid trapping pollution between ground level and tree canopies (see Policy DLP44)

<sup>20</sup> England's Urban Forests; Using tree canopy cover to secure the benefits of the urban forest – Urban Forest and Woodland Advisory Committee Network

<sup>21</sup> This will be in the context of the requirements outlined in policies elsewhere in this plan on the role of trees in mitigating climate change and providing appropriate levels of shade and cooling.

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- 24. Where planning permission has been granted that involves the removal of trees, agreed replacement trees of a suitable size and species must be provided onsite. Where sufficient and suitable onsite replacements cannot be provided, off-site planting or woodland enhancement, including support for natural regeneration, in the near vicinity of the removed tree(s) must be provided, in line with the mitigation hierarchy. Appropriate planning conditions will be used to secure timely and adequate alternative provision and ongoing maintenance.**
- 25. Replacement trees located off-site must not be planted where they would impact on areas designated as ecologically important unless this has been specifically agreed with the relevant authority and its ecological officers / advisers.**
- 26. Trees proposed for removal during development must be replaced commensurate with the size, stature, rarity, and public amenity of the tree(s) to be removed. Where trees to be replaced form a group of amenity value (rather than individual specimens), replacement must also be in the form of a group commensurate with the area covered, size and species of trees and established quality of the original group and, where possible, located in a position that will mitigate the loss of visual amenity associated with the original group<sup>22</sup>.**
- 27. Where proposed development will impact on the protection, safety and / or retention of a number of trees, or on the character and appearance of trees of importance to the environment and**

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<sup>22</sup> I.e., as close as possible to the site of the removed trees.

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**landscape, the use of an Arboricultural Clerk of Works<sup>23</sup> will be required, to be made subject to a condition on the relevant planning permission.**

**Justification**

11.37. It is important to encourage and support the delivery of green infrastructure and ecological networks through urban areas, especially in relation to their role in climate change mitigation and adaptation and to mitigate the health problems associated with air pollution. The provision of new trees and the protection of existing ones throughout the borough will be a key component of this approach.

11.38. The principal aim will be to increase the borough's urban canopy cover to at least 20% over the plan period<sup>24</sup>. If the Canopy Cover Balance on a Major Development site is less than 20%, new canopy must be provided based on data establishing its current levels of provision<sup>25</sup> and identifying opportunities for doing so derived from the Black Country Nature Recovery Network and biodiversity net gain targets.

11.39. Canopy cover area can be calculated in two ways:

1. By entering the canopy radius, using cardinal four points of the compass, for individual trees.
2. By entering the area for groups of trees using CAD or GIS to measure the area.

11.40. The entire existing canopy for a tree or tree group can be included if it:

- Is entirely within the site.

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<sup>23</sup> The Arboricultural Clerk of Works is a suitably qualified arboriculturist acting on behalf of the developer. They will be engaged to monitor and oversee the implementation of the works required within the protection area of a retained tree / trees.

<sup>24</sup> See also the Woodland Trust's Emergency Tree Plan 2020 - [How Trees Fight Climate Change](#)

<sup>25</sup> Tree cover in Dudley is currently around 17% of the total area - Source National Tree Map Data

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- Will have no planned tree surgery works.
- The Root Protection Area (RPA) will not be encroached upon by development and associated works.
- and Trees based outside the site must not be included in calculations if their BS5837:2012[2] categorisation is 'U' (those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years).

11.41. When two or more trees overlap, measurements must ensure that these areas are not double counted.

11.42. On minor developments, the Council will use a fixed number system to secure new trees in replacement for proposed tree removals. This will only be acceptable where the Council is satisfied that the applicant has demonstrated exceptional justification for their proposed removal(s). The requirement will apply to A and B category trees, category C trees will be replaced on a 1:1 basis.

11.43. Table 11.1 is based on a publication by Forest Research and on work by arboriculturists Sharon Durdant-Hollamby and Luke Fay (Hand, K. and Doick, KJ (2021). Ecosystem service provision by urban trees: informing species selection. Farnham, UK: Forest Research).

11.44. The table is a simplified formula based on the original study; it sets out that the number of replacement trees required is dependent on the length of time it will take the replacement planting to reach the equivalent service provision of each felled tree. The replacement trees are assumed to be 7 years old at planting and planted in the same conditions. Benefit provision is calculated at 10 years post-planting, when the replacement trees are 17 years old.

(This does not apply to ancient or veteran trees)

**Table 11.1** Replacement Tree Planting Targets for New Developments

Stem Diameter of Tree Proposed for	Number of Replacement Trees
150 – 199 mm	1

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<b>Stem Diameter of Tree Proposed for</b>	<b>Number of Replacement Trees</b>
200 – 299 mm	2
300 – 399 mm	3
400 – 499 mm	4
500 – 599 mm	5
600 – 699 mm	6
700 – 799 mm	7
800 mm +	8

\*Measured at 1.5 metres above ground level, in accord with British Standard 5837:2012 “Trees in Relation to Design, Demolition and Construction – Recommendations”.

**Hedgerows**

11.45. The planting of hedgerows not only enhances opportunities for wildlife but can also significantly improve the appearance of new development. It is particularly suitable on frontages and along plot and site boundaries, both softening the appearance of the built form and supplementing the design of the overall scheme.

<p><b>Policy DLP34 Provision, retention, and protection of Hedgerows</b></p>
<p><b>1. Under The Hedgerows Regulation 1997 protection is afforded to hedgerows of more than 20 metres in length or which join other hedgerows, provided they adjoin agricultural land, forestry, paddocks, common land, village greens, a site of special scientific interest or a local nature reserve.</b></p> <p><b>2. There will be a presumption against the wholesale removal of hedgerows for development purposes, especially where ecological</b></p>

**Policy DLP34 Provision, retention, and protection of Hedgerows**

surveys have identified them to be species-rich and where they exist on previously undeveloped land.

3. Hedgerow retention and reinforcement will be of particular importance where hedgerows form part of an established ecological network enabling the passage of flora and fauna into and out of rural, peri-urban, and urban areas. If hedgerow removal is needed to accommodate a high-quality site layout, replacement hedgerow planting will be required.
4. Protection of hedgerows before and during development must be undertaken. This will include: the provision of landscape buffers where appropriate; protective fencing and temporary ground protection during the construction phase; and careful management of plant and materials on site to avoid damage to the hedgerow(s) and its root system.
5. New hedgerows will be sought as part of site layouts and landscaping schemes where appropriate and must include a suitable mixture of species that are able to withstand climate change and promote local biodiversity.

*Because of the nature of the sources, set out above, it is expected that updates will become available over the lifetime of this Document. Applicants are expected to be aware of, and work to, any updates of relevant guidance and scientific evidence.*

**Justification**

11.46. Hedgerows are integral to ecological networks, given their linear form, and will be essential elements of habitat linkages within and beyond the Black Country. Planting additional hedgerows will help to support and increase the movement of wildlife and plants through the Black Country. The planting of bare root plants is an economical way of providing green infrastructure on sites.

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**Geodiversity and the Black Country UNESCO Global Geopark**

11.47. The geology of Dudley and the wider Black Country is very rich in industrial minerals. Limestone, ironstone, fireclay, and coal provided the ingredients to make iron and paved the way for an intense and very early part of the Industrial Revolution to begin in the area.

11.48. The Black Country UNESCO Global Geopark was declared on Friday 10 July 2020. The Executive Board of UNESCO confirmed that the Black Country had been welcomed into the network of Global Geoparks as a place with internationally important geology, because of its cultural heritage and the extensive partnerships committed to conserving, managing and promoting it. The boundary of the Black Country UNESCO Global Geopark is the same as that of the Black Country itself. There are forty five ‘Geosites’ located across the Black Country with sixteen of these falling within Dudley.

11.49. A UNESCO Global Geopark uses its geological heritage, in connection with all other aspects of the area’s natural and cultural heritage, to enhance awareness and understanding of key issues facing society in the context of the dynamics of modern society, mitigating the effects of climate change and reducing the impact of natural disasters. By raising awareness of the importance of the area’s geological heritage in history and society today, UNESCO Global Geoparks give local people a sense of pride in their region and strengthen their identification with the area. The creation of innovative local enterprises, new jobs and high-quality training courses is stimulated as new sources of revenue are generated through sustainable geotourism, while the geological resources of the area are protected.

<p><b>Policy DLP35 Geodiversity and the Black Country UNESCO Global Geopark</b></p>
<p><b>1. Development proposals should:</b></p> <ul style="list-style-type: none"><li><b>a. Wherever possible, make a positive contribution to the protection and enhancement of geodiversity, particularly within</b></li></ul>





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*development plan*". The Overarching National Policy Statement for Energy<sup>27</sup> states that development should aim to avoid significant harm to geological conservation interests and identify mitigation where possible; effects on sites of geological interest should be clearly identified.

- 11.51. Areas of geological interest also form significant facets of the industrial landscapes of the borough and the wider Black Country. They reflect the area's history of mining and extraction and will often co-exist with, and form part of the setting of, protected / sensitive historic landscapes. In many cases they also form an intrinsic part of the green infrastructure network, contributing to landscape and ecological diversity as part of the wider natural environment.
- 11.52. As part of this strategic network of green infrastructure, Geosites should be retained wherever possible and their contribution to green infrastructure recognised and taken into account when development is proposed that would affect the areas, they form part of.
- 11.53. New development should have regard to the conservation of geological features and should take opportunities to achieve gains for conservation through the form and design of development.
- 11.54. Where development is proposed, that would affect an identified geological site, the approach should be to avoid adverse impact to the existing geological interest. If this is not possible, the design should seek to retain as much as possible of the geological interest and enhance this where achievable, for example by incorporating permanent sections within the design, or creating new interest of at least equivalent value by improving access to the interest.
- 11.55. The negative impacts of development should be minimised, and any residual impacts mitigated.

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<sup>27</sup> Paragraph 5.3.7

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### UNESCO Global Geoparks

11.56. A UNESCO Global Geopark<sup>28</sup> is a single, unified geographical area where sites and landscapes of international geological significance are located. It is an area of geological significance, managed with three main objectives in mind:

- a) to protect the geological landscape and the nature within it;
- b) to educate visitors and local communities; and
- c) to promote sustainable development, including sustainable tourism.

11.57. All the UNESCO Global Geoparks contain internationally significant geology and are managed through community-led partnerships that promote an appreciation of natural and cultural heritage while supporting the sustainable economic development of the area.

11.58. UNESCO Global Geopark status is not itself a Statutory Designation, although a number of the Geosites are designated heritage assets e.g. Red House Glass Cone, Saltwells and Wrens Nest and Castle Hill are Scheduled Monuments.

### Evidence

- [Black Country Global Geopark](#)
- Black Country Historic Landscape Characterisation Study (2019)

### Delivery

- Geopark Management Team, delivering aims of the Geopark

### Canals

11.59. The canal network is one of Dudley's most defining historical and environmental assets and its preservation and enhancement remains a major priority for the borough. Canals have played an important role in shaping the development of Dudley since the 18<sup>th</sup> Century. Today the canal network is not only important for its historic and archaeological value, but for its nature conservation, recreation and tourism value. Canals and their environments add value to

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<sup>28</sup> [Geoparks](#)

provide a high-quality environment for new developments and form a valuable part of the green infrastructure network in the borough and beyond.

### Policy DLP36 Canals

- 1. The Dudley canal network comprises the canals and their surrounding landscape corridors, designated and non-designated heritage assets, character, settings, views and interrelationships. The canal network provides a focus for future development through its ability to deliver a high-quality environment and enhanced accessibility for boaters, pedestrians, cyclists, and other non-car-based modes of transport.**
- 2. All development proposals likely to affect the canal network must:**
  - a. demonstrate that they will not adversely affect the structural integrity of canal infrastructure<sup>29</sup> to avoid increased flood risk, land instability and/or harm to the usability of the canal (including its towpath) as a green-blue infrastructure asset.**
  - b. ensure that any proposals for reinstatement or reuse would not adversely impact on locations of significant environmental value where canals are not currently navigable.**
  - c. protect and enhance its special historic, architectural, archaeological, and cultural significance and their setting, including the potential to record, preserve and restore such features.**
  - d. protect and enhance its nature conservation value including habitat creation and restoration along the waterway and its surrounding environs.**
  - e. protect and enhance its visual amenity, key views and setting.**
  - f. protect and enhance water quality in the canal and protect water resource availability both in the canal and the wider environment.**

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<sup>29</sup> Canal infrastructure includes (but is not limited to) waterway walls, embankments, cuttings, locks, culverts, weirs, aqueducts, tunnels and bridges



### **Policy DLP36 Canals**

that would sever the route of a disused canal or prevent the restoration of a canal link where there is a realistic possibility of restoration, wholly or in part.

6. Safeguard the amenity of existing residential moorings when planning consent is sought on sites in close proximity or adjacent to existing moorings.

#### **Residential Canal Moorings**

7. For residential moorings, planning consent will only be granted for proposals that include the provision of:
  - a. the necessary boating facilities.
  - b. appropriate access to cycling and walking routes.
  - c. an adequate level of amenity for boaters, not unduly impacted upon by reason of noise, fumes or other nearby polluting activities.
8. In determining a planning application for residential moorings, account will be taken of the effect that such moorings and their associated activities may have on the amenities or activities of nearby residential or other uses.

#### **Justification**

11.60. The development of the canal network had a decisive impact on the evolution of industry and settlement during the 18th, 19th, and 20th centuries. It was a major feat of engineering and illustrates a significant stage in human history - development of mercantile inland transport systems in Britain's industrial revolution during the pre-railway age. As such, the historic value of Dudley's and the Black Country's canal network today should be acknowledged, promoted, protected, and enhanced. The network also plays a major part in the Black Country Geopark, as the mineral wealth of the area meant that canals were a vital link to areas within and beyond the Black Country and continue to provide this link today.

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- 11.61. The canal network is a major unifying characteristic Dudley and the wider Black Country's historic landscape. The routes of the canals that make up the network have created landscape corridors with a distinctive character and identity based on the industries and activities that these transport routes served and supported. The network has significant value for nature conservation, tourism, health and wellbeing and recreation and the potential to make an important contribution to economic regeneration through the provision of high-quality environments for new developments and a network of pedestrian, cycle and water transport routes. The canal network in the borough and beyond forms a valuable continuous habitat network, that links to other ecological sites. Many of them are also designated as local nature sites in part or for whole sections of the canal corridor.
- 11.62. It is also important for development in the borough to take account of disused canal features, both above and below ground. Part of the historic canal network has survived in use to the present day; a network of tramways also served the canals. Proposals should preserve the line of the canal through the detailed layout of the development. Where appropriate, opportunities should be explored for the potential to preserve the line of the canal as part of the wider green infrastructure network. Where feasible and sustainable, proposals should consider the potential for the restoration of disused sections of canal.
- 11.63. It is acknowledged that there are aspirations to restore disused sections of the canal network within the borough. However, it is also recognised that there are very limited opportunities to reinstate such canal sections as navigable routes because of the extensive sections that have been filled in, built over or removed making their reinstatement (and necessary original realignment) financially unviable and unachievable within the Plan period.
- 11.64. There are also areas within the disused parts of the canal network that have naturally regenerated into locations with significant ecological and biodiversity value; to re-open or intensify use on these sections of the network could have an adverse impact on sensitive habitats and species.
- 11.65. Any development proposals that come forward to restore sections of the canal network will be expected to demonstrate that the proposals are sustainable,

## **DRAFT DUDLEY LOCAL PLAN**

sufficient water resources exist, and that works will not adversely affect the existing canal network or the environment.

11.66. Residential moorings must be sensitive to the needs of the canal-side environment in conjunction with nature conservation, green belt and historic conservation policies but also, like all residential development, accord with sustainable housing principles in terms of design and access to local facilities and a range of transport choices.

### **Evidence**

- Black Country Historic Landscape Characterisation Study (2019)
- Historic Landscape Characterisation studies
- Adopted Conservation Area Character Appraisals
- Historic England Good Practice Advice Notes (GPAs) and Historic England Advice Notes (HEANs)
- Black Country Canal Strategy - Active Black Country (2023)

### **Open Space, Sport and Recreation**

11.67. The principles of national planning policy on open space, sport and recreation need to be applied in a Dudley context to support the vision for urban renaissance and environmental transformation and in particular deliver opportunities for safe, attractive, functional, linked, and accessible green spaces for people to exercise and play sport in and enjoy. These areas also promote the enhancement of the natural environment to support greater biodiversity, maximises benefits for health and well-being, helps to mitigate and adapt to climate change and promotes economic regeneration.

11.68. All open spaces and sport and recreation facilities in the borough, both existing and proposed, are subject to the policies and requirements of national planning guidance and also to detailed policies in the local plan. These policies apply to existing sites that have an open space, sport or recreation function, regardless of whether they are shown on the Policies Map. The NPPF sets out national policy for the protection of existing open space, sports and recreational buildings and land, which should be read alongside Policies DLP37 and DLP38. It should



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be noted that Policy DLP37 relates to the strategic approach to open space and recreation, whereas Policy DLP38 relates specifically to playing fields and built sports facilities.

11.69. Up-to-date local need assessments (for open space, playing pitches and built sports facilities) are central to the implementation of national policy. Local standards for different types of open space and recreation facilities have been developed for Dudley, based on robust audits, and needs assessments. These standards will form the basis for the application of national planning guidance.

11.70. To promote healthy living, it is important that open space and sports facilities, and places that people visit every day such as shops and schools, are located and designed so that people are encouraged to walk or cycle to them from their homes. This can be achieved through:

- a) Location of key facilities in the most accessible locations, as set out in Policies DLP 9 and DLP11
- b) Meeting open space quantity, quality and access standards, as set out in Policy DLP37 and SPDs;
- c) Setting of accessibility standards for new housing developments, as set out in Policy DLP11;
- d) Co-location of key facilities and promotion of community use, such as dual use schools, as set out in Policies DLP9 and DLP16;
- e) On and off-site measures such as signage and cycle storage, as set out in Policies DLP17 and DLP28;
- f) Encouraging implementation of the Sport England Active Design policy.

### **Policy DLP37 Open Space and Recreation**

**1. All development proposals should recognise the values and functions of open space as set out in national policy and guidance and address as appropriate the following functions of open space that are of particular importance in Dudley:**

- a. Improving the image and environmental quality of Dudley;**

## Policy DLP37 Open Space and Recreation

- b. defining and enhancing local distinctiveness;
  - c. protecting and enhancing the significance of heritage assets and their setting, including those of value for their industrial, geological, canal, archaeological and architectural heritage;
  - d. enhancing visual amenity;
  - e. providing buffer zones between incompatible uses;
  - f. mitigating the effects of climate change in accordance with relevant policies, through flood risk betterment, reducing potential urban heat island effects and providing opportunities for additional landscaping and tree planting;
  - g. preserving and enhancing diversity in the natural and built environment and preventing the fragmentation of habitat networks;
  - h. strengthening (through extension, increased access and enhanced value) and providing components of a high quality, multifunctional green space and greenway network;
  - i. providing outdoor sport and physical activity facilities, including footpath and cycle networks and areas for informal recreation and children's play;
  - j. providing opportunities for people to grow their own food on allotments and encouraging urban horticulture;
  - k. enhancing people's mental and physical health and well-being.
2. Development that would reduce the overall value of the open space and recreation network will be resisted. Development that would increase the overall value of the open space and recreation network will be supported, especially in areas of proven deficiency against adopted quantity, quality and accessibility standards.
  3. The Policies Map where appropriate will show proposals for specific open space and recreation. Dudley will:

## **Policy DLP37 Open Space and Recreation**

- a. move towards up-to-date local open space and recreation standards in terms of quantity, quality and access. In order to balance the realisation of these standards, in some cases a loss in quantity of open space or facilities may be acceptable if compensatory gains in quality and / or accessibility of other open spaces / facilities can be secured that would be of a greater value in the local area;**
- b. address the priorities set out in the Black Country Nature Recovery Network Strategy;**
- c. make more efficient use of urban land by:**
  - i. creating more multifunctional open spaces;**
  - ii. protecting the existing green network for recreation and biodiversity and taking opportunities to strengthen and expand the network;**
  - iii. significantly expanding community use of open space and recreation facilities provided at places of education (see Policy DLP16);**
  - iv. providing opportunities to increase accessible public open space and suitable recreational use of the Green Belt;**
  - v. making creative use of land exchanges and disposing of surplus assets to generate resources for investment;**
  - vi. increasing access to open space and recreation facilities for all, including people with disabilities and other target groups with limited access at present; and**
  - vii. where there is a cross-boundary impact, identifying the most appropriate location to maximise community access and use of new facilities.**

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### Justification

- 11.71. The provision of high-quality open space to serve new residential developments and the improvement of existing open spaces is critical to the overall aims of urban renaissance and environmental transformation across the borough. Policy DLP37 therefore identifies the functions of open space that are of particular importance to Dudley, in addition to those set out in national guidance.
- 11.72. Greenways are defined as linear features of mostly open character, including paths through green spaces, canal corridors and disused railway lines (although some of these could be brought back into rail use in the future), which act as wildlife corridors and provide attractive and safe off-road links for pedestrians and cyclists. They form an important network throughout the borough and beyond, but in some cases are of poor quality or are severed by other infrastructure or barriers. The restoration of towpaths, bridges, public rights of way and the creation of cycle and pedestrian links to enhance the greenway network will be sought through planning conditions and obligations, transportation funding, and the support of other organisations such as the Canal & River Trust. Blue infrastructure features such as rivers and streams also provide opportunities for physical activity.
- 11.73. Open space and recreation standards and detailed local policies on open space and recreation, including planning obligations for new housing development, will be set out in Supplementary Planning Documents and will be subject to review as evidence is updated over the Plan period.
- 11.74. Communities greatly value local open spaces, however, quantity and accessibility for each type of open space and facility varies considerably from area to area, and an increasing population in certain areas over the Plan period will further affect these imbalances. In general terms, prosperous areas have low levels of provision but of a higher quality, whereas deprived areas may have sufficient quantities of open space but of limited quality and function.

## **Policy DLP38 Playing Fields and Sports Facilities**

- 1. Existing playing fields and built sports facilities should be retained unless:**
  - a. an assessment has been undertaken that has clearly shown the playing fields or built sports facilities to be surplus to requirements (for the existing or alternative sports provision) at the local and sub-regional level; or**
  - b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or**
  - c. the development is for alternative sports provision, the benefits of which clearly outweigh the loss of the current or former use; or**
  - d. The proposed development affects only land incapable of forming part of a playing pitch and would not prejudice the use of any playing pitch or remaining areas of playing field on the site.**
  
- 2. New built sports facilities (including stadiums) should be:**
  - a. demonstrated to accord with identified needs to ensure provision of appropriate facilities in a suitable location to meet that need;**
  - b. well-designed, including through the provision of high-quality landscaping and public realm enhancements, and well-related to neighbourhood services and amenities; and**
  - c. well-linked to public transport infrastructure and footpath and cycleway networks and directed to a centre appropriate in role and scale to the proposed development and its intended catchment area. Proposals located outside centres must be justified in terms of relevant national policy.**
  
- 3. Where assessments demonstrate that a housing development would increase the need for playing pitches or built sports facilities to a level where significant new or improved facilities are required**

### **Policy DLP38 Playing Fields and Sports Facilities**

**to meet demand, proportionate planning obligations or Community Infrastructure Levy will be used to acquire sufficient provision, where it is financially viable and appropriate to do so, and long-term management arrangements can be secured and funded.**

- 4. Where land is provided for a new built sports facility as part of a housing development, the financial contribution made by that development towards built sports facilities will be reduced accordingly.**

#### **Justification**

11.75. Publicly accessible urban open space, play and sports facilities all have a vital role to play in helping to promote healthy lifestyles. As sports participation rates in borough are below the national average, needs assessments for sports facilities will consider the need to increase sports participation and improve health as well as meet existing needs. Existing and potential cross-boundary effects will also be considered when developing proposals which would affect sports facility provision. Cross-boundary issues particularly affect facilities with large catchment areas, such as swimming pools.

11.76. Low quality is a particular issue for playing pitch sites across the borough, which would benefit from improved changing facilities and a shift towards more small pitches. Increasing community access to school sports facilities would also help to address shortfalls in some areas.

11.77. A Playing Pitch & Outdoor Sport Strategy (PPOSS) was carried out and adopted by the Dudley Council in June 2023. This document presents a supply and demand assessment of playing pitch and outdoor sports facilities in accordance with Sport England's Playing Pitch Strategy (PPS) Guidance. Overall the PPOSS highlights that pitches and facilities should be protected and enhanced where possible and set out there will be an increased demand in the future particularly in relation to the supply of grass pitches for football and 3G pitches for training purposes.

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11.78. This will be updated as appropriate during the Plan period and therefore new priorities may emerge over time.

11.79. Policy DLP399 recognises that, in some circumstances where there is a significant gap in provision of natural turf playing pitches or built sports facilities such as courts and swimming pools, it may be necessary for housing developments to contribute towards improvements to such facilities over and above general open space and recreation contributions. In such cases, the Sport England Playing Pitch and Sports Facilities Calculator tools will be used to determine an appropriate level of contributions. The high capital and revenue costs of such facilities and the challenges of securing appropriate, long-term management and maintenance for them are recognised. Contributions will be considered alongside requirements for other infrastructure in line with Policy DLP6, in the context of scheme viability.

### **Evidence**

- Dudley Playing Pitch & Outdoor Sport Strategy (PPOSS) 2022
- Dudley Open Space Audit 2019
- Sport England Active Design Policy

### **Delivery**

- Open Space and Playing Pitch Strategies and Action Plans for Dudley and the Black Country Authorities, in partnership with Sport England
- Through the Development Management process

### **Design Quality**

11.80. High quality design is an essential element both in placemaking and in reflecting the distinctive character of the area and will help deliver the Spatial Objectives by setting challenging but appropriate standards. Achieving sustainable development is fundamental to the objectives of the Dudley Local Plan environmentally. Across the borough each area is distinct and successful place-making will depend on understanding and responding to their unique identities through high-quality and sensitive design proposals. Development proposals

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across Dudley will deliver successful urban regeneration and expansion through high quality design that provides economic, social and environmental benefits.

11.81. High-quality, innovative and modern design will also have a significant part to play in mitigating and adapting to climate change. This is achieved by ensuring that buildings and landscaping are designed to offer comfortable and attractive living environments reflecting the traditional design qualities and features of the area, while also addressing issues around climate change in the form of the use of green energy technologies, a reduction in carbon generation and the efficient and effective use of water, planting and materials.

### **Policy DLP39 Design Quality**

- 1. Development proposals must demonstrate that the following aspects have been addressed, through design and access statements that reflect their local context:**
  - a. Implementation of the principles of “By Design” to ensure the provision of a high quality network of streets, buildings and spaces.**
  - b. implementation of the principles of “Manual for Streets<sup>30</sup>” to ensure urban streets and spaces are designed to provide a high quality public realm and an attractive, safe and permeable movement network.**
  - c. use of the Building for a Healthy Life<sup>31</sup> criteria (or subsequent iterations) and the Residential Design Guide SPD for new housing developments, to demonstrate a commitment to achieve the highest possible design standards, good place-making and sustainable development.**
  - d. consideration of crime prevention measures and Secured by Design and Park Mark principles, in addition to the requirements of Part Q of the Building Regulations 2010 or any successor legislation.**

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<sup>30</sup> [Manual for Streets](#)

<sup>31</sup> [Building for a Healthy Life](#)





## Policy DLP39 Design Quality

(NDSS)<sup>34</sup>, except where it can be clearly evidenced that the implementation of the NDSS would cause harm to the significance of a heritage asset. The space standards will apply to all tenures.

5. Major development proposals should contribute to the greening of Dudley by:
  - a. including urban greening<sup>35</sup> as a fundamental element of site and building design.
  - b. incorporating measures such as high-quality landscaping (including trees), other soft landscaping and planting, green roofs, green walls and sustainable drainage and conserving existing green spaces and natural resources.
  - c. optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space and shading.
6. Development should reflect National Design Guide principle H1<sup>36</sup> in delivering functional, healthy and sustainable homes and buildings, particularly in relation to creating healthy, comfortable and safe internal and external environments.
7. New developments should functionally integrate with existing urban areas, green infrastructure, and surrounding countryside.
8. Development must not cause a detrimental impact on the living environment of occupiers of existing residential properties, or unacceptable living conditions for future occupiers of new residential properties, in terms of:

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<sup>34</sup> [Internal space standards](#)

<sup>35</sup> e.g. landscaping, provision of formal / informal open space, habitat creation and improvement, tree planting, certain forms of infrastructure such as types of SuDS etc. in urban locations

<sup>36</sup> Or any succeeding guidance or legislation on design standards.

**Policy DLP39 Design Quality**

- a. privacy and overlooking**
- b. access to sunlight and daylight;**
- c. artificial lighting;**
- d. vibration;**
- e. dust and fumes;**
- f. smell;**
- g. noise;**
- h. excess heat or cold**
- i. crime and safety; and / or**
- j. wind, where the proposals involve new development of more than eight storeys.**

**Justification**

11.82. Dudley is made up of a range of urban and rural areas, settlements and towns across the borough, which all possess their own distinct character and identity. Successful place-making will depend on understanding and responding to these unique localities through the delivery of high-quality design proposals that are complementary to local character and vernacular.

11.83. High-quality design will help to stimulate economic, social and environmental benefits, including ensuring that new homes and other buildings are designed and built to help to mitigate and minimise climate change impacts. Ensuring good design is embedded across Dudley will help support regeneration and the delivery of an inclusive and robust economy, attracting people and businesses to both relocate to and remain in the area.

11.84. The Government published an updated National Design Guide in January 2021 that set out a series of aims and objectives for achieving well-designed places. The document identified the key themes of good design and goes on to set out

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a list of ten characteristics<sup>37</sup> that drive it. Paragraph 36 of the Guide was clear that the ten characteristics reflect the Government's priorities and so provide a common overarching framework within which issues around good design should be considered.

11.85. In addition to the National Design Guide, Dudley is working on the Lye and Stour Valley Design Code to help improve the quality and design of new developments in the area. The Code will set out what is expected of new developments within the area to create a more beautiful and sustainable places for the community. The Design Code will form part of a supplementary planning document for Lye and Stour Valley. A design code will be developed for other areas of the borough during the Plan period.

11.86. The National Planning Policy Framework addresses the issue of good design throughout, including reference that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

11.87. Locally, the West Midlands Combined Authority (WMCA) have published a West Midlands Design Charter<sup>38</sup>. The Charter represents a regional commitment to good place-making and will be used to support applications for WMCA funding for new development (including residential, commercial and mixed use). Its key themes include:

- a) character;
- b) connectivity and mobility;
- c) future readiness;
- d) health and wellbeing;
- e) engagement;
- f) stewardship and delivery;

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<sup>37</sup> Context; Identity; Built form; Movement; Nature; Public spaces; Uses; Homes and buildings; Resources; Lifespan.

<sup>38</sup> [West Midlands Design Charter](#)

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g) which in turn encompass 12 further principles of good placemaking<sup>39</sup>.

11.88. The Council will support urban regeneration by ensuring all new development exhibits high quality design. The DLP emphasises that the ideas and principles behind successful place-making and urban design will be a key factor in the renaissance of the borough. A high-quality environment is also an essential prerequisite for economic competitiveness and housing choice.

11.89. Great opportunities exist across the borough to transform areas into high quality places for people to live, work and invest in. This will involve, in some cases, the reinforcement or reinvention of a sense of place and local identity within Dudley. The borough needs a collective commitment to high-quality design if it is to maximise the benefits from the opportunities offered by regeneration and development.

11.90. DLP 39 seeks to integrate key design principles with an approach that interprets and reflects both local distinctiveness and the overall character of Dudley Borough. High-quality design relates to buildings, architecture, the spaces within which buildings sit, the quality of the public realm reflected in its streets and spaces and the relationship between the development and the surrounding area. Places should be designed with Active Design principles to increase opportunities for physical activity.

11.91. Everyone has the right to a high standard of residential accommodation, with sufficient space to meet their needs. Within Dudley Borough there are areas where overcrowding rates are higher than the national average. In order to address this, Policy DLP39 adopts national space standards covering internal floor area and dimensions for key parts of the home. The standard is modest and is generally met in most new build housing across the borough; however, in a minority of cases the standard would help to achieve better living conditions. The requirement for a minimum space standard can also add to the attractiveness of a development and increase the marketability of properties. The standard will apply to all tenures. Evidence provided by the Dudley Viability

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<sup>39</sup> Regional Ambition; Local Distinctiveness; Regional Network; Modal Shift; Climate Resilience; Delivering Low Carbon Development; Technological Resilience; Building Active Communities; Promoting Wellbeing; Engagement; Stewardship; Securing Social Value.

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and Delivery Study (2023) suggests that introduction of this standard is very unlikely to impact on development viability, given the relatively modest increases in room sizes.

- 11.92. The introduction of the higher water efficiency standard for all new homes in the borough is justified by evidence provided in the Water Cycle Study (2020) and in July 2021 by the Secretary of State's determination that both Severn Trent Water (except in their Chester zone) and South Staffordshire Water are now considered to be in areas of serious water stress for the purposes of water resources planning. This change in water stress classification adds further weight to the tighter limit and will be enforced through the building regulations system.
- 11.93. To ensure that development proposals accord with policy requirements, the Design and Access Statements accompanying planning applications should follow the Commission for Architecture and the Built Environment guidance.
- 11.94. A key objective for new developments should be that they create safe and accessible environments where crime, or the fear of crime, and anti-social behaviour do not undermine the quality of life, health or community cohesion. Good design, layout and spatial relationships (including the use of sensitively designed and located landscaping that reduces opportunities for anti-social behaviours) can make a positive contribution towards improving community safety in an area. It is the intention of the Council and the police to work together towards the reduction of crime and the fear of crime, and anti-social behaviour across the borough. This will be a material consideration in all planning proposals.
- 11.95. Meeting the challenge of climate change is a core principle of the NPPF and the fifth principle of the West Midlands Design Charter refers to the need to address climate change through good design. Climate change mitigation and adaptation measures will be addressed through the specific climate change policies in the DLP and the renewable energy and BREEAM requirement for new development, which are set out in Policy DLP47.

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**Evidence**

- National Design Guide (2019)
- Broadening Horizons – A Vision of the Black Country Urban Park, Lovejoy (2004)
- Residential Design Guide SPD 2023
- Housing Audit: Assessing the Design Quality of New Housing in the East Midlands, West Midlands and the South West, CABI (2007)
- Black Country Water Cycle Study 2020

**Landscape Design**

11.96. Provision of high quality and attractive on-site green space landscaping has an integral role to play in creating high quality residential communities particularly low maintenance solutions with locally occurring deciduous tree planting. This type of provision can help to promote more sustainable development by making development schemes more responsive to future climate change pressures such as urban cooling, reduced flood risk and biodiversity movement.

<p><b>Policy DLP40 Landscape Design</b></p>
<p><b>1. Within new development sites, areas that are not needed for pedestrian or vehicular use should be retained for soft landscaping and protected during the construction process. Hard surfaces should not be used unless there is an overriding need. New development proposals will be required to include a mix of native and non-native tree and shrub species in on-site landscaping schemes in keeping with the local character and in accordance with the most up to date and relevant SPDs for the following reasons;</b></p> <p><b>a. to strengthen and provide beneficial wildlife habitat and/or geological outcrop.</b></p>





**Policy DLP40 Landscape Design**

**6. In addition, it should be demonstrated that the future management of the site will prevent the successful re-establishment of these species from off-site sources.**

**Justification**

11.97. Applicants should consider how habitat and features will be managed post development so that their contribution to local biodiversity and geodiversity is maintained in the long-term. Management of natural habitat often proves less costly than that of the equivalent areas of more formal landscaping.

11.98. For large sites, the Council would recommend the preparation of a management plan. Examples of the types of nature conservation interest that may benefit from management plans are woodlands, hedgerows, wildflower grasslands, watercourses, ponds and wetlands.

**Monitoring**

<b>Policy</b>	<b>Indicator</b>	<b>Target</b>
DLP31	Change in areas of biodiversity importance	No net reduction in the area of designated nature conservation sites through development.
DLP32	All development sites to provide biodiversity net gain	Minimum 10% net gain, subject to national guidelines
DLP33	Increase in tree canopy cover across the borough by	In line with policy requirement
DLP34	No net loss of hedgerows across the borough	Target: 0
DLP38	No net loss in playing pitches	Target:0

**12. Climate Change**

12.1. The Council declared a climate emergency in 2020 and pledged to achieve net zero carbon by 2050 and a Carbon Neutral Borough by 2041. Alongside this, the West Midlands Combined Authority declared a climate change emergency in June 2019 and committed to net zero carbon emissions by 2041. This means that the Council will be working towards meeting these targets through the timescale of the Dudley Local Plan and beyond.

12.2. Information from the Met Office<sup>1</sup> indicates that under projections looking at potential climate change over land to the 2070s, a location in the middle of England is likely to experience changes in precipitation and temperature in both summer and winter<sup>2</sup> equating to:

<b>Summer rainfall change</b>	<b>41% drier to 9% wetter [low emissions scenario].</b>	<b>57% drier to 3% wetter [high emissions scenario]</b>
<b>Winter rainfall change</b>	3% drier to 22% wetter [low emissions scenario].	2% drier to 33% wetter [high emissions scenario]
<b>Summer temperature change</b>	No change to 3.3 °C warmer [low emissions scenario]	1.1°C warmer to 5.8 °C warmer [high emissions scenario]
<b>Winter temperature change</b>	-0.1 °C cooler to 2.4 °C warmer [low emissions scenario].	0.7 °C warmer to 4.2 °C warmer [high emissions scenario]

12.3. Local planning authorities are bound by the legal duty set out in Section 19 of the 2004 Planning and Compulsory Purchase Act, as amended by the 2008 Planning Act, to ensure that planning policy contributes to the mitigation of, and adaptation to, climate change.

12.4. The NPPF sets out in more detail the duty of planning in helping to contend with a changing climate and the vulnerabilities it generates in the built and natural environments. This includes planning for zero and low carbon development,

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requiring renewable and low carbon energy supply, reducing emissions and greenhouse gases, the mitigation of flood risks and employing appropriate policy and design solutions to address rising temperatures, ventilation, the need for additional green infrastructure and the protection of the natural environment.

12.5. To help Dudley Borough become a more efficient and resilient place, policies in the DLP will encourage development to:

- a) improve energy efficiency and move towards becoming zero carbon, in accordance with national targets and with the aims of the West Midlands Combined Authority commitment to achieve net zero carbon by 2041 and the Council target by 2050.
- b) help decarbonise the transport system by locating developments sustainably to reduce new trips and encouraging less energy intensive and more sustainable modes of transport (as set out in the Transport section).
- c) ensure buildings and infrastructure are designed, landscaped, and made suitably accessible to help adapt to a changing climate, making efficient use of water, reducing impacts from natural hazards like flooding and heatwaves, and avoiding contributing to the urban heat island effect.
- d) create a safe and secure environment that is resilient to the impacts of climate-related emergencies.
- e) take an integrated approach to the delivery of strategic and local infrastructure by ensuring that public, private, community and voluntary sectors plan and work together. Factors which may lead to the exacerbation of climate change (through the generation of more greenhouse gases) must be avoided (e.g. pollution, habitat fragmentation, loss of biodiversity) and the natural environment's resilience to change should be protected.

### **Increasing efficiency and resilience**

12.6. The Government have stated that all buildings need to be net zero carbon by 2050. Section 19 of the Planning and Compulsory Purchase Act (2004), Section 182 of the Planning Act (2008), the Planning and Energy Act (2008), and the

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NPPF all empower local planning authorities to enforce policies that seek to reduce carbon emissions from new homes.

- 12.7. The NPPF, in particular states, that plans should take a proactive approach to mitigating and adapting to climate change. As part of this, new development should be planned for in ways that can help to eliminate greenhouse gas emissions, such as through careful consideration of its location, orientation and design. The following Climate Change policies aim to ensure that future development address national energy and climate change objectives.
- 12.8. Policy DLP41 sets out how new development proposals will be required to demonstrate they are designed to maximise resistance and resilience to climate change through a range of design requirements.

### **Policy DLP41 Increasing Efficiency and Resilience**

- 1. Development should be designed to mitigate climate change impacts and provide adaptations that will help communities and individuals to continue to avoid or mitigate adverse effects on human health. Proposals for development will need to demonstrate how they have been designed to maximise resistance and resilience to climate change through addressing the following requirements: -**
  - a. wherever feasible, new buildings will be orientated to maximise opportunities for both natural heating and ventilation and to reduce exposure to wind and other elements.**
  - b. development proposals that include and / or impact on transport infrastructure and / or which generate a significant number of person trips will need to meet the needs of all sections of the community by including a range of sustainable and low carbon transport modes as alternatives to private car use (see Policy DLP72.**
  - c. use of trees and other planting in landscaping schemes will be required throughout Dudley, to provide for the shading of amenity areas, buildings and streets, mitigate against poor air**

## **Policy DLP41 Increasing Efficiency and Resilience**

- quality and help connect fragmented habitats and protect and support biodiversity networks.
- d. landscaping schemes should be designed using a mix of tree species and plants where appropriate and should also use species that are able to adapt to changing climate conditions (see Policies DLP33 and DLP34).**
  - e. all development will need to minimise the impact of surface water runoff through the design of proposed drainage systems, including where possible grey water recycling and rainwater collection, and the use of permeable surfaces. Schemes should also make provision for sustainable drainage infrastructure, which should be built into landscaping schemes / open space provision as appropriate (see Policies DLP45 and DLP46).**
  - f. development will be required to incorporate mitigation and resilience measures designed to reduce the risk of river, surface and other potential water flooding (see Policies DLP45 and DLP46).**
  - g. the conversion of non-domestic buildings to residential use will be expected to employ high environmental standards, incorporating improved thermal insulation, appropriate levels of natural ventilation and measures to improve water efficiency.**
  - h. proposals for increasing the energy efficiency and resilience to climate change of designated heritage assets will be supported only where this will not cause demonstrable harm to the historic fabric, character, setting or appearance of the asset.**

### **Justification**

12.9. Buildings, services, and infrastructure need to be able to cope with the impacts of climate change. Part of this will relate to ensuring that development is able to cope with more intense rainfall, the possibility of flooding, heat waves and droughts. The design of development therefore needs to address shading, insulation and ventilation, surface water runoff and storage and the use of

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appropriate tree planting and landscaping, to futureproof schemes against more extreme weather conditions.

12.10. Where possible and appropriate, the retrofitting of residential and other properties to achieve higher standards of energy and water efficiency will be encouraged and supported.

12.11. This policy should be read in conjunction with Policy DLP47, which covers the use of renewable and low carbon energy and energy-saving measures. It should also be read in conjunction with DLP39, which promotes good design including the management of water resources, and DLP44 and DLP45 which look in more detail at the control and mitigation of flooding and the provision of Sustainable urban drainage systems (SuDS).

12.12. DLP policies demonstrate that adaptation to and mitigation of climate change can be achieved across all forms of development. The PPG section on climate change<sup>3</sup> identifies examples of mitigating climate change such as:

- a) reducing the need to travel and providing for sustainable transport;
- b) requiring good design to enable the focus of travel to move away from the motor car to modes of “active travel” such as safe cycling and walking routes especially on new housing estates;
- c) providing opportunities for renewable and low-carbon energy technologies;
- d) providing opportunities for decentralised energy production and district heat networks; and
- e) promoting zero-carbon design approaches to reduce energy consumption in buildings, such as utilising passive solar design features.

### Evidence

- Planning and Compulsory Purchase Act (2004)
- Planning Act (2008)
- Planning and Energy Act (2008)
- UKCP18 Climate Change Projections Overland - Meteorological Office
- UK Climate Change Risk Assessment – Climate Change Committee
- CCC Sixth Carbon Budget<sup>4</sup>

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- National Design Guidance
- West Midlands Combined Authority WM2041 Programme and Actions
- Historic England Energy Efficiency and Historic Buildings

**Delivery**

- Delivery will be secured through the development management processes, specifically through Planning and Design statements, energy plans and evidence accompanying planning applications.
- Planning conditions, CIL and Section 106 contributions.

**Energy Infrastructure**

12.13. The NPPF states that plans should take a proactive approach to mitigating and adapting to climate change. Development should be planned for in ways that help eliminate greenhouse gas emissions, such as through consideration of its location, orientation and design.

12.14. To help increase the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources. Policy DLP42 sets out how energy infrastructure will be considered, including how opportunities for decentralised energy and communal heating will be identified.

<p><b>Policy DLP42 Energy Infrastructure</b></p>
<p><b>1. Decentralised energy networks and communal heating provision</b></p> <p><b>a. Any development including ten homes or more, or non-residential floorspace of 1,000 sq. m or more must include opportunities for decentralised energy<sup>5</sup> provision within the site, unless it can be demonstrated that the development is not suitable, feasible or viable for district heat<sup>6</sup> or decentralised power networks.</b></p> <p><b>b. Where there is existing decentralised energy provision available close to the site, the development will be expected to link into it, or should be designed</b></p>

## **Policy DLP42 Energy Infrastructure**

to accommodate a subsequent connection<sup>7</sup> if a source has not yet become operational. Information on this linkage should be included in a design and access or planning statement, which should also explain how access to a decentralised network can be achieved in the future if it is not currently operational or available.

- c. Where developers can demonstrate to the satisfaction of the LPA that a link to an existing or committed decentralised energy source nearby is not viable, the local authority will support the provision of alternative onsite carbon elimination measures that can be incorporated into the scheme (see Policy DLP47).
- d. Proposals intended to deliver decentralised networks and related infrastructure will need to prevent or minimise any adverse impacts on the historic environment by ensuring that they protect the significance of heritage assets, including their setting.

### **Onsite energy provision**

- 2. Developers should engage with relevant energy companies and bodies at an early stage in the development process to establish the likely future energy and infrastructure requirements arising from large-scale development proposals including 100 homes or more, or non-residential floorspace of 10,000 sq m or more. Proposals for addressing energy provision on such sites should be developed and agreed between the local planning authority and developer(s) to establish the lowest lifetime carbon energy provision. Information to support the preferred solution(s) should identify and address:
  - a. current and future major sources of demand for heat (e.g. sites such as industrial / manufacturing sites, universities, large-scale sporting or leisure development, hospitals and social housing);
  - b. demands for heat from existing buildings that can be connected to future phases of a heat network;



## Policy DLP42 Energy Infrastructure

- c. major heat supply plant;
  - d. possible opportunities to utilise energy from waste or waste heat from industrial processes;
  - e. opportunities for heat networks;
  - f. opportunities for private wire electricity supply;
  - g. possible land for energy centres and / or energy storage;
  - h. possible heating and cooling network routes;
  - i. infrastructure and land requirements for electricity and gas supplies;
  - j. implementation options for delivering feasible projects, considering issues of procurement, funding and risk, and the role of the public sector.
3. Where applicable the local authority will:
- a. identify any necessary energy infrastructure requirements, including upgrades to existing infrastructure;
  - b. identify existing heating and cooling networks and opportunities for expanding existing networks and establishing new ones.

### Heating / hot water systems

4. Heat sources for a communal heating system should be chosen to minimise likely emissions and to make best use of any local decentralised networks, in preference to other solutions. These systems should be individually controllable by households and usage should be able to be monitored down to the individual dwelling level.
5. Where a communal heating system is provided, development proposals must provide evidence to show that NO<sub>x</sub> emissions related to energy generation will be equivalent to or lower than those of an ultra-low NO<sub>x</sub><sup>8</sup> gas boiler.

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### Justification

- 12.15. The ways in which heating, and power are delivered to / used in development will need to change to meet the requirements of a zero-carbon future and the intended elimination of greenhouse gas emission. The use of fossil fuels and traditional forms of energy generation will need to be phased out and replaced by zero carbon, non-polluting and energy-efficient sources. These methods will include the use of heat networks and communal heating systems wherever possible.
- 12.16. The policy requires that the feasibility of incorporating opportunities for decentralised energy provision is considered for all applicable development proposals. If low-carbon decentralised power and heating systems do not currently exist or are still in the process of being delivered, developers should ensure that new housing and employment schemes are provided with the infrastructure to link into those networks when they become available.
- 12.17. Where a link to an existing or committed decentralised energy source<sup>40</sup> is not viable, the LPA will support the provision of alternative on-site zero carbon measures. This may include, for example, the provision of built-in renewable energy generation for individual buildings or other forms of decentralised energy provision within the site.
- 12.18. The Government is intending to introduce Heat Network Zoning in England by 2025 and the connection of certain buildings to heat networks within these zones will become mandatory on adoption of the legislation. This zoning will provide the market with a level of certainty that the demand for heat networks will be there to support investment decisions and growth in the market.
- 12.19. Within Heat Network Zones, large public-sector buildings, large non-domestic buildings, all new-builds and residential buildings that are already heated via communal systems (such as tower blocks) would be required to connect to the heat network within a given timeframe<sup>9</sup>.

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<sup>40</sup> Systems can include combined heat and power (CHP), biomass, solar and wind power

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12.20. Heat networks are not limited to a particular energy source and can be delivered with a degree of flexibility to reflect local circumstances. Heat Networks can also be future proofed for transition to other fuels. Government funding is available to support the transition to heat networks<sup>37</sup> and is intended to incentivise heat network market transition to low carbon heat sources via targeted financial support, which will help stimulate the increased deployment of low carbon technologies at scale.

12.21. In the Black Country, “Repowering the Black Country” is a programme of initiatives supporting Black Country businesses to take advantage of global clean growth opportunities and to make the transition to a net zero industrial future. The project will initially develop four zero carbon industrial hubs in the Black Country. Within the next ten years, the aim is to reduce industrial carbon emissions by around 1.3M tCO<sub>2</sub><sup>11</sup>.

### Heating and hot water systems

12.22. There is a broad hierarchy of provision that should be followed when considering and providing for communal heating systems on major residential schemes and where non-residential development would be of a scale to warrant some element of on-site provision. As an illustration, an appropriate hierarchical approach might be as follows:

- a) local existing or planned heat networks;
- b) use available local secondary heat sources (in conjunction with heat pumps, if required, and a lower temperature heating system);
- c) generate clean heat and / or power from zero-emission sources;
- d) use of fuel cells. If using natural gas in areas where legal air quality limits are exceeded, all development proposals must provide evidence to show that any emissions related to energy generation will be equivalent to or lower than those of an ultra-low NO<sub>x</sub> gas boiler;
- e) use ultra-low NO<sub>x</sub> gas boilers only if more sustainable alternatives are unavailable;
- f) ultra-low NO<sub>x</sub> gas boiler communal or district heating systems, designed to ensure that there is no significant impact on local air quality.

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**Evidence**

- Powering Growth: Black Country Energy Strategy (AECOM) (February 2018)
- West Midlands Regional Energy Strategy (November 2018)
- Black Country Utilities Infrastructure Capacity Study (September 2019)
- Heat and Building Strategy (BEIS, December 2021)
- Repowering the Black Country (Black Country LEP) (2022)

**Delivery**

- Delivery will be secured through the development management processes, specifically through Planning and Design statements, energy plans and evidence accompanying planning applications
- Planning conditions, CIL and Section 106 contributions

**Managing Heat Risk**

12.23. As part of the Plan’s proactive approach towards mitigating and adapting to climate change, Policy DLP43 sets out the requirements for managing heat risk within new development proposals.

<b>Policy DLP43 Managing Heat Risk</b>
<ol style="list-style-type: none"> <li><b>1. Development proposals<sup>12</sup> should minimise both internal heat gain and the impacts of urban heat islands<sup>13</sup> by using appropriate design, layout, orientation and materials.</b></li> <li><b>2. Development proposals will be expected to demonstrate how their potential for overheating and reliance on artificial cooling systems will be reduced, in accordance with the following cooling hierarchy:</b> <ol style="list-style-type: none"> <li><b>a. minimise internal heat generation through energy-efficient design;</b></li> <li><b>b. reduce the amount of heat entering a building through orientation, shading, albedo<sup>14</sup>, fenestration, insulation and the provision of green roofs and walls (see also Policy DLP39 Design);</b></li> </ol> </li> </ol>

**Policy DLP43 Managing Heat Risk**

- c. manage heat within a building through exposed internal thermal mass<sup>15</sup> and high ceilings;**
- d. provide passive ventilation;**
- e. provide mechanical ventilation;**
- f. provide active cooling systems<sup>16</sup>.**

**Justification**

12.24. Global temperatures are rising, and this has been paralleled by changes in the weather in the UK. The Met Office published a document<sup>17</sup> in 2019 outlining current trends and predictions in the UK, including the following:

12.25. The average temperature over the most recent decade (2009-2018) has been on average 0.3°C warmer than the 1981-2010 average and 0.9°C warmer than the 1961-1990 average. All the top ten warmest years for the UK, in the series from 1884, have occurred since 2002. (paragraph 2.1)

12.26. The urban heat island effect<sup>18</sup> is caused by extensive built-up areas absorbing and retaining heat during the day and night, leading to those areas being several degrees warmer than their surroundings. With higher temperatures across the country, the likelihood of heat being trapped in this way is very likely to increase.

12.27. Retained heat can become problematic, to the point where circumstances can lead to physical discomfort and disruption, but for those with certain health conditions, the very young or the elderly, the effects can be serious. The use of green roofs and / or walls can provide some mitigation by shading roof surfaces and through the mechanism of evapotranspiration.

12.28. The concept of thermal inequity<sup>19</sup> will also have relevance in areas of the borough, whereby because of uneven social geographies, urban heating effects impact disproportionately on poorer / marginalised communities living in urban environments. This is exacerbated by a planning policy approach that

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concentrates development in urban areas, at higher densities and in taller forms. The removal of urban greening and trees to facilitate increased development densities will have further adverse effects on ambient temperatures in the vicinity.

12.29. Certain aspects of building design intended to increase energy efficiency and reduce heat demand, such as increased glazing and airtightness, can also exacerbate heat risk and cause uncomfortable living conditions. Design solutions can be found in the hierarchy proposed in Policy DLP43.

12.30. Means of minimising heat risk may include, though not be limited to, inclusion of mitigation measures such as: -

- a) solar shading, for instance through landscaping or brise-soleil<sup>20</sup>,
- b) using appropriate materials in areas exposed to direct sunlight,
- c) using landscaping and permeable surfaces to mitigate against flooding / run-off, counter poor air quality and allow for heat absorption.

12.31. Mechanical air conditioning will utilise more energy and generate significant amounts of additional greenhouse gases and thus should be avoided where possible.

12.32. As addressed in Policy DLP33, the use of trees in landscaping schemes can generate significant natural shading. The layout and orientation of new houses should also be considered carefully, to avoid existing or newly planted trees creating excessive shading during cooler, darker times of the year.

### Evidence

- UK Climate Projections: Headline Findings September 2019
- Research into Overheating in New Homes MHCLG September 2019
- Overheating in Dwellings BRE Guidance Document 2016
- Historic England Energy Efficiency and Historic Buildings

### Delivery

- Development Management and Building Regulations processes.

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### Air Quality

12.33. Promoting healthy living is a key component of the Dudley Local Plan. Reducing exposure to poor air quality will improve the health and quality of life of the population and support the aims and objectives<sup>21</sup> of the Plan. The need to address climate change and its associated impacts will include the need to tackle pollution and poor air quality, especially where it has impacts on both human and environmental health.

12.34. The World Health Organisation published data on the impacts of ambient and household air pollution on human health for the European High-Level Conference on Non-Communicable Diseases held in April 2019. The paper stated that more than 550,000 deaths in the WHO European region were attributable to the joint effects of household and ambient air pollution in 2016, with over 500,000 being due to ambient air pollution and more than 50,000 to household air pollution<sup>22</sup>.

12.35. According to the 2019 Clean Air Strategy published by DEFRA<sup>23</sup>,

*Air pollution is the top environmental risk to human health in the UK, and the fourth greatest threat to public health after cancer, heart disease and obesity. It makes us more susceptible to respiratory infections and other illnesses, and we estimate that the actions outlined in this document could cut the costs of air pollution to society by £1.7 billion every year by 2020, rising to £5.3 billion every year from 2030.*

12.36. Paragraph 4.1 of the same publication outlines the impacts of air quality on economic growth. Cleaner air helps to reduce the likelihood of workplace absences through ill-health; the strategy identifies that particulate matter; nitrogen dioxide and ozone were estimated to be responsible for total productivity losses of up to £2.7 billion in 2012. Clean air also helps to create and sustain a pleasant and attractive living and working environment, which is more likely to encourage growth and investment in an area.

## **Policy DLP44 Air Quality**

### **Strategic Approach**

- 1. The DLP will promote a diverse approach to addressing the issue of poor air quality across the borough, including:**
  - a. requiring development and other land use proposals to promote the integration of cycling, walking, public transport and electric charging points as part of their transport provision;**
  - b. promoting and supporting (including through continued joint working with authorities inside and outside the Black Country) a modal shift from private motorised vehicles to the use of clean, fast and accessible public transport alternatives such as rail, the Metro and bus transport networks, cycling and walking;**
  - c. requiring the provision and protection of green open spaces and significant additional tree cover (see also DLP33);**
  - d. ensuring the sustainable location of new residential and employment development to minimise commute times; and**
  - e. as part of an integrated zero-emission public transport system, promoting and requiring the use of sustainable technologies, zero-emission vehicles, design and materials and providing new or extended bus services to meet demand when development of a strategic nature is planned and constructed.**
  
- 2. New development must be at least air quality neutral following any required mitigation. Planning permission for new development or changes of use will be refused where data assessment indicates that development will:**
  - a. lead to deterioration of existing poor air quality;**
  - b. create any new areas that exceed air quality objectives; or**



## Policy DLP44 Air Quality

- c. delay compliance being achieved in areas that are currently in exceedance of legal limits unless sufficient mitigation can be achieved.

### Improving air quality

3. Residential or other sensitive development such as schools, hospitals / health care and care facilities should be sited in areas where air quality already meets national objectives, or where compliance with those objectives can be achieved with suitable mitigation proposed as part of the development proposal and verified as being achieved before occupation of the development.
4. Developments that will have a moderate air quality impact, and which can be dealt with through standard mitigation measures, will not require an air quality assessment.
5. Whenever development is proposed in locations where air quality does not / will not meet national objectives, or where significant air quality impacts are likely to be generated onsite or elsewhere by the development itself or its subsequent use / activities, an appropriate Air Quality Assessment will be required to demonstrate that the proposed development will improve air quality in order that it will meet air quality objectives once the development is completed and occupied / operational:
  - a. the assessment must take into consideration the potential cumulative impact on air quality of all extant planning permissions in the locality, for both large / strategic and small schemes.
  - b. the impact of point source emissions of pollutants to air on the scheme (pollution that originates from one place) must also be considered.

**Policy DLP44 Air Quality**

- c. the assessment must take into consideration the types of pollutant emissions likely to be generated by the development and its future use / associated activities that will have an impact on human health.**
  - d. where assessments show that a development is likely to result in exposure to pollutant concentrations that exceed national objectives, a mitigation plan will be required to determine that the development will improve air quality, in order that it will meet air quality objectives once it is complete and occupied / operational.**
  - e. adequate and satisfactory mitigation measures that are capable of implementation, including the planting of additional and replacement trees in appropriate locations, must be identified, submitted as part of an application, and made subject to appropriate conditions before planning permission is granted.**
- 6. Developments should not include materials or be positioned or ventilated in a way that would result in poor indoor air quality. Guidance will be provided to detail how such issues should be addressed.**

**Justification**

12.37. National planning guidance identifies the need for local planning authorities to address the problems created by pollution, in terms of poor air quality and its impacts on human and environmental health. Major air pollutants that impact on human health include particulate matter (PM10 and PM2.5 and fine / very fine particulates) and nitrogen oxides (NOx). These gases may also combine to create ozone, a greenhouse gas that impacts on the atmosphere.

12.38. The main cause of poor air quality in Dudley is transport related. Locations have been identified that do not comply with current national objectives and that will result in relevant exposure; there are several air quality hotspots where on-going monitoring is required. Dudley is working to reduce pollutant concentrations and to minimise exposure to air quality that does not meet with national objectives.

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Air quality management areas have been declared in locations across the borough to try to address the government's national air quality objectives, which have been set to provide protection for human health.

12.39. It is important that development likely to have a negative impact on air quality is fully assessed and measures taken to make it acceptable, particularly in parts of Dudley where air quality is, or is likely to become, a concern. The majority of developments will have a moderate air quality impact which can be dealt with through standard mitigation measures, without the need for an Air Quality Assessment (AQA), as detailed in the latest Air Quality SPD. These standard mitigation measures are designed to deal with the cumulative impact of many moderate impact developments over time and over a wide area.

12.40. AQAs should be proportionate to the type and scale of development proposed, in accordance with the guidance provided by the latest Air Quality SPD and relevant national standards for air quality. National planning policy guidance on air quality offers several examples of what might usefully be incorporated in such assessments, including baseline conditions, specific concerns, the assessment methods to be adopted, the basis for assessing impact and determining the significance of an impact and mitigation<sup>24</sup>.

12.41. For some developments a basic screening assessment of air quality is all that will be required, whereas for other developments a full AQA will need to be carried out, using advanced dispersion modelling software. An appropriate methodology informed by the latest Air Quality SPD should be agreed with the development management team / officer on a case-by-case basis.

12.42. Where a potentially adverse impact on air quality is identified, mitigation measures may include:

- a) increasing the distance between the development and the pollution source;
- b) using green infrastructure, particularly trees, to help absorb dust and other pollutants (see DLP33 - Trees – care must be taken to ensure the type and location of such trees do not exacerbate air pollution by trapping it close to the street<sup>25</sup>);

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- c) using ventilation systems to draw cleaner air into buildings;
- d) improving public transport access to all development;
- e) implementing travel plans to reduce the number of trips generated;
- f) implementing low emission strategies; and
- g) controlling dust and emissions from construction, demolition and working projects.

**Flood Risk and Sustainable Drainage**

12.43. In recent years floods, storms and droughts have shown how vulnerable the UK is to extremes of weather, resulting in significant economic, social, and environmental cost. Climate change also means that extreme weather events will become more frequent and have the potential to cause damage to affected communities.

12.44. The most significant sources of flood risk in the borough are fluvial and surface water flooding. The primary fluvial flood risk lies along the river Stour and its tributaries. Surface water flooding is mostly caused by intense rainfall events. There are many areas at high risk of surface water flooding in Dudley, due to the heavily urbanised nature of the area that has impeded natural infiltration and drainage.

12.45. Climate change projections show an increased chance of warmer, wetter winters and hotter, drier summers, with a higher likelihood of more frequent and intense rainfall. This is likely to make severe flooding occur more often; effective flood risk management is one of the most important ways of adapting to intensive rainfall events. Ensuring that developments are planned to avoid vulnerability and manage risks with suitable adaptation measures where required will help to mitigate against related adverse impacts and disruptions.

<b>Policy DLP45 Flood Risk</b>
<b>1. The council will seek to minimise the probability and consequences of flooding from all sources by adopting a strong risk-based approach</b>

## Policy DLP45 Flood Risk

to site allocations and the granting of planning permission, in line with the National Planning Policy Framework.

2. The sequential test<sup>26</sup> will:
  - a. be applied to all developments to ensure that development takes place in areas with the lowest flood risk, in line with NPPF requirements.
  - b. take account of the most up-to-date information available on river (fluvial) flooding and all other sources of flooding, making use of the information provided in the most recent Strategic Flood Risk Assessment (SFRA);
  - c. consider the impact of climate change over the lifetime of that development.
3. Developers should apply the Sequential Test to all development sites, unless the site is:
  - a. a strategic allocation and the test has already been carried out by the LPA; or
  - b. a change of use (except to a more vulnerable use); or
  - c. a minor development (householder development, small non-residential extensions with a footprint of less than 250m<sup>2</sup>); or
  - d. a development in Flood Zone 1, unless there are other flooding issues in the area of the development (i.e. surface water, ground water, sewer flooding). The SFRA can be used to identify where there are flooding issues from sources others than rivers.
3. Developers should provide evidence to the LPA that they have considered all reasonably available alternative sites that are at a lower risk of flooding prior to determining the suitability of the chosen site for the proposed development type, in relation to all sources of flood risk on it.

## Policy DLP45 Flood Risk

4. For all developments the vulnerability of the development type to flooding should be considered with regard to the most up-to-date flood zone information in accordance with the NPPF, as set out below:

### Flood Zone 3

5. Where the site is in Flood Zone 3b (Functional Floodplain), all development other than essential infrastructure (subject to the Exception Test) will be refused (including extensions and intensification of use and changes of use) and opportunities to relocate development out of the floodplain should be sought.
6. Where the site is in Flood Zone 3a (High Probability), new homes can only be permitted subject to the Exception Test.
7. Flood Zone 2
  - a. Where the site is in Flood Zone 2 (Medium Probability), most development can be permitted, subject to a site-specific flood risk assessment;
  - b. Highly vulnerable developments, such as caravans, mobile homes and park homes with permanent residential use can be permitted, subject to the Exception Test;
  - c. Where the site is in Flood Zone 1 (Low Probability), the information in the most up to date SFRA should be used to assess if a development is at risk from other sources of flooding and / or if there is an increased risk of flooding in the future due to climate change. If this site is shown to be at risk, a site-specific flood risk assessment should accompany a planning application.
8. To pass the Exception Test, developments will need to:

## **Policy DLP45 Flood Risk**

- a. provide a demonstrable benefit to the wider sustainability of the area. Matters such as biodiversity, green infrastructure, historic environment, climate change adaptation, flood risk, green energy, pollution, health and transport should be considered;
  - b. detail the sustainability issues the development will address and how doing so will outweigh the flood risk concerns for the site;
  - c. prove that the development will be safe from flooding for its lifetime, taking account of the vulnerability of its users;
  - d. prove that the development can be achieved without increasing flood risk elsewhere, and, where possible, will result in a reduced flood risk overall.
9. All new developments in the following locations should be accompanied by a flood risk assessment and surface water drainage strategy that sets out how the development will provide a betterment in flood risk terms i.e. help to reduce flood risk both on and off site:
- a. where any part of the site is within Flood Zone 2 or Flood Zone 3;
  - b. where the site is greater than one hectare and is within Flood Zone 1;
  - c. where the site is within five metres of an ordinary watercourse;
  - d. where the site is within 20m of a known flooding hotspot;
  - e. where the site is within the 1 in 100-year flood extent based on the Risk of Flooding from Surface Water Map.

Surface water drainage strategies are also required for all major developments. These should consider all sources of flooding to ensure that future development is resilient to flood risk and does not increase flood risk elsewhere.

### **Watercourses and flood mitigation**

## Policy DLP45 Flood Risk

10. Developments should, where possible, naturalise urban watercourses (by reinstating a natural, sinuous river channel and restoring the functional floodplain) and open up underground culverts, to provide biodiversity net gain as well as amenity improvements; reference should be made to the latest River Basin Management Plans for the area.
11. Developers should set out how their mitigation designs will ensure that there is no net increase to fluvial flood risk downstream and where practicable how the development could help mitigate against downstream fluvial flood risk.
12. Development should not take place over culverted watercourses and a suitable easement should be provided from the outside edge of the culvert.
13. There should be no built development within five metres of an ordinary watercourse and within ten metres of the top of the bank of a main river. This is to enable the preservation of the watercourse corridor, wildlife habitat, flood flow conveyance and future watercourse maintenance or improvement.
14. Where there is a known or suspected culverted watercourse either on or immediately downstream of a site, where the SFRA highlights there may be a risk of flooding, developers should:
  - a. confirm the location and presence of a watercourse (or otherwise) through ground-truthing strategic datasets and undertaking an assessment of the culvert extent and condition.
  - b. confirm by survey, modelling and mapping, the flood extents of the watercourse(s), as many of the flood outlines associated with such watercourses have been carried out at a broad scale and may not take



## Policy DLP45 Flood Risk

into account specific local features, such as culverts, bridges and detailed topographical survey.

- c. design the development to accommodate the floodplain of the watercourse and mitigate against flooding to properties on the site. This should include a consideration of residual flood risk e.g. if a culvert were to block downstream.

15. All developments should seek to provide wider betterment by demonstrating in site-specific flood risk assessments and surface water drainage strategies (where required) what measures can be put in place to contribute to a reduction in overall flood risk downstream. This may be by provision of additional storage on site e.g. through oversized SuDS, natural flood management techniques, green infrastructure and green-blue corridors and / or by providing a partnership funding contribution towards wider community schemes (both within Dudley, the Black Country and in shared catchments with Southern Staffordshire and Birmingham). Consultation on the site-specific requirements should be undertaken with the Council, the Environment Agency, and Severn Trent Water (where this is a sewer flooding issue) at the earliest opportunity.

### Justification

12.46. Dudley is a densely populated borough and, in places, steeply sloping urban area. This makes it prone to rapid surface water flooding following heavy rainfall and flooding from smaller watercourses that are tributaries of the River Severn. The industrial legacy has left complex urban drainage challenges, with many watercourses that have been heavily modified and culverted in places providing little if any biodiversity benefit and are prone to blockages.

12.47. Several main rivers flow through the area; these are the watercourses used to support the general requirement of 10m easement from main rivers. The main rivers in the area include:

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- Coalbourne Brook,
- Dawley Brook,
- Illey Brook,
- Lutley Brook,
- Mousesweet Brook,
- River Stour,
- Swan Brook,
- Wordsley Brook.

12.48. Climate change will increase the likelihood of surface water and localised flooding from smaller and culverted watercourses. Alongside this, the condition of many culverted watercourses are failing as they age, and where they lack maintenance, and therefore the likelihood of blockages or failure increases. Sustainable Drainage Systems provide an opportunity to replicate natural drainage systems through new development, which will help to reduce flood risk, improve water quality, and provide wider environmental benefits. Hence an approach is needed to new development that recognises local flood risk constraints and contributes wherever possible to wider environmental and flood risk improvements.

12.49. The NPPF and Planning Practice Guidance requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, applying the Sequential Test and if necessary, applying the Exception Test. Where development is necessary the NPPF, and technical guidance recognises that there may be exceptions for certain at-risk sites where there are no suitable and reasonably available lower risk sites. In exceptional circumstances, where development is necessary in areas of risk and an alternative site at lower risk cannot be found, appropriate mitigation measures will be required to make it safe. These must not increase or displace flood risk elsewhere.

### Evidence

- Black Country Level 1 Strategic Flood Risk Assessment (SFRA) 2021
- Black Country Water Cycle Study Stage 1 2020

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### Delivery

- Through Development Management and LLFA processes

### Sustainable drainage and surface water management (SuDS)

#### **Policy DLP46 Sustainable drainage and surface water management (SuDS)**

- 1. All new developments should incorporate SuDS and all development proposals should provide details of adoption, ongoing maintenance, and management of SuDS.**
- 2. SuDS shall be designed in line with the Black Country Local Standards for SUDS. Preference will be given to systems that contribute to the conservation and enhancement of biodiversity and green infrastructure in the wider area.**
- 3. For all major developments, surface water flows must be reduced back to equivalent greenfield rates. If greenfield runoff rates are not considered to be feasible for viability or other reasons, then the developer must submit evidence demonstrating what the constraints to achieving this are and how their development will accommodate runoff rates that are as close as reasonably possible to greenfield rates.**
- 4. Under no circumstances will post-development runoff rates that are greater than pre-development runoff rates be permitted.**
- 5. Surface water drainage strategies are required for all major developments, regardless of their size and the flood zone and catchment they are in to meet the requirements of the Lead Local Flood Authority(s). These should take into account all sources of flooding to ensure that future development is resilient to flood risk**

**and does not increase flood risk elsewhere and should look to provide wider betterment.**

- 6. A hydrogeological risk assessment is required where infiltration SuDS are proposed for anything other than clean roof drainage in a Source Protection Zone 1.**

### **Renewable and Low Carbon Energy and BREEAM Standards**

12.50. It is essential for the successful delivery of the DLP that a high standard of sustainable design is secured on all new developments over the Plan period. This will reduce carbon emissions from new development, improve design quality and create a high-quality environment which will maximise economic competitiveness and housing choice.

12.51. The Planning and Compulsory Purchase Act of 2004 requires local plans to include policies designed to secure the contribution of development towards the mitigation of, and adaptation to, climate change.

12.52. In 2022, changes to Part L of the Building Regulations came into effect, which significantly improved energy efficiency standards for new homes and further improvements under the “Future Homes Standard” are due in 2025 and will apply to planning applications in 2024. However, given the urgency of the climate change crisis and the amount of development planned in the whole Plan period, it is vital that use of energy from non-renewable sources by new homes, and other types of development, is minimised as far as possible and as early as possible, until overtaken by any further changes to Building Regulations.

12.53. Although there is currently limited renewable energy generation in the borough, evidence shows that there is considerable untapped capacity to produce and export renewable energy at a local level. Therefore, it is important that all new developments should make the maximum contribution towards renewable and low carbon energy generation, where this is financially viable and feasible to implement.

## **Policy DLP47 Renewable and Low Carbon Energy and BREEAM Standards**

### **Renewable and Low Carbon Energy**

- 1. Proposals involving the development of renewable or low carbon energy sources will be permitted where the proposal accords with local and national guidance, protects the significance of heritage assets including their setting and would not significantly harm the natural, historic or built environment or have a significant adverse effect on the amenity of those living or working nearby, in terms of visual (including glare), noise, odour, air pollution or other effects. The potential for inland waterways to promote low carbon technologies is recognised and supported.**
- 2. Small developments creating between one and nine homes or non-residential floorspace of less than 1,000 sqm gross (whether new build or conversion) must incorporate the generation of energy from renewable or low carbon sources sufficient to off-set at least 10% of the estimated residual energy demand<sup>27</sup> of the development on completion.**
- 3. Major developments creating ten or more homes or non-residential floorspace of 1,000 sqm gross or more (whether new build or conversion) must incorporate the generation of energy from renewable or low carbon sources sufficient to off-set at least 20% of the estimated residual energy demand of the development on completion.**
- 4. A variety of renewable and low-carbon energy sources and generation methods should be assessed and costed, including on-site and off-site sources where appropriate, and the use of district heat and / or decentralised energy networks. An energy assessment must be submitted with the planning application to demonstrate that these requirements have been met.**

**Policy DLP47 Renewable and Low Carbon Energy and BREEAM Standards**

5. The relevant renewable energy target (as set out in points 2 and 3) will only be reduced if it can be demonstrated that achievement of the target would:
- a. make the proposal unviable through submission of an independently assessed financial viability appraisal; or
  - b. would not be feasible due to practical constraints.

**BREEAM Standards**

6. All new build non-residential developments, student housing and care homes of 1,000 sqm gross or more should achieve the following standards of BREEAM New Construction certification, including full credits for category Wat 01 (water efficiency) in line with Policy DLP39:

Size	Standard	Year
1,000-5,000 sqm gross:	BREEAM Very Good	up to 2029*
	BREEAM Excellent	2029-2039*
>5,000 sqm gross:	BREEAM Excellent	

\* Year refers to date planning permission is granted

7. BREEAM requirements may be varied if it can be demonstrated that achievement of the standard would make the proposal unviable, through submission of an independently assessed financial viability appraisal.

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### Justification

- 12.54. Assuming energy use under current Building Regulations, it is generally not practical to provide more than 20% renewable energy generation within a site. In particular, solar power is the most suitable technology on most sites, and solar energy generation is limited by the orientation and extent of roofs within a development, such that on average 50% of roof space in a housing development can practically support solar panels. This typically limits renewable energy generation to 20% of average residual energy demand. The Dudley Viability and Delivery Study (2023) has demonstrated that this level of requirement will not prejudice the delivery of most major developments in Dudley.
- 12.55. To limit the financial burden on smaller developers, a lower requirement of 10% has been set for small developments. Where a number of smaller developments are taking place in close proximity and it is considered that these form phases of a major development, the 20% requirement will be sought. Residual energy demand means that the estimated energy demand for the operational development should be calculated after allowance has been made for the full range of energy efficiency measures required under Building Regulations at the time of construction. The Council and Housing Associations will lead by example by seeking to maximise energy efficiency and incorporation of renewable and low carbon energy generation through the refurbishment and redevelopment of land and buildings in their ownership.
- 12.56. Many types of renewable and low carbon energy generation can be developed in Dudley, including solar photovoltaics, solar thermal, air, water and ground source heat pumps and other technologies (see DLP42). The Black Country Utilities Infrastructure Capacity Study concluded that there are no parts of the area that would be suitable for large-scale wind turbine development. However, there is no evidence to suggest that any other type of renewable or low carbon energy technology would not be appropriate in any part of Dudley. Therefore, any renewable or low carbon energy proposal will be treated on its merits in accordance with Policies DLP47 and national guidance, and any relevant Plan policies.

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12.57. The DLP includes a range of policy aspirations for high quality design and climate change mitigation and adaptation, particularly those set out in Policies DLP41, 42, 43 and DLP39. As set out in national guidance, an effective way of ensuring these aspirations are delivered in a consistent manner is through the use of tools for assessing and improving design quality. The Building Research Establishment (BRE) administers a range of robust, national standards which can support this approach. BREEAM standards are well established and certify quality and sustainability in the built environment, including running costs, health and wellbeing and environmental impact. Minimum standards are first applied – these will include the national water efficiency and space standards for housing set out in Policy DLP39 developers are then able to choose from a menu of other measures to reach the total credits necessary to achieve certification to the required level.

12.58. Application of the BREEAM New Construction standards set out in Policy DLP47 will ensure that all major developments in Dudley meet a minimum level of quality and sustainability that is independently certified throughout the planning and construction process and, in most cases, following completion. In order to allow for an improvement in standards over time, the level of certification required for medium-sized developments of 1,000-5,000 sqm gross will be increased after 2028 in line with larger developments. The use of other standards, such as Passivhaus and the BRE Home Quality Mark, which use third party assessment and certification to robustly verify that the quality of approved development is not materially diminished between permission and completion, will also be supported.

### **Evidence**

- Black Country Utilities Infrastructure Capacity Study (2019)
- Black Country Viability and Delivery Study (2021)
- Historic England Energy Efficiency and Historic Buildings guidance

### **Delivery**

- Development management process
- BREEAM certification process



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### Water Quality

12.59. New developments should not adversely impact water quality. The Water Framework Directive ensures that developments do not cause a deterioration in the status of inland waterways.

#### **Policy DLP48 Water Quality and Groundwater Source Protection Zones**

- 1. Development should follow the hierarchy (order of preference for foul drainage connection), as set out in the National Planning Practice Guidance. The Council requires non mains drainage proposals to assess the potential impacts upon water quality to ensure no detrimental impact on the water environment.**
- 2. Proposals that would result in an unacceptable risk to the quality and / or quantity of a water body or water bodies will not be permitted. Strategies to help mitigate the impact of development on water quality will be required at planning application stage.**
- 3. No development will be permitted within a groundwater Source Protection Zone that would physically disturb an aquifer, and no permission will be granted without a risk assessment demonstrating there would be no adverse effect on water resources.**

### Justification

12.60. The protection of groundwater is an important consideration in dealing with development sites, with a particular regard to sites that are contaminated. The Local Authority have a duty to maintain and protect the quality and quantity of groundwater resources for current and future abstraction, for dependent ecosystems and indirect uses. The Environment Agency may object (through planning or their permitted controls) to development activities, where groundwater is affected.

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**Monitoring**

Policy	Indicator	Target
DLP42	Proportion of qualifying development proposals that incorporate decentralised energy provision.	100%
DLP46	Proportion of new housing and other development built including SuDs	100%
DLP47	Proportion of qualifying developments meeting the renewable and low carbon energy and BREEAM New Construction standards set out in Policy DLP47.	100%

### 13. The Borough’s Green Infrastructure

#### Green Belt

13.1. This section sets out the policy for the strategic approach to the Green Belt within the borough and the approach to considering future development proposals within it.

<b>Policy DLP49 Green Belt</b>
<ol style="list-style-type: none"><li><b>1. In support of the Development Strategy (Policy DLP1) for the borough, a strong Green Belt will be maintained to promote redevelopment and regeneration within the urban area and provide easy access to the countryside where the landscape, visual amenity, nature conservation and outdoor sport and recreation value of the land will be protected and enhanced (where possible, and where in accordance with national and local planning policy).</b></li><li><b>2. The boundaries and extent of the Green Belt in Dudley Borough are shown on the Policies Map. Proposals for development within the Green Belt will be considered in accordance with national planning policy and guidance on this matter, and Policy DLP50. In accordance with national planning policy, there shall be a presumption against inappropriate development in the Green Belt, which should not be approved except in very special circumstances. Proposals will be expected to provide sufficient supporting information to enable an assessment against the national planning policy provisions for development within the Green Belt.</b></li></ol>

#### Justification

13.2. The main purpose of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (as per the NPPF).

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- 13.3. The Plan is not proposing to review any of the borough's Green Belt boundaries or allocate any development sites or proposals within the Green Belt in accordance with the preferred spatial strategy.
- 13.4. The NPPF (and supporting national guidance) sets out the approach to considering individual development proposals within the Green Belt, including what is considered appropriate and inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with the NPPF, substantial weight will be given to any harm to the Green Belt. ‘*Very special circumstances*’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 13.5. Applications should be supported by sufficient information to enable an assessment against national planning policy, taking into account the most up to date national guidance on matters such as the impact upon openness.
- 13.6. Where mitigation measures are required to address the harm to the Green Belt, the Council will ensure these are secured via planning condition and/or planning obligations (as appropriate) as part of any approved development (e.g., landscaping and maintenance conditions).

**Agricultural and Rural workers dwellings**

- 13.7. This policy provides specific criteria for the consideration of Agricultural and Rural Workers dwellings in the Green Belt.

<p><b>Policy DLP50 Agricultural and Rural Workers dwellings in the Green Belt</b></p>
<p><b>1. If a new dwelling is proposed as essential to support a farming activity or other rural enterprise, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by temporary accommodation.</b></p>

**Policy DLP50 Agricultural and Rural Workers dwellings in the Green Belt**

- 2. Any new permanent agricultural, forestry, horticulture or other essential rural workers dwellings will only be allowed if the following circumstances can be demonstrated;**
  - a. there is a clearly established existing functional need**
  - b. the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement**
  - c. the residential unit and the agricultural activity concerned have been established for at least 3 years, and can be clearly demonstrated to be an economically viable use**
  - d. the functional need could not be fulfilled by another existing dwelling at the planning unit, or any other existing accommodation in the local area which is suitable and available for occupation by the worker(s) concerned**
  - e. a dwelling which has served the holding has not recently been severed off or sold off from the holding**
  - f. the proposed dwelling is of a size and type commensurate with its established functional requirement.**
- 3. Where temporary or permanent planning permission is granted, the Council will impose an Agricultural Occupancy Condition to ensure that the dwelling is used only for purpose of housing essential workers in accordance with this policy.**

**Justification**

10.1. In assessing proposals for new agricultural, forestry, horticulture or countryside workers' dwellings in the Green Belt, national Green Belt policy will apply. DLP50 policy reflects this and provides further local clarification on the information

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requirements to support such proposals. Such proposals will be required to establish a functional need for any such dwelling e.g., to establish whether it is essential for one or more workers to be available at site at most times for the proper functioning of the agricultural enterprise.

### Monitoring

Policy		Indicator	Target
DLP49 & DLP50		Number of proposals for inappropriate development granted planning permission within the Green Belt	0

### The Borough's Green Infrastructure Network

13.8. Dudley Borough has an extensive network of formal and informal greenspaces including areas of Green Belt, Green wedges, designated nature conservation areas (including the Fens Pool and Special Area of Conservation (SAC), Sites of Importance for Nature Conservation (SINCs) and Sites of Local Importance for Nature Conservation (SLINCs).

#### Policy DLP51 Dudley Borough's Green Infrastructure Network

1. **The Green Network constitutes Dudley Borough's strategic Green Infrastructure, and comprises the following designations shown on the Policies Map:**
  - a. **Green Belt/Green Wedges**
  - b. **Special Areas of Conservation (SAC)**
  - c. **Linear Open Space areas**
  - d. **areas of designated nature conservation and geological value including Sites of Special Scientific Interest (SSSI), Local and**

## **Policy DLP51 Dudley Borough's Green Infrastructure Network**

**National Nature Reserves (LNR/NNR), Sites of Importance for Nature Conservation (SINC) and Sites of Local Importance for Nature Conservation (SLINC)**

- e. Accessible Natural Greenspace**
  - f. other formal and informal open space areas**
  - g. Wildlife Corridors**
  - h. Existing or proposed linking areas of townscape or landscape**
  - i. Canals and watercourses particularly the River Stour and its tributaries**
  - j. Railway corridors**
- 2. While certain sections of the Green Network will, depending on their inherent value or potential, have a focus on a particular open space/nature conservation aspect, overall, the network has a multi-functional role as:**
- a. a wildlife corridor, to provide coherent ecological networks.**
  - b. accommodating pedestrian and cycle paths, particularly in linking the urban area with the Green Belt and open countryside as well as linking towns and places of employment with residential communities.**
  - c. providing opportunities for informal recreation.**
  - d. helping to form a break between locally distinct areas and centres.**
  - e. grazing land for horses and other livestock.**
  - f. a means of maintaining the integrity of water courses across the borough as well as enhancing the natural value and restoration of water courses including de-culverting where opportunities arise.**

## Policy DLP51 Dudley Borough's Green Infrastructure Network

- 3. All development proposals except householder applications, falling within or adjoining, the Green Network need to demonstrate how the proposal:**

  - a. complies with the aims and role of the Green Network.**
  - b. enhances or adds value to the Green Network, particularly in providing green infrastructure which would strengthen the network or greening sections of the network where such infrastructure is absent.**
  - c. shall have a design and layout which would complement and enhance the intended functions of the network. This includes strengthening and supporting existing wildlife corridors through habitat creation and restoration and providing opportunities for outdoor recreation, such as walking and cycling to promote healthy lifestyles and provide an alternative to help reduce congestion and improve air quality throughout the borough.**
- 4. The Green Network shall have a minimum width of 15 metres unless it is satisfactorily demonstrated to be unachievable. Any proposed development which has the effect of narrowing the corridor below this threshold will not normally be supported.**
- 5. Wherever possible, all sections of the Green Network shall seek to accommodate a footpath and cycleway which, when combined, shall be no less than 3.3 metres in width. The layout and route of such paths will be influenced by the nature of the network particularly to avoid any undesirable impact on habitats however the requirement will be to achieve a coherent, linked network of paths and cycleways.**
- 6. Where existing townscape forms part of the Green Network and it is satisfactorily demonstrated that there are limited opportunities to provide a linking area of open space, Dudley Council will seek**



**Policy DLP51 Dudley Borough's Green Infrastructure Network**

**alternative means of providing continuous green linkages within developments, for example, through the provision of green roofs and green walls, street trees and boulevards. Any provision should not prejudice the character and distinctiveness of the local environment.**

**Justification**

- 13.9. Green Infrastructure performs a variety of functions including the conservation and enhancement of biodiversity as well as providing space for informal and formal recreation. Green infrastructure can include parks and gardens, natural and semi-natural urban green spaces, green corridors, outdoor sports facilities, allotments, cemeteries and churchyards, rivers and canal corridors.
- 13.10. Due to the importance of Dudley's Green Network it is required that all developments falling within it or adjacent to it, provide a Green Network Impact Statement as part of a Design and Access Statement, which would, in particular, provide proposals as to how the integrity and connectivity of the affected area of the Green Network would not be prejudiced, and how the proposal would respond to, and, in particular, strengthen the relevant section of the Green Network.
- 13.11. To emphasise the importance of Dudley's Green Network and ensure its delivery, by specifying a minimum width of the corridor (15 Metres), recognised as being the minimum to sustain a meaningful and effective wildlife corridor, which development proposals should maintain.
- 13.12. There is a need to provide connectivity within the Green Network, including where there is severance, particularly through the layout of proposed development, and that, in some instances, where the designated Green Network runs through the existing built environment, alternative means of ensuring connectivity by the implementation of, for example, Green Roof, Green Walls, Street Trees and the creation of boulevards.

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13.13. As the Green Network brings together a number of planning designations under a single “umbrella” (for example Green Belt and sites of acknowledged nature conservation value), it is important to recognise that this does not exempt development from addressing and responding to those other designations: the need for development to respond to its inclusion in, or adjacency to, the Green Network being an additional requirement.

### **Policy DLP52 The Borough’s Geology**

- 1. The Council will seek to safeguard and maximise the benefits of the borough’s unique and internationally recognised geology by requiring development to prescribe to and apply the relevant guidelines contained within the Council’s latest Nature Conservation Supplementary Planning Document with the priority on preventing harm to sites of recognised (or anticipated and subsequently demonstrated) geological importance or mitigating with appropriate remedial actions where agree.**
- 2. Sites and connectivity particularly referred to by this policy includes:**
  - a. National and Local Nature reserves with unique/ nationally important geological heritage (NNRs LNRs)**
  - b. Sites of Special Scientific Importance (SSSIs)**
  - c. Sites of Importance for Nature Conservation identified with regionally important geological heritage (SINCs)**
  - d. Other important geological sites within the context of the Black Country UNESCO Global Geopark (See Policy DLP35) including Sites of Local Importance for Nature conservation (SLINCs) etc.**
  - e. Geological Consideration Zones (GCZ) – see appendix 3**
- 3. Where consequential harm to geodiversity occurs as a result of a development, the level of improvement works needed to balance and or mitigate this will be assessed on a site-by-site basis.**

## **Policy DLP52 The Borough's Geology**

- 4. Maintaining and enhancing the Borough's geology will be ensured by;**
  - a. Ensuring compliance with any existing site/feature management plans and ongoing processes.**
  - b. Encouraging the acquisition of new data via such things as permitting access for and encouraging on-site geological recording particularly where development creates new geological exposures (whether as temporary excavations or permanent landscape adjustments).**
  - c. The provision of new facilities and features associated with the management, display and interpretation of the geological resource including those which would contribute positively to Dudley Borough, or collectively along with the other Black Country Authorities, as part of the UNESCO Global Geopark delivery.**

### **Justification**

13.14. Geology affects where and how we build, as well as how we deliver, and design associated infrastructure and services. The Geology of Dudley is rich in industrial minerals and has played a significant role in shaping the areas heritage.

13.15. New developments should have regard to the conservation of geological features and should take opportunities to achieved gains for conservation through the form and design of development.

13.16. Where development is proposed that would affect an identified geological site the approach should be to void adverse impact to the existing geological interest. If this is not possible, the design should seek to retain as much as possible of the geological interest and enhance this where achievable, for example by incorporating permanent sections with the design, or creating new interest of at least equivalent value by improving access to the interest.

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13.17. Negative impacts of development should be minimised, and any residual impacts mitigated.

13.18. In 2020 the Black Country UNESCO Global Geopark was declared due to it internationally important geology and cultural heritage. Developments affecting UNESCO Global Geopark sites should also met the requirements of DLP35.

**Parks**

13.19. Parks play an important role in providing areas of open space and recreation for residents offering many social and health benefits. They are multi-functional spaces that offer a range of actives for visitors and provide benefits such as improving air quality and places for wildlife.

<p><b>Policy DLP53 Parks</b></p> <p><b>1. The Council will protect parks from inappropriate development that would jeopardise their existing and future role, function, and setting and is committed, in consultation with the local community, to maintain and, where possible, improve and upgrade them to a standard appropriate to their identified function.</b></p> <p><b><u>The Leasowes - Historic Park:</u></b></p> <p><b>2. The Leasowes will continue to be restored and maintained as far as possible to the original design and setting taking into account the needs for nature conservation. It is designated as Grade I on English Heritage’s Register of Parks and Gardens of Special Historic Interest in England which signifies that it is “of exceptional interest” (only 9% of 1600 Parks and Gardens on the Register are Grade I).</b></p> <p><b><u>Community Parks</u></b></p> <p><b>3. Community Parks (identified below) will be protected and appropriate works to improve their standard and amenity would be supported including their links to cycling and walking networks.</b></p>
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## Policy DLP53 Parks

**4. Community Parks for Dudley Borough are therefore listed below:**

- **Priory Park, Dudley - also recognised by English Heritage as a Grade II Registered Park and Garden**
- **Grange Park, Dudley**
- **Netherton Park**
- **Quarry Bank Park (Steven's Park)**
- **Sedgley Hall Farm Park**
- **Silver Jubilee Park, Coseley**
- **King George V Park, Wordsley**
- **King George VI Park, Kingswinford**
- **Marsh Park and Lawyers Field Brierley Hill**
- **Mary Steven's Park, Stourbridge**
- **Steven's Park, Wollescote**
- **Green Park, Kates Hill**
- **Buffery Park, Dudley**
- **Woodside Park, Dudley**
- **Dudley Wood Recreation Ground**
- **Milking Bank, Open Space**
- **Clayton Park, Coseley**
- **Vale Street Recreation Ground, Gornal**
- **Abbey Street Recreation Ground, Gornal**
- **The Straits Open Space, Sedgley**
- **Wall Heath and Enville Road, Wall Heath**
- **The Dell Recreation Ground, Brierley Hill**
- **Wollaston Recreation Ground**
- **Amblecote Recreation Ground**
- **Huntingtree Park, Halesowen**
- **Hurst Green Park, Halesowen**
- **Highfield Park, Halesowen**

<b>Policy DLP53 Parks</b>
<ul style="list-style-type: none"><li>• <b>Homer Hill Park, Cradley</b></li></ul>

**Justification**

13.20. Within Dudley there is one Historic Park and twenty-eight Community Parks which are located strategically across the borough. This ensures that every resident of the borough has equal access to this type of facility.

13.21. Access to parks is an important part of high quality and healthy places and therefore developments which would have a detrimental impact on the function and use of the community parks will not be supported.

**River Stour**

13.22. The River Stour rises in the Clent Hills of Northern Worcestershire, before flowing in a northerly direction down into Halesowen and then due west through Cradley and Lye to Stourbridge and beyond into South Staffordshire where it joins the Smestow Brook before flowing South and on into Worcestershire once more where it joins the River Severn. The Stour once helped to power the industrial revolution, and the countless mills and forges which were found all along the rivers course, particularly in the upper reaches within the borough.

<b>Policy DLP54 River Stour and its Tributaries</b>
<ol style="list-style-type: none"><li>1. <b>The Council will require all development proposals and other enhancement proposals, alongside or in close proximity to the River Stour and its tributaries to accord with the provisions of Policy DLP45 and through cross-boundary partnership working with neighbouring authorities, the Environment Agency and the Canals and Rivers Trust as appropriate.</b></li><li>2. <b>The Council will also require works which;</b></li></ol>

### **Policy DLP54 River Stour and its Tributaries**

- a. enable the restoration of the natural riverbank habitat and, as appropriate, create new habitats, and remove invasive plant species from the riverside environment**
- b. enable the restoration of the in-channel habitat structure including the removal of culverts and improving the water quality of discharges into the watercourse**
- c. seek to retain, or create, an area of Green Infrastructure either side of the River Stour channel and its tributaries, of at least 10 metres in width from each riverbank top, unless this can be satisfactorily demonstrated to be unfeasible or unviable or it is in conflict with other Local Plan policies.**
- d. create a footway and cycleway of a combined width of 3.3 metres (minimum) within a landscaped setting along at least one side of the watercourse to link in with the wider network of paths and cycleways. Where these links are broken, new links shall be formed where possible, and the river bridges which support this network made structurally sound and legible as river crossings to enable connectivity within this network. In some instances, the Council will seek to require the provision of new river bridges.**

#### **Justification**

13.23. Over time developments that have occurred alongside and over the river have been accompanied by culverts and other man-made features to control or redirect the flow of the river. This has had a detrimental effect on the natural environment as well as leading to a decrease in natural drainage and run-off which has increased the possibilities of flood risk in certain locations. Where possible, future development alongside and close to the river must take steps to reverse or improve this situation. The Stour Valley is recognised as an important wildlife corridor running East to West in the Southern Black Country linking Western Birmingham to the border of South Staffordshire, and when all

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the tributaries are included, it makes up a large network of interconnected corridors where wildlife can move through a densely populated urban area.



### 14. Historic Environment

#### Introduction

- 14.1. The character and quality of Dudley's historic environment is one of the borough's greatest assets. To ensure that this is exploited to its best advantage and recognised by the community at large, it is necessary to have planning policies in place to protect the Borough's distinctive townscape, landscape, individual buildings and archaeology. The overarching aim of these Historic Environment policies is, therefore, to assist in maintaining the individual identity and character of the borough as a whole rather than focusing solely on locally or nationally designated assets. This directly reflects the guidance in the National Planning Policy Framework (NPPF).
- 14.2. In order to underpin the historic environment policies, the Council has in-place a Historic Environment SPD and Historic Landscape Characterisation (HLC) for the Glass Quarter, and for the four principal town centres, Brierley Hill, Dudley, Halesowen and Stourbridge. Furthermore, a Borough-wide Historic Landscape Characterisation Study (HLCS) has been produced which sets out where physical evidence of local historic character persists to enable developers to properly assess the impact of new development upon any affected Heritage Assets and their setting in order to avoid any harm to their significance. These various studies including the Black Country Historic Landscape Characterisation (2009/2010) and Black Country Historic Landscape Characterisation Study (2019) provide a key evidence base for this plan to inform an understanding of the historic character of the borough and its neighbouring areas. This evidence should be used by strategic planners, urban designers, intending developers and others in considering how new development proposals and the enhancement of existing townscapes and landscape should respect the local character and distinctiveness of Dudley.
- 14.3. In combination they will assist in positive place making, the promotion of a sense of place and help to foster responsive design of buildings and surrounding spaces, helping to protect those buildings and areas which make a positive contribution to the character and distinctiveness of the borough. In this way, as is required by Government Guidance, the content of Design and Access

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Statements and Heritage Statements submitted in support of planning applications can be properly informed.

- 14.4. Recognising this, the overarching aim of these policies is to conserve the locally distinctive character of the Borough's historic environment as a whole, rather than focusing solely upon particularly special individual components of it. Within the wider context there are nevertheless buildings and features which make important individual contributions to local character and there are nationally significant buildings and areas of special architectural or historic importance which are highly valuable in their own right. Policies accordingly take full account of the need to conserve and enhance the Borough's locally and statutorily Listed Buildings and Conservation Areas.
- 14.5. An additional dimension is offered by archaeological remains, with structures, earthworks and buried deposits all potentially possessing further evidence that will help better reveal the understanding and significance of the Borough's past and how it has evolved to the present. Dudley's archaeological heritage constitutes a fundamental component of the historic environment and comprises many hundreds of buildings, sites, structures and monuments dating from the Palaeolithic to the Industrial Revolution and beyond. Together these constitute a fragile and irreplaceable resource and plan policies take full account the need for the preservation, better understanding and appropriate enhancement of the Borough's archaeological remains.
- 14.6. Heritage Assets of the borough are recorded in detail within the Historic Environment Record (HER) held by the Council. Developers should always consult the Dudley HER at the earliest possible planning stage and before giving detailed consideration to any proposals for development which could adversely affect heritage assets of archaeological or historic significance.

### **Historic Character and Local Distinctiveness of Dudley**

- 14.7. Environmental enhancement and promoting sustainable development are two of the underpinning themes of the DLP, which in turn requires a co-ordinated approach to the conservation and enhancement of the built and natural environment. The protection and promotion of the historic character and local

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distinctiveness of the borough’s buildings, settlements and landscapes are key elements of sustainability and transformation and in particular help to protect, sustain and enhance the quality of the built and historic environment, whilst ensuring the delivery of distinctive and attractive places.

14.8. Local distinctiveness arises from the cumulative contribution made by many and varied features and factors, both special and commonplace. It is the ordinary and commonplace features of the borough that, in fact, give it its distinctiveness and help to create a unique sense of place. This is beneficial for community identity and wellbeing as well as making places attractive to investment.

14.9. Policy DLP55 aims to ensure that where physical evidence of local character persists, it should be conserved. Where development is proposed, every effort should be made to ensure that the Dudley’s historic environment is fully appreciated and enhanced in terms of its townscape, landscape and individual heritage assets, and that new development makes a positive contribution to the local character and distinctiveness of the borough.

**Policy DLP55 Historic Character and Local Distinctiveness of Dudley**

- 1. All development proposals within Dudley should sustain and enhance the locally distinctive character of the area in which they are to be sited, including its historic character, whether formally recognised as a designated heritage asset or as a non-designated heritage asset. They should respect and respond to its positive attributes in order to help maintain Dudley’s cultural identity and strong sense of place.**
- 2. Development proposals will be required to protect and enhance local character and those aspects of the historic environment - together with their settings - that are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.**

## **Policy DLP55 Historic Character and Local Distinctiveness of Dudley**

- 3. Physical assets, whether man-made or natural that contribute positively to the local character and distinctiveness of Dudley's landscape and townscape should be retained and, wherever possible, enhanced and their settings respected.**
- 4. The specific pattern of settlements (urban grain), local vernacular and other precedents that contribute to local character and distinctiveness should be used to inform the form, scale, appearance, details, and materials of new development.**
- 5. New development in Dudley should be designed to make a positive contribution to local character and distinctiveness and demonstrate the steps that have been taken to achieve a locally responsive design. Proposals should therefore demonstrate that:**
  - a. all aspects of the historic character and distinctiveness of the locality, including any contribution made by their setting, and (where applicable) views into, from, or within them, have been fully assessed and used to inform proposals; and**
  - b. they have been prepared with full reference to the most up to date Historic Landscape Characterisation Studies, the Historic Environment Record (HER), and to other relevant historic landscape characterisation documents, supplementary planning documents (SPDs) and national and local design guides where applicable.**
- 6. All proposals should aim to sustain and reinforce special character and conserve the historic aspects of locally distinctive areas of the borough, for example:**

**Policy DLP55 Historic Character and Local Distinctiveness of Dudley**

- a. The network of now coalesced but nevertheless distinct small industrial settlements of the former South Staffordshire Coalfield, such as Netherton.
- b. The civic, religious, and commercial cores of the principal settlements of medieval origin such as Dudley and Halesowen;
- c. Surviving pre-industrial settlement centres of medieval origin such as Kingswinford.
- d. Rural landscapes and settlements including villages / hamlets of medieval origin, relic medieval and post-medieval landscape features (hedgerows, holloways, banks, ditches, field systems, ridge and furrow), post-medieval farmsteads and associated outbuildings, medieval and early post-medieval industry (mills etc.) and medieval and post-medieval woodland (see Policy DLP33). The undeveloped nature of these areas means there is also the potential for evidence of much earlier activity that has largely been lost in the urban areas.
- e. Areas of Victorian and Edwardian higher-density development, which survive with a high degree of integrity including terraced housing and its associated amenities.
- f. Areas of extensive lower density suburban development of the mid-20th century including public housing and private developments of semi-detached and detached housing;
- g. Public open spaces, including Victorian and Edwardian municipal parks, often created from earlier large rural estates or upon land retaining elements of relict industrial landscape features;
- h. The canal network and its associated infrastructure, surviving canal-side pre-1939 buildings and structures together with archaeological evidence of the development of canal-side industries and former canal routes (see Policy DLP36);

## **Policy DLP55 Historic Character and Local Distinctiveness of Dudley**

- i. Buildings, structures and archaeological remains of the traditional manufacturing and extractive industries of Dudley and the wider Black Country including glass making, metal trades, brick-making, coal mining and limestone quarrying;**
  - j. Geosites of geological, historic, cultural, and archaeological significance within the UNESCO Black Country Geopark (see Policy DLP35);**
  - k. The Beacons and other largely undeveloped high prominences lying along the Sedgley to Northfield Ridge (including Sedgley Beacon and Wrens Nest), Castle Hill and views to and from these locations.**
- 7. In addition to designated heritage assets <sup>41</sup>, attention should be paid to the following non-designated heritage assets <sup>42</sup> including the Historic Environment Area Designations (HEADS) described and mapped in the most up to date Historic Landscape Characterisation Studies published by Dudley Council (see evidence section for links):**
- a. Areas of High Historic Townscape Value (AHHTV) that exhibit a concentration of built heritage assets and other historic features that, in combination, make a particularly positive contribution to local character and distinctiveness.**
  - b. Areas of High Historic Landscape Value (AHHLV) that demonstrate concentrations of important wider landscape elements of the historic environment, such as areas of open space, woodland, watercourses,**

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<sup>41</sup> NPPF Annex 2 Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

<sup>42</sup> NPPF Annex 2 Heritage asset: A building monument, site, place, area, or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

## **Policy DLP55 Historic Character and Local Distinctiveness of Dudley**

hedgerows, and archaeological features, that contribute to local character and distinctiveness.

- c. Designed Landscapes of High Historic Value (DLHHV) that make an important contribution to local historic character but do not meet the criteria for inclusion on the national Register for Parks and Gardens.**
  - d. Archaeology Priority Areas (APA) that have a high potential for the survival of archaeological remains of regional or national importance that have not been considered for designation as scheduled monuments, or where there is insufficient data available about the state of preservation of any remains to justify a designation.**
  - e. Locally listed buildings / structures and archaeological sites.**
  - f. Non-designated heritage assets of archaeological interest.**
  - g. Any other buildings, monuments, sites, places, areas of landscapes identified as having a degree of significance<sup>43</sup>.**
- 8. Development proposals that would potentially have an impact on the significance of any of the above distinctive elements, including any contribution made by their setting, should be supported by evidence that the historic character and distinctiveness of the locality has been fully assessed and used to inform proposals. The level of detail should be proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance. Clear and convincing justification should be provided, either in Design and Access Statements, Statements of Heritage Significance, or other appropriate reports.**

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<sup>43</sup> NPPF Annex 2 Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic, or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

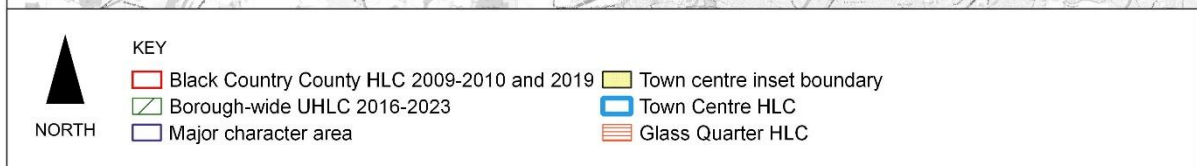
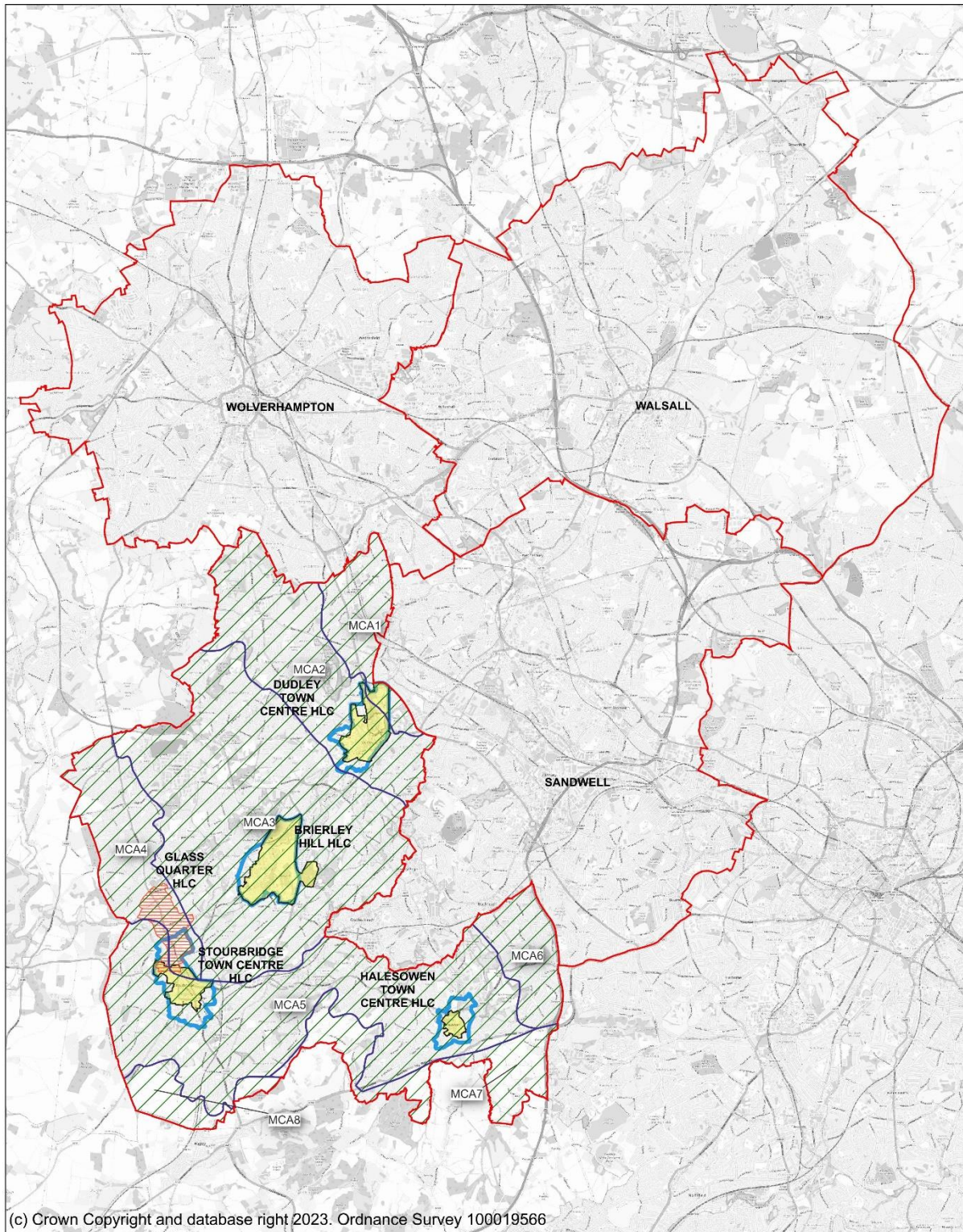
**Policy DLP55 Historic Character and Local Distinctiveness of Dudley**

- 9. In some instances, the local planning authority will require developers to provide in support of their application detailed Heritage Statements and / or Archaeological Desk-based Assessments that have been prepared by suitably qualified persons with the appropriate level of expertise.**
  
- 10. For sites with archaeological potential, local authorities may also require developers to undertake Field Evaluation to support proposals.**



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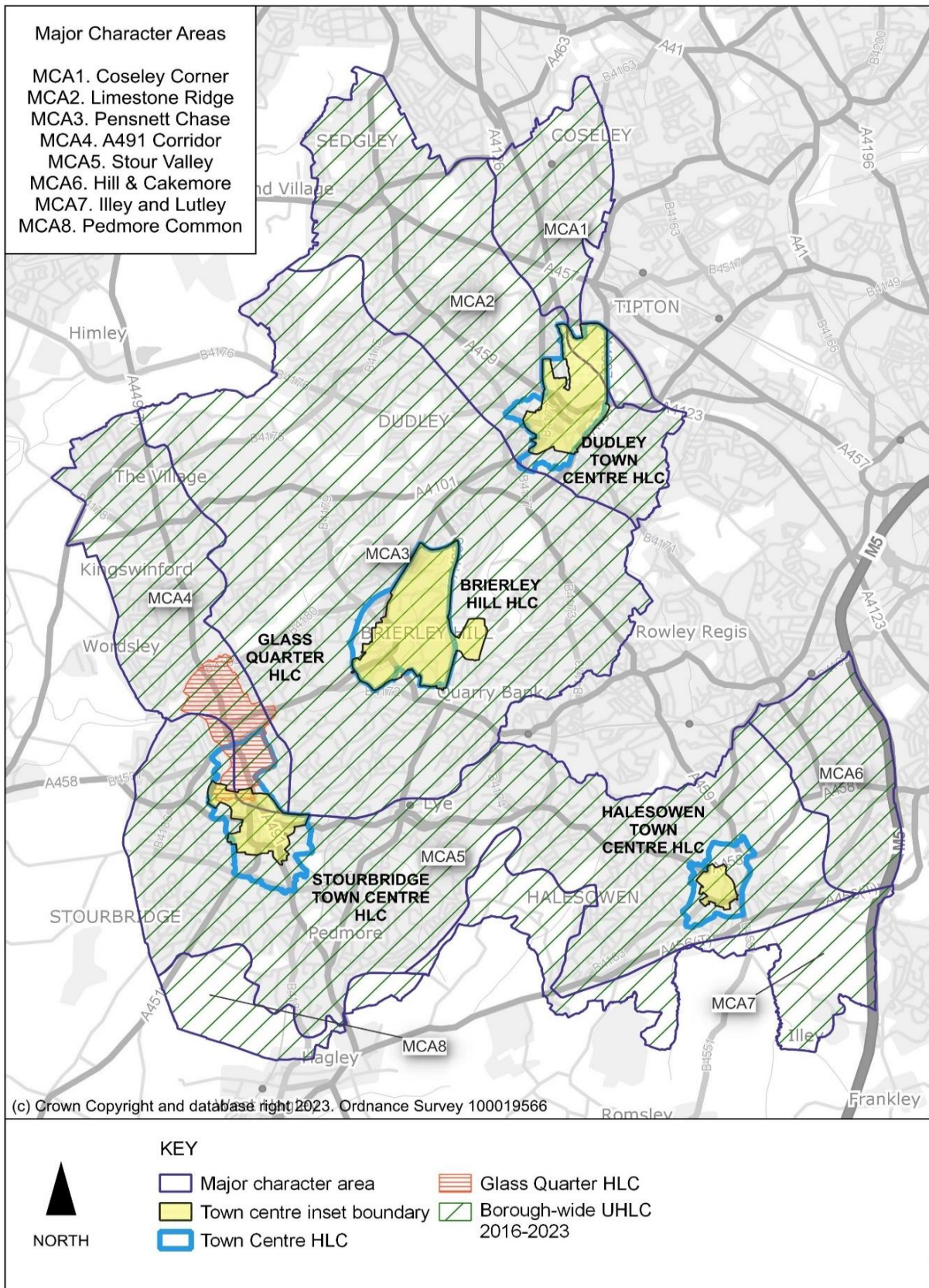
**Figure 14.1 Historic Landscape Characterisation studies in the context of the Black Country**





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Figure 14.2 Historic Landscape Characterisation studies within the Borough



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### Justification

- 14.10. Dudley has a rich and diverse historic environment, which is evident in the survival of individual heritage assets and in the local character and distinctiveness of the broader landscape. The geodiversity of the borough and the wider Black Country underpins much of the subsequent development of the area, the importance of which is acknowledged by the inclusion of the Black Country Geopark in the UNESCO Global Geopark Network. The exploitation of abundant natural mineral resources, particularly those of the South Staffordshire coalfield, together with the early development of the canal network, gave rise to rapid industrialisation and the distinctive settlement patterns that characterise the area.
- 14.11. Towns and villages with medieval origins survive throughout the area and remain distinct in character from the later 19th century industrial settlements, which typify the coalfield and gave rise to the description of the wider Black Country area as an “endless village” of communities, each boasting a particular manufacturing skill for which many were internationally renowned.
- 14.12. Beyond its industrial heartland, the character of the borough can be quite different and varied. The green borderland, most prominent in parts of the south of the borough, is a largely rural landscape containing fragile remnants of the ancient past. Undeveloped ridges of high ground punctuate the urban landscape providing important views and points of reference that define the character of the many communities. Other parts of the borough are characterised by attractive, tree lined suburbs with large houses in substantial gardens and extensive mid-20th century housing estates designed with modern principles.
- 14.13. This diverse character is under constant threat of erosion from modern development, some small scale and incremental and some large scale and fundamental. As a result, some of the distinctiveness of the more historic settlements has already been lost to development of a “homogenising” character. In many ways the borough is characterised by its ability to embrace change, but future changes will be greater and more intense than any sustained in the past. Whilst a legislative framework supported by national guidance exists to provide for the protection of statutorily designated heritage assets the key

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challenge for the future is to manage change in a way that realises the regeneration potential of the proud local heritage and distinctive character of the area.

- 14.14. To ensure that heritage assets make a positive contribution towards the wider economic, social and environmental regeneration of the borough, it is important that they are not considered in isolation but are conserved and enhanced within their wider context. A holistic approach to the built and natural environment maximises opportunities to improve the overall image and quality of life in Dudley by ensuring that historic context informs planning decisions and provides opportunities to link with other environmental infrastructure initiatives.
- 14.15. An analysis and understanding of the local character and distinctiveness of the area has been made using historic landscape characterization (HLC) principles. Locally distinctive areas of the borough have been defined and categorised as Areas of High Historic Townscape Value, Areas of High Historic Landscape Value, Designed Landscapes of High Historic Value, and Archaeology Priority Areas (BCHLCS, 2019). This builds on the work of the original Black Country Historic Landscape Characterisation (2009), other local HLC studies and plans, and the Historic Environment Record.
- 14.16. In order that the degree of impact of a development proposal can be fully assessed it is essential that the significance of heritage assets including their setting, is fully understood. A Heritage Assessment is therefore required for any development proposals which is likely to affect the significance of a heritage asset, including its setting. Where necessary, the Heritage Assessment should include a qualitative visual assessment to show how the proposal affects the heritage significance of its surroundings. Heritage Assessments will be needed for any proposals within or affecting; an AHHTV, AHHLV, DLHHV, APA; a Conservation Area; a Listed building; a Scheduled Monument; a Registered Park and Garden; and non-designated heritage assets such as Locally Listed buildings.

**Conservation Areas**

14.17. Conservation Areas are areas that have been designated because of having special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. There are currently 22 designated Conservation Areas within the borough, and their boundaries are to be found on the Proposals Map. In addition to the information provided in the Historic Environment SPD, the Borough wide Historic Landscape Characterisation Study and in the various HLC documents, information about the borough’s Conservation Areas can also be found in the relevant Conservation Area Appraisals.

<p><b>Policy DLP56 Conservation Areas</b></p>
<ol style="list-style-type: none"><li><p><b>1. The Council will seek to safeguard and enhance the Conservation Areas of the borough ensuring that proposals will better reveal their significance as designated heritage assets. Proposals for the inappropriate demolition or inappropriate alteration or extension of buildings in Conservation Areas; or proposals for works which would be detrimental to their character or setting; and proposals which could prejudice views into or out of Conservation Areas will be resisted.</b></p></li><li><p><b>2. The Council will require the use of building materials appropriate to the Conservation Area in all new development. Any new development or alterations should respect the historical or vernacular building character, proportion, massing and relationship between buildings and the spaces between them and with their setting.</b></p></li><li><p><b>3. Where planning permission is granted for the demolition of structures of historic interest in Conservation Areas, the Council will seek to ensure that provision is made for an appropriate level of archaeological buildings recording to take place prior to demolition.</b></p></li></ol>



### **Policy DLP56 Conservation Areas**

- 4. To prevent gap sites, consent for demolition will, where appropriate, be subject to a condition providing that demolition shall not take place until a contract for carrying out redevelopment works is in place and planning permission for those works has been granted in line with the requirements of legislation, the NPPF and the Dudley Local Plan.**
- 5. The Council will continue to undertake a review of Conservation Areas throughout the borough and where appropriate will amend or create new Conservation Areas where appropriate in accordance with guidance provided by Historic England.**

#### **Justification**

14.18. Policy DLP56 aims to ensure that special attention is paid to desirability of preserving or enhancing the character or appearance of the conservation areas of the borough.

#### **Listed Buildings**

14.19. Listed Buildings are those included in a statutory list compiled by the Secretary of State after having been recognised as being of particular special architectural or historic interest. There are approaching 300 such buildings in the borough. As well as being special in themselves, Listed Buildings often make a great contribution to the character of a wider locality. Their retention and sensitive conservation are accordingly key concerns.

14.20. Listed Building Consent must be obtained from the Council for demolition or any alteration, extension or change of use which would affect the character of a Listed Building. This requirement relates equally to internal and external alterations. Applicants for consent must be able to justify their proposals and will need to demonstrate why proposed works affecting the building's special interest are necessary.

14.21. Details of Listed Buildings within the borough can be found on the Council's website and on Heritage Gateway.

### **Policy DLP57 Listed Buildings**

- 1. The Council will protect, conserve and encourage the appropriate enhancement of buildings statutorily listed as being of historic or architectural value. Applicants proposing the alteration, extension or change of use of a statutorily Listed Building will be required to provide sufficient information to demonstrate how the proposals would contribute to the building's conservation, whilst preserving or enhancing its architectural or historic interest.**
- 2. Where such proposals would affect a listed structure which has a particularly complex building history and would involve a major impact on the historic plan form or significant loss of historic fabric, applicants may be required to commission a professional archaeological pre-determination assessment. This should include an appropriate level of archaeological buildings recording, an analysis sufficient to demonstrate the significance of the existing plan form and historic fabric to be affected, be to an agreed timescale and clarify the degree of impact which the proposals would have upon the building's historic character and appearance.**
- 3. Proposals for demolition, inappropriate alteration of or addition to statutorily Listed Buildings, or for development which would harm their significance or be detrimental to their setting, will be resisted. Where Listed Building Consent is granted for demolition or alteration resulting in the loss of historic fabric, the Council will ensure that provision is made for an appropriate level of archaeological buildings recording to take place prior to the commencement of the approved works.**

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**Justification**

14.22 Policy DLP57 aims to ensure that special regard is made to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which possesses.

**Buildings or Structures of Local Historic and/or Architectural Importance**

14.23 Many buildings and structures in the borough which do not currently meet national criteria for statutory listing are nevertheless of significant local historical importance and worthy of protection and conservation in their own right. The Council has adopted a Local List of such buildings, based on the contribution they make to the character and distinctiveness of the borough’s townscape and landscape.

**Policy DLP58 Buildings or Structures of Local Historic and/or Architectural Importance**

- 1. Development proposals which contain positive measures to conserve and enhance buildings on the Local List will be supported.**
  
- 2. The Council will resist development which will involve:**
  - a. inappropriate demolition or part demolition of buildings or structures on the Local List**
  
  - b. inappropriate alteration or extension to buildings or structures on the Local List and**
  
  - c. have a detrimental impact on the setting or context of buildings or structures on the Local List including development which conflicts with the intrinsic historic value of the building and its setting and the local character of the wider area. Proposals for the change of use of a building or structure on the Local List will be required to demonstrate how this would contribute to its conservation whilst**



**Policy DLP58 Buildings or Structures of Local Historic and/or Architectural Importance**

**preserving or enhancing its architectural or historic interest and conserving and enhancing its significance.**

- 3. Applications proposing demolition will be required to demonstrate that the viability of continued beneficial use restoration or conversion has been fully investigated and that there are no reasonable alternatives. In cases where demolition is unavoidable the Council will seek to ensure that provision is made for an appropriate level of archaeological buildings recording to take place prior to demolition.**

**Justification**

14.24 The majority of Dudley’s historic buildings and structures, including industrial archaeological remains, were built after 1840 and so will often not meet the national criteria necessary for inclusion on the statutory lists. This does not, however, diminish their importance in terms of the local historic character of the many different townships which make up Dudley Borough. The ‘Local List’ and Policy DLP58 aims to ensure there is a measure of protection for these locally significant buildings/structures.

**Areas of High Historic Townscape Value (AHHTV)**

14.25 The Council has identified and designated Areas of High Historic Townscape Value (AHHTV) in the Borough-wide HLCS 2016 and also in the HLC documents prepared for Brierley Hill, Dudley, Halesowen Stourbridge and the Glass Quarter and in the Black Country Historic Landscape Characterisation Study. AHHTV’s highlight the existence of certain areas of the borough that exhibit a concentration of heritage assets and other historic features that, in combination, make a particularly positive contribution to local character and distinctiveness. These areas are thereby considered to be “Areas of High Historic Townscape Value”.

### **Policy DLP59 Areas of High Historic Townscape Value (AHHTV)**

- 1. New development proposals within an AHHTV, as defined by Dudley's Historic Landscape Characterisation Survey (HLCS), must consolidate or enhance the existing positive characteristics of the locality, including the public realm, in order to create complementary good quality design. Views into, out of and within the AHHTV must be respected.**
- 2. Heritage Statements and Design and Access Statements accompanying planning applications in AHHTV's must be prepared with full reference to the Borough-wide Historic Landscape Characterisation Study (HLCS) in order to produce a locally responsive high-quality design that, wherever appropriate, conserves and enhances significant heritage assets together with their settings.**
- 3. Proposals will not be permitted if they fail to respond adequately to the character and context of an AHHTV or prejudice significant views into, out of or within an AHHTV as identified within the HCS.**

#### **Justification**

14.26 Areas of High Historic Townscape Value (AHHTV) are one of the Historic Environment Area Designations (HEADS) listed in Policy DLP55. They define areas of townscape of acknowledged importance and Policy DLP59 aims to ensure that where new development is proposed in an AHHTV, every effort must be made to ensure it consolidates or enhances its existing positive characteristics and that views into, out of and within the AHHTV are respected.

#### **Areas of High Historic Landscape Value (AHHLV)**

14.27 The Council has identified in the Borough-wide HLCS 2016 and also in the HLC documents prepared for Brierley Hill, Dudley, Halesowen Stourbridge and the Glass Quarter and in the Black Country Historic Landscape Characterisation Study

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14.28 AHHLV's recognise the importance of the wider landscape elements of the historic environment such as areas of open space, woodland, watercourses, hedgerows and archaeological features and their contribution to local character and distinctiveness as well as their historic, communal, ecological and aesthetic values.

### **Policy DLP60 Areas of High Historic Landscape Value (AHHLV)**

- 1. Within Areas of High Historic Landscape Value, the Council will resist any development or other works taking place which would be detrimental to the character, quality and historic integrity of the landscape.**
- 2. The Council will seek to protect and enhance views into, from or within Areas of High Historic Landscape Value. Approval will not be given where such views would be unduly interrupted or harmed, or where the opportunity to enhance such a view would be lost.**
- 3. Heritage Statements and Design and Access Statements accompanying planning applications in or adjacent to an AHHLV, must be prepared with full reference to the Borough-wide Historic Landscape Characterisation Study (HLCS). The Design and Access Statement must clearly evidence how the proposal has taken account of the HLCS in order to produce a locally responsive high-quality design that, wherever appropriate, conserves and enhances significant landscape heritage assets together with their settings.**
- 4. Proposals which fail to respond adequately to their historic landscape context or that would prejudice views into, out of or within an AHHLV will not be permitted.**

### **Justification**

14.29 Areas of High Historic Landscape Value (AHHLV) are one of the Historic Environment Area Designations (HEADS) listed in Policy DLP55. They define

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areas of landscape of acknowledged importance and Policy DLP60 aims to ensure that where new development is proposed in an AHHLV, every effort must be made to ensure it consolidates or enhances its existing positive characteristics and that views into, out of and within the AHHLV are respected.

### Registered Parks and Gardens (RPG's) and Designed Landscapes of High Historic Value (DLHHV)

14.30 Some areas of the borough retain landscape features that are the product of a formal design process with the intention of producing both a functional and aesthetically pleasing landscape. Such areas include Parks, gardens and cemeteries.

### Registered Parks and Gardens

14.31 Nationally a Register of Parks and Gardens of Special Historic Interest' is maintained by Historic England to recognise the contribution to national heritage of the finest designed landscapes. Within the borough, there are two Registered Parks and Gardens:

**The Leasowes:** Grade 1 Registered Park and Garden. A "fermeornee" landscape laid out in 1740s and 1750s by William Shenstone which was a potent influence on the style of landscape gardening then and in the later 18th Century.

**Priory Park:** Grade II Registered Park and Garden. An early 20th Century public park developed as part of a town planning scheme by Edward Prentice Mawson from an existing early and mid-19th Century villa garden on the site of a medieval priory.

14.32 However, the Borough-wide Historic Landscape Characterisation Survey (HLCS) and BCHLCS recognises that there are numerous other formally designed landscaped areas within Dudley Borough that make an important contribution to its character as a result of their design and historic associations which would not meet the criteria for inclusion on this national register. To ensure that the contribution of these areas to local character and distinctiveness is fully recognised in planning for the future of Dudley Borough, the most

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historically significant of these have been identified as Designed Landscapes of High Historic Value (DLHHV).

### **Policy DLP61 Registered Parks and Gardens and Designed Landscapes of High Historic Value (DLHHV)**

- 1. The Council will resist any development or other works taking place which would harm the significance or be detrimental to the setting, character, quality and historic integrity of Registered Parks and Gardens at Leasowes Park and Priory Park and Designed Landscapes of High Historic Value including detailed design features and individual historic components, whether man-made or natural.**
- 2. The Registered Parks and Gardens at the Leasowes and Priory Park will be preserved and enhanced wherever possible in order to enhance and maintain their unique features and their significance.**

#### **Justification**

14.33 Designed Landscapes of High Historic Value (DLHHV) are one of the Historic Environment Area Designations (HEADS) listed in Policy DLP55. They define areas of designed landscape of acknowledged importance and Policy DLP61 aims to ensure that where new development is proposed that its impact on the significance of the designed landscapes (whether designated or non-designated) have been fully considered.

#### **Heritage Assets of Archaeological Interest, Scheduled Monuments and Archaeological Priority Areas (APA's)**

14.44 Dudley's Historic Environment Record (HER) register's numerous Heritage Assets of archaeological interest (as defined by the NPPF Annex 2). In addition, there is also a much smaller number of Heritage Assets of archaeological interest that are already positively identified as important at the national level, and which have been formally designated as Scheduled Monuments (SMs) and

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these are subject to strict controls under national legislation. The NPPF advises that other currently non-designated assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should also be considered.

14.45 In this context there are sites and areas throughout Dudley Borough recorded in Dudley Council's HER that have not yet been formally designated as a Scheduled Monument but have been identified through the Borough-wide Historic Characterisation Survey, and also in the HLC documents prepared for Brierley Hill, Dudley, Halesowen Stourbridge and the Glass Quarter and in the Black Country Historic Landscape Characterisation Study (2019), as having a high potential for the survival of archaeological remains of regional or national importance. These are considered to be "Archaeological Priority Areas" (APA) and have been previously identified and designated by the Council.

14.46 The Council will need to consider the preservation of all Heritage Assets of archaeological interest when assessing applications for new development. However, where a development proposal affects a Scheduled Monument or an Archaeological Priority Area, developers can, at the outset, assume that there will be a requirement for a full physical evaluation following desktop archaeological appraisal.

14.47 The Council considers it reasonable that throughout the Borough, adequate information as to the nature, quality and conditions of archaeological remains affected by development proposals should be provided by the applicant in order that the local planning authority may assess the archaeological impact of the proposals and identify requirements for archaeological preservation.

### **Policy DLP62 Heritage Assets of archaeological interest, Scheduled Monuments and Archaeological Priority Areas (APA)**

- 1. For development proposals which:**
  - a. contain a Heritage Asset of archaeological interest**
  - b. are within an Archaeological Priority Area**

**Policy DLP62 Heritage Assets of archaeological interest,  
Scheduled Monuments and Archaeological Priority Areas (APA)**

- c. are in proximity to a Scheduled Monument
  - d. are within any other sites and areas of known or potential archaeological significance that may be identified and included in the Dudley Council Historic Environment Record (HER) through the life of the plan and or identified in the Historic Characterisation Survey (HCS)
2. The following will apply:
- a. a presumption against any development which would threaten the integrity or prejudice the setting of Scheduled Monuments and non-scheduled sites of national importance.
  - b. the Council will seek to ensure that archaeological remains of interest are preserved in situ and encourage landowners to enter into management agreements in this regard. Where this would be unreasonable, to ensure that provision is made for an appropriate level of archaeological investigation and recording of any buildings structure or buried deposit of interest prior to the commencement of development or, in some cases, prior to the determination of a planning application.
  - c. as part of any planning application, applicants are required to provide adequate information to allow the full and proper consideration of the impact of the proposed development on archaeological remains through desk top archaeological appraisal and, as Dudley Council deems appropriate, subsequent physical site evaluation and building recording.
  - d. any development proposal that is deemed to have a damaging impact upon significant archaeological remains, and where potentially negative impacts have been identified, is required to carry out an agreed schedule of suitable measures designed to mitigate such

### **Policy DLP62 Heritage Assets of archaeological interest, Scheduled Monuments and Archaeological Priority Areas (APA)**

**impact in order to preserve buildings, structures or buried deposits  
in situ.**

#### **Justification**

14.48 Archaeological Priority Areas (APA's) are one of the Historic Environment Area Designations (HEADS) listed in Policy DLP55. They define areas of the borough as having high potential for the survival of archaeological remains of regional or national importance. Policy DLP62 aims to ensure that where new development is proposed that heritage assets of archaeological interest (whether designated or non-designated) have been fully considered.

#### **Evidence**

- Black Country Historic Landscape Characterisation (2010)
- Black Country Historic Landscape Characterisation Study (2019)
- Borough-Wide Urban Historic Landscape Characterisation Study (2016/2023)
- Historic Environment Supplementary Planning Document (2017)
- Historic Landscape Characterisation for Brierley Hill, Dudley, Halesowen, Stourbridge and the Glass Quarter.
- Historic Environment Record (HER)
- National Design Guide
- Historic England Good Practice Advice Notes (GPAs) and Historic England Advice Notes (HEANs)

#### **Delivery**

- Historic Landscape Characterisation documents
- Adopted Conservation Area Character Appraisals
- Development Management process including Design and Access Statements and Statements of Heritage Significance
- Supplementary Planning Documents



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- A regularly updated and maintained Historic Environment Record (HER).

**Monitoring**

<b>Policy</b>	<b>Indicator</b>	<b>Target</b>
DLP55, 56, 57, 58, 59, 60, 61 and 62	Proportion of planning permissions granted contrary to the recommendations of the Local Planning Authority Historic Environment Advisor	0%

## 15 Recreation and Community Uses

### Introduction

- 15.1 Recreation and Community uses provide an important part of people's health and wellbeing, as well as improving their quality of life. They also help to build inclusive communities, promote healthy lifestyles and provide green spaces for reflection and relaxation. Community facilities play a significant role in developing the social wellbeing of individuals and communities by allowing activities and interests to grow outside of the home and the workplace. They also bring people together and help to establish new communities.

### **Policy DLP63 Public Open Space within New Large Housing Developments**

- 1. Development proposals of 80 residential dwellings or more will be required to provide new on-site recreational amenity green space if the site is isolated from and poorly served by existing nearby publicly accessible open space areas within a 1-kilometre straight line distance.**
- 2. Where new recreational green space provision is being provided on-site, developers will be expected to provide for its future maintenance and management when appropriate in accordance with standards set out in the Council's latest Planning Obligations SPD.**
- 3. If it can be demonstrated that it is not practical or viable to provide new on-site informal recreational green space, then a financial contribution will be required towards new or improving nearby off-site public open space areas or play equipment which are well linked by means of cycling and walking in accordance with standards set out in the Council's latest Planning Obligations SPD.**

- 4. New on-site recreational green space should be provided to the following quantity standard: At least 0.81 hectares of amenity green space per 1,000 population.**

### Justification

- 15.2 New large residential developments generate a requirement for outdoor playing space. This ranges from small areas of amenity green space that sometimes have seating and play equipment, through to larger areas of green space for informal recreation and outdoor sports space. Evidence from the Council's Dudley Open Space Review (2019) shows that coverage levels of publicly accessible green space vary across the borough with some areas being well-served and some areas having less provision.
- 15.3 Access to open space plays an essential role in providing a high-quality environment, as well as positively contributing to biodiversity and the character of the area. In addition, to help facilitate and promote healthy and active lifestyles, as well as sustainable development, it is important to ensure that there are good levels of access to recreation amenity green space close to existing and new residential communities.
- 15.4 Public open space as part of new developments should be well-designed and functional to meet the needs of the community and should not be left over land and space around a development. The function, location and design of any open space should be considered and included during the initial stages of an application to ensure a well-designed scheme, with useable public open space delivered.

## **Policy DLP64 Children's Play Areas**

- 1. Children's play areas will be retained and, where necessary, improved.**
- 2. Where a development proposal results in the loss of existing children's play space, or results in an increased deficiency in the availability of such play space, then planning permission will only be granted if a replacement facility of equivalent or better quantity and quality is provided. Such a replacement facility should be in an agreed suitable location well linked by means of cycling and walking and operational before the new development is occupied.**
- 3. In residential development proposals over the 80 units threshold, equipped children's play areas will be explored within the on-site recreational green space area in consultation with the Council to assess the type of play equipment needed to meet need. Guidance in the Council's latest Open Space, Sport and Recreation Provision SPD will be considered in the suitability and type of any new play area.**

### **Justification**

15.5 This policy seeks to maintain and, where possible, improve the quality and provision of children's play areas. The provision and accessibility of safe children's play areas is important to the positive contribution to social development and health and wellbeing of children and promoting a child friendly borough. Particularly in promoting activity in young children and the provision and accessibility of play areas helps to counter the increasing childhood obesity levels in the borough.

### **Allotments and Community Gardens**

15.6 There is high demand for allotments in the borough with greater numbers of people seeking space to grow their own food produce and an increase in the

use of community gardens. This is important as it provides a sustainable source of local produce and encourages healthier eating as well as physical activity.

### **Policy DLP65 Allotments and Community Gardens**

- 1. The redevelopment of allotment sites and community gardens for other uses will not be allowed if a substantial part of the site is in use; or there is proven demand for allotments in the area.**
- 2. Redevelopment of an allotment site and community gardens will only be allowed if alternative allotment provision of the same or better quality and quantity is provided in the locality before the use of the existing site ceases.**
- 3. Planning permission will not be granted simply because an allotment or community garden site has been allowed to fall out of use and become derelict.**
- 4. Proposals for the provision of new allotment sites and community gardens will be permitted provided that they:**
  - a. are accessible by a variety of transport means, including walking and cycling as well as adequate parking.**
  - b. do not result in the loss of, or harm to a high quality nature conservation site.**
  - c. do not harm the visual amenity, landscape setting and appearance of the area.**
  - d. do not result in the loss of an area of importance and value for informal or formal recreation.**
  - e. do not detrimentally harm the amenity of adjacent residents and/or highway safety.**
  - f. safeguard and enhance any biodiversity features where possible to help support wildlife.**

**Policy DLP65 Allotments and Community Gardens**

- 5. On all allotment and community garden sites, the Council will encourage sustainable methods of power, the storage and re-use of water and on-site composting where appropriate.**

**Justification**

15.7 Allotments and community gardens help encourage community engagement, provide educational benefits, and help support local biodiversity. By providing regular outdoor activity food growing can help to improve both physical and mental health and reduce health inequalities. It is therefore important for the Council to help protect existing allotment and community garden sites and encourage the provision of new sites where appropriate and in line with the policy requirements.

**Policy DLP66 Burial Land including Cemeteries and Crematoriums**

- 1. Wherever possible the safeguarding and extension of existing burial grounds, including churchyards and cemeteries should be given preference. Where these are full, additional sites in the vicinity should be considered favourably providing they do not:**
  - a. adversely harm the amenity of adjacent residential areas.**
  - b. result in the loss of an area of importance and value for informal or formal recreation.**
  - c. result in the loss of agricultural land.**
  - d. result in the loss of or harm a high-quality nature conservation site.**
- 2. New proposals for cemeteries and crematoriums need to have consideration for the following;**

**Policy DLP66 Burial Land including Cemeteries and Crematoriums**

- a. must be located in accessible locations well-served by a range of transport modes including walking and cycling and be close to existing settlements to minimise travel distances**
- b. must have adequate parking facilities.**
- c. need to consider the needs of different faiths**
- d. where feasible, retain and include existing landscape, nature conservation and biodiversity features within their design.**
- e. if appropriate, make use of existing buildings and infrastructure.**
- f. take account of the latest Environment Agency Guidance on groundwater protection (GP3 or latest equivalent)**

**Justification**

15.8 Land available for burials is limited within the borough. In order to ensure that burial sites are available for local communities borough-wide it will be necessary to identify suitable sites. The Council will also consider favourably proposals for green burial sites as a sustainable form of burial.

15.9 Proposals for new burial sites must take into consideration the Environment Agency (EA) guidelines for the location and layout of burial grounds especially in terms of minimum distances between burial sites and how to deal with watercourses, wells, boreholes, and springs amongst other considerations.

15.10 There is evidence of the pollution potential from cemeteries and that some form of control is often needed. The burial of human remains results in the release of a variety of substances and organisms into the subsurface. These may, in time, find their way into the groundwater. Therefore, groundwater can be at risk of pollution from human burials where the numbers are sufficient, and the protection afforded by the subsurface geology is poor.

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15.11 The EA must be consulted in the preparation of proposals for any new burial site.



### 16 Transport

#### Introduction

16.1 The delivery of an improved, sustainable and integrated transport network both within Dudley and in links with regional and national networks is fundamental to achieving strategic transport objectives and in helping to transform the area, deliver housing growth and improve economic performance. These policies set out the overarching framework for achieving the strategic transport objectives and its role in helping to deliver sustainable growth within the borough.

#### Priorities for the Development of the Transport Network

16.1 The delivery of an improved, sustainable and integrated transport network both within Dudley and in links with regional and national networks is fundamental to helping to transform the area, deliver housing growth and improve economic performance.

16.2 High-quality public transport remains at the heart of national transport strategy. The development of the transport network is focused on a step change in public transport provision serving and linking centres, improving sustainable transport facilities and services, improving connectivity to national networks and improving the efficiency of strategic highway routes. The improvements needed to deliver the transport strategy are shown on the Transport Key Diagram.

16.3 To help address the climate change crisis, strategic and local transport policies, plans and programmes must emphasise the delivery of a modernised and sustainable transport network. Specific objectives should include reducing pollution and road congestion through improvements to public transport, promoting walking and cycling networks and reducing the need to travel. National policy also focuses on the need for the transport network to support sustainable economic growth.

16.4 Additionally, national transport strategy has a key role to play in reducing carbon emissions and the impact on the natural environment. The DLP will therefore need to focus on promoting the appropriate design, location and layout of development, increasing investment in infrastructure, improving the quality,

equality and accessibility of public transport, supporting walking and cycling, enhancing road safety and reducing the amount of emissions produced by transport.

### **Policy DLP67 The Transport Network**

- 1. The Council will undertake a programme of major and minor works to the transport network, as circumstances require and resources allow, in order to further integrate and improve:**
  - a. public transport**
  - b. traffic management**
  - c. Active Travel schemes**
  - d. road safety**
  - e. access to enable the regeneration of specific sites and areas.**
  - f. micro-mobility**
  - g. car share schemes**
- 2. Land needed for the implementation of priority transport projects will be safeguarded to allow for their future delivery. All new developments must provide adequate access for all modes of travel, including walking, cycling and public transport. Residential development will be expected to meet the accessibility standards set out in Policy DLP11 of this plan. Key transport corridors will be prioritised through the delivery of infrastructure to support active travel (walking, cycling), public transport improvements, traffic management (including localised junction improvements) and road safety, and road space reallocation where appropriate.**
- 3. Priority Transport Schemes identified for delivery during the lifetime of the Dudley Local Plan within the borough, but also with consideration given to the impact of development on, and connections into, priority schemes located within the regional strategic transport network, are:**

## Policy DLP67 The Transport Network

### a. Within Dudley Borough

- Rapid Transit
  - Wednesbury – Brierley Hill
  - Walsall – Stourbridge corridor tram-train extensions
- Key Road Corridors
  - A4123 Corridor
  - A461 Corridor
  - A456 Corridor
  - A458 Corridor (Lye)
- Interchanges
  - Dudley Town Centre Interchange

### b. Within the regional strategic transport network

- Motorways
  - M6 Junction 10
  - M5 Improvements (Junctions 1 and 2, including Birchley island)
  - M54 - M6 / M6 (Toll) Link Road
- Rail
  - Wolverhampton - Walsall – Willenhall – Aldridge Rail Link
  - Midlands Rail Hub (HS2)
  - Wolverhampton – Shrewsbury Line Improvements
- Rapid Transit
  - A34 Walsall Road Sprint Corridor
  - Wolverhampton – New Cross Hospital
  - Cross-city bus packages

## Policy DLP67 The Transport Network

- **Sprint routes or equivalent**
  - **Key Road Corridors**
  - **A454 Corridor**
  - **A449 Corridor**
  - **Interchanges**
  - **Dudley Port Integrated Transport Hub**
  - **Walsall Interchange**
  - **Active Travel**
  - **SUSTRANS Link 54 (Stourbridge-Brierley Hill-Dudley)**
  - **SUSTRANS Link 81 (Dudley/Coseley)**
- 4. Land required for the implementation of Priority Transport Schemes will be safeguarded to allow for their future delivery.**

### Justification

16.5 Good connectivity to the wider regional and national transport networks (road and rail) and Birmingham International Airport, for both passengers and freight, has been identified as being necessary to support the regeneration of the West Midlands region.

16.6 Movement for Growth<sup>44</sup> (the West Midlands Local Transport Plan) seeks to enable all residents to access Strategic Centres within 45 minutes (AM peak). It envisages this being achieved through a combination of frequent rapid transit services and high quality “turn up and go” bus services. This transport strategy is necessary to support the role of these centres as a focus for employment, shopping and leisure and increasingly, housing. On this issue, the combination of the Wednesbury to Brierley Hill metro extension and the proposed Dudley

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<sup>44</sup> West Midlands Strategic Transport Plan – Movement for Growth (TfWM 2016)/ Movement for Growth – 2026 Delivery Plan for Transport (TfWM 2017)

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Port Integrated Transport Hub will add both Brierley Hill and Dudley to the rapid transit network catchment area.

- 16.7 The Black Country Rapid Transit Study of 2016 concluded that full delivery of the Public Transport Spine would best be achieved by completing the Stourbridge to Walsall corridor as a tram-based facility (subject to the adoption of Tram-Train technology).
- 16.8 It is vital that new development has access to high quality public transport facilities and services from the outset as this will ensure that people travelling to and from these areas do not establish unsustainable travel patterns due to the initial absence of good public transport. For this reason, it is essential that all new development provides high quality sustainable/active travel infrastructure and connectivity to existing transport networks.
- 16.9 The DLP supports the delivery of an enhanced transport network to ensure a seamless integration of land-use and transport planning and to demonstrate the strong interdependency of future land-use decisions and adequate servicing by a variety of travel modes. This is with particular regard to Key Transport Corridors, including the West Midlands Key Route Network and the remaining classified road system, the West Midlands and Black Country Local Cycling and Walking Infrastructure Plans (including Sustrans routes NCN 54 and 81), Dudley Borough emerging Sustainable Route Network and Dudley Borough Public Rights of Way Improvement Plan.
- 16.10 The exact mode of public transport should reflect existing demand and also take account of potential future economic or housing growth points to ensure an integrated approach to sustainable development and travel patterns. This is essential to support the scale of growth proposed particularly for the regeneration corridors and strategic centre, and to create an effective transportation system to support sustainable communities. This transport network will provide communities with access to employment, leisure, education and health care and will facilitate improved access to employment sites.
- 16.11 The operation of the highway network needs to be maintained and improved to support the growth and long-term viability of Dudley's economy whilst limiting

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the environmental effect of transport usage. Movement for Growth sets out a strategy of making the best of the existing highway network in a coordinated way through a programme of Key Route Network corridor-based multi-modal improvements, to help achieve the West Midlands' target for net zero carbon emissions by 2041.

- 16.12 The building of new highways within Dudley Borough will be mainly in support of regeneration, but there will also be a focus on works within Dudley to integrate into wider regional network improvements. For instance, some key junctions will be identified on the West Midlands Key Route Network, such as important links for public transport and to the motorway network for freight, for improvement. Highway improvements will be expected to address the needs of all users especially pedestrians and cyclists and to cater for bus priority in line with current Government guidance.
- 16.13 Designated Strategic Employment Areas are defined in terms of good access standards to the motorway network. As no new motorways are planned within the lifetime of this plan, access to the M5, and then on to the wider motorway network provides a vital transport link for business and freight within Dudley.
- 16.14 Buses will continue to dominate local public transport provision in Dudley Borough throughout the life of the Plan period. The National Bus Strategy (2021) requires bus priority to be an integral part of all highway improvements. Therefore, work on the key highway corridors identified through the Key Route Network Action plans will play a significant role in delivering this requirement through a partnership of Transport for West Midlands (TfWM), Local Highway Authorities and operators. Specific local measures to help buses will be delivered in other locations where appropriate along with the upgrading of bus stations/Interchanges in strategic and other centres where demand resulting from the concentration of new developments requires it. Coaches also have a role to play in providing affordable long-distance connectivity and access facilities and will be encouraged. As set out below under 'planning for low emission vehicles' a shift towards such vehicles will be a key focus alongside the provision of an adequate charging infrastructure network.

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- 16.15 While improvement of accessibility to bus services will be a priority, some people will have little choice but to make the first part of their journey by car. The success of Park and Ride in contributing to a sustainable travel pattern will depend on minimising the distance driven before transferring to public transport. Well located Park and Ride facilities can provide a realistic alternative for many car drivers and contribute to environmental improvement by reducing congestion on radial routes into centres at peak times and by improving public transport patronage. New Park and Ride sites will be investigated and developed in accordance with the adopted West Midlands Park & Ride strategy.
- 16.16 As transport projects reach the design stage there will be a need to safeguard the land needed for the implementation of schemes. When projects are sufficiently advanced, improvement lines will be imposed, or land will be safeguarded.
- 16.17 The updated West Midlands Local Transport Plan ('Reimagining transport in the West Midlands') is focused on six 'Big Moves' which are Behaviour Change; Accessible and Inclusive Places; Safe, efficient and reliable networks; Walk, wheel, cycle and scoot; Public transport and shared mobility; and a Green Transport Revolution. The Priority Transport Schemes identified within this policy will contribute towards these. As the Local Transport Plans (or 'Area Strategies') for the Black Country and Dudley Borough are subsequently updated to reflect the six 'Big Moves' additional schemes may be identified and will come under the remit of this policy.

### Evidence

- West Midlands Strategic Transport Plan - Movement for Growth (TfWM 2016)  
Movement for Growth - 2026 Delivery plan for Transport (TfWM 2017)
- Black Country Transport - Connected for Growth (BCLEP and TfWM 2019)
- West Midlands Strategic Transport Plan (Core Strategy) – Reimagining transport in the West Midlands (TfWM 2023 and ongoing)
- West Midlands Rail Limited - Single Network Vision (WMRE 2017)
- Driving a Revolution in Rail Services for West Midlands - A 30-year Rail Investment Strategy 2018-2047 (WMRE 2018)
- Black Country Transport Priorities Document (BCA 2017)

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- Black Country Plan Transport Modelling Study (2021)
- Black Country Rapid Transit Study (TfWM & BCA 2016)
- West Midlands Park & Ride Strategy (TfWM 2020)
- West Midlands Freight Strategy - Supporting our Economy, Tackling Carbon (TfWM 2016)
- Midlands Connect Transport Strategy (2017)
- Midlands Rail Hub SOBC (2019)

### Delivery

- Delivery of the transport priorities will rely on several agencies and multiple funding sources. The main delivery agencies will be:
  - Transport for West Midlands (TfWM)
  - West Midlands Rail Executive (WMRE)
  - Dudley MBC, working with the other Black Country local authorities as the Local Highways Authorities
  - Network Rail
  - Midlands Connect
  - Canal & River Trust
- The principal vehicles for delivery will be the West Midlands Strategic Transport Plan – Movement for Growth (and subsequent Transport Plans- Reimagining transport in the West Midlands), the West Midlands Rail Investment Plan and the national Road and Rail Investment Strategies (RIS). Funding will be sought through a combination of national programmes, competitive funding streams such as the Major Route Network Fund and the Large Local Majors Fund, and through local transport settlements including City Regions Sustainable Transport Settlement (CRSTS) along with third party contributions wherever appropriate.



### Safeguarding the Development of the Key Route Network

16.18 The West Midlands Key Route Network caters for the main strategic demand flows of people and freight across the metropolitan area whilst providing connections to the national Strategic Road Network. Highway capacity will be used to effectively cater for movement by rapid transit and core bus routes, the Metropolitan Cycle Network, lorries, vans and private cars. This may involve the reallocation of road space where appropriate to provide reliable, fast, high-volume transit, and will be supported by an enhanced role for Urban Traffic Management and Control (UTMC) via the West Midlands Regional Traffic Control Centre (RTCC) in 'real time'.

#### **Policy DLP68 The Key Route Network**

- 1. The Council, in conjunction with other regional, strategic Highway Authorities as appropriate and Transport for West Midlands (TfWM), will identify capital improvements and management strategies to ensure the Key Route Network (KRN) meets its designated function of serving the main strategic demand flows of people and freight across Dudley Borough and the wider metropolitan area, providing connections to the national strategic road network, serving large local flows that use main roads and providing good access for businesses reliant on road-based transport.**
- 2. Land needed for the implementation of improvements to the KRN will be safeguarded in order to assist in their future delivery.**
- 3. Where new development is expected to result in adverse impacts on the KRN, appropriate mitigation measures will need to be identified through Transport Assessments and provided through Planning Obligations and/or Planning Conditions.**

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### Justification

16.19 The West Midlands KRN not only serves the main strategic demand flows of people and freight across the metropolitan area and provides connections to the national strategic road network. It also serves large local flows which use main roads and will need to provide good access for businesses reliant on road-based transport. The network will use highway capacity effectively to cater for movement by rapid transit and core bus routes, the Metropolitan Cycle Network, lorries, vans and private cars. This will involve the reallocation of road space where appropriate to provide reliable, fast, high volume public transport and enhanced cycling, walking and wheeling facilities.

16.20 The KRN has been defined on the basis of a West Midlands Combined Authority (WMCA) definition agreed with the seven highway authorities, in consultation with neighbouring highway authorities, and features agreed performance specifications drawn up for different types of link in the network in accordance with their role for movement (“link”), and their role as a destination in its own right e.g. a suburban/town centre high street (“place”).

16.21 Improvements will be made to meet the agreed performance specification for the links and junctions involved to support road based rapid transit proposals such as SPRINT (Bus Rapid Transit) and Metro. Improvements will take into account guidance contained in the National Bus Strategy and the West Midlands Vision for Bus. All improvements to support cycling should seek to adopt the principles contained in Local Transport Note (LTN) 1/20.

16.22 Capital scheme improvements will be identified where appropriate, but it also is vital that this network is managed efficiently through the collaboration of all four Black Country Authorities in their role as the Local Highways Authority (LHA), particularly on cross-boundary schemes.

### Evidence

- West Midlands Strategic Transport Plan - Movement for Growth (TfWM 2016)  
Movement for Growth - 2026 Delivery plan for Transport (TfWM 2017)
- West Midlands Strategic Transport Plan (Core Strategy) – Reimagining transport in the West Midlands (TfWM 2023 and ongoing)

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- Black Country Transport - Connected for Growth (BCLEP and TfWM 2019)
- West Midlands' Key Route Network Evidence Report (TfWM 2018)
- West Midlands Vision for Bus (TfWM 2018)
- Local Transport Note 1/20 (DfT 2020)

### **Delivery**

- The overarching responsibility for the development and improvement of the Key Route Network sits with the West Midlands Mayor and Transport for West Midlands, working in partnership with the Local Highway Authority. The framework for improvement forms part of Movement for Growth (and its successor) with implementation guided by a series of KRN Corridor Action Plans.
- Funding for individual improvements will be sought through a combination of competitive funding streams, such as the DfT's Major Route Network and Large Local Majors Funds and from devolved local transport settlements including CRSTS along with third party contributions wherever appropriate.
- Where proposals cover key public transport routes, funding will also be sought through appropriate Government bus related funding opportunities.

### **Managing Transport Impacts of New Development**

16.23 To ensure that the transport elements of the DLP 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 and help deliver strategic transport objectives.

## **Policy DLP69 Transport Impacts of New Development**

- 1. Planning permission will not be granted for any proposals that are likely to have a significant adverse impact on the transport network, in terms of capacity, congestion and/or highway safety, unless accompanied by mitigation schemes that can demonstrate that 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 wheeling, walking, cycling, public transport and car sharing.**
- 2. The Council will require a Transport Assessment (that has been scoped and developed in consultation with the Council) to be submitted for major developments, in order to assess the level of impact on the transport network and provide improvements that integrate all modes into proposed solutions, as required. Transport Assessments shall also include an assessment of their impact on future transport schemes, where applicable. Development proposals should also have full regard to local plan guidance and/or other Council policies on parking standards, air quality and carbon management, and where appropriate the Council will seek a Travel Plan to be implemented for the users of the development.**
- 3. The Council will require that all new development:**
  - a. is appropriate in scale to the existing transportation infrastructure of the immediate area and transport corridor or includes measures to overcome any deficiencies.**
  - b. actively promotes pedestrian and cycle movement, whilst ensuring safe egress access for all highway users (including the provision of appropriate parking to reduce on-road parking).**
  - c. addresses the needs of people with disabilities and reduced mobility in relation to all modes of transport (see also Policy DLP83).**

### **Policy DLP69 Transport Impacts of New Development**

- d. makes adequate provision for the loading and unloading of commercial vehicles where appropriate.**
- e. provides links to the public transport system, and local walking and cycling networks.**
- f. makes adequate provision for the managing of delivery operations, and the servicing of new properties and businesses (including emergency vehicles).**
- g. incorporates safe, direct and user-friendly transport links within the layout of the site, as well as active travel storage.**

#### **Justification**

16.24 All developments will be assessed both in terms of their impact on the transport network and the opportunities that could be available to ensure that the site is accessible by sustainable modes of transport. The supporting documentation will either take the form of a full Transport Assessment (TA) or a less detailed Transport Statement (TS) and will generally be determined by the size and scale of the development or land use. This will be based on local authority guidance with a TA sometimes being required instead of a TS based on reasons other than spatial thresholds; such as road safety concerns, existing congestion problems, air quality problems, concerns over community severance or the likelihood of off-site parking being generated.

16.25 In addition, TfWM's guide for developers should be routinely consulted for larger developments, and where a development is considered to have a potential significant effect on the Strategic Road Network, Highways England will be involved. In addition, under appropriate circumstances consultation with Active Travel England will also be necessary.

#### **Evidence**

- Transport for West Midlands Guide for Developers (TfWM 2021)

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**Delivery**

- Through the Development Management process and via Planning Obligations or other legal and funding mechanisms.

**The Efficient Movement of Freight**

16.26 New freight railways and rail sidings could present an economic opportunity for Dudley businesses. Improved journey times on the highway network will support economic prosperity and switching traffic to rail or inland waterways will relieve the highway network of traffic, thereby reducing congestion and improving air quality and the environment. The siting of businesses producing heavy flows of freight vehicles in locations with good access to the principal highway network will also assist with environmental improvement. Improvements to the freight network are a significant element to achieving sustainable communities, environmental transformation and economic prosperity.

<b>Policy DLP70 The Movement of Freight</b>
<ol style="list-style-type: none"><li><b>1. The movement of freight by sustainable modes of transport such as rail and waterways will be encouraged. Road-based freight will be encouraged to use the Key Route Network whenever practicable.</b></li><li><b>2. Junction improvements and routeing strategies will be focussed on those parts of the highway network evidenced as being of particular importance for freight access to employment sites and the motorway network.</b></li><li><b>3. Proposals that generate significant freight movements will be directed to sites with satisfactory access to the Key Route Network.</b></li><li><b>4. Existing and disused railway lines will be safeguarded for transport or movement related uses where appropriate.</b></li><li><b>5. Sites with existing and potential access to the rail network for freight will be safeguarded for rail-related uses.</b></li></ol>

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### Justification

- 16.27 Within the Black Country, freight traffic has always been particularly important reflecting the area's past level of manufacturing and it remains significant today with industry, distribution and logistics giving rise to much freight traffic. This is reflected in both the M5 and M6 motorways, where the proportion of heavy goods vehicles can be 30% of total traffic, and the local road network where the traffic on many main routes has an exceptionally high percentage of heavy goods vehicles.
- 16.28 Heavy Goods Vehicles account for 21% of all transport emissions with Light Duty Vehicles accounting for 13%, meaning the road freight sector contributes 34% of transport emissions, despite freight representing just 19% of all vehicle miles undertaken in the UK. Making the most efficient use of the highway network whilst providing facilities to transfer freight from road to rail and inland waterways will play a major part in achieving the region's climate change targets.
- 16.29 The design and layout of much of the KRN dates from a period when goods vehicles were significantly smaller and lighter than those currently in use and this gives rise to problems of reliability and with deliveries and servicing. In many cases upgrading of these routes is neither economically viable nor environmentally desirable.
- 16.30 Dudley Council is a member of the West Midlands' Freight Quality Partnership, as are freight operators and their national representative bodies. The Regional Freight Strategy (2016) sets a context for planning for freight within Dudley. Removal of freight from the road to rail or canal will reduce congestion, and support investment in rail and canals.
- 16.31 The railway network serving the region suffers from capacity problems during the day when there is high demand for passenger services, and this has shifted much freight traffic to night-time operation. Of the disused lines the most important is Stourbridge-Walsall-Lichfield, which has been identified in the Regional Freight Strategy as being an important link for freight moving between the southwest and northeast regions. Within the West Midlands conurbation, the

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Stourbridge to Lichfield link would act as a bypass for the rail network around Birmingham which has severe capacity constraints. The capacity released by the reopening of Stourbridge-Walsall-Lichfield link, as well as benefiting the freight network, would allow extra passenger services to operate to and through Birmingham to the benefit of the wider West Midlands.

16.32 The Regional Freight Strategy notes a shortage of private sidings in the West Midlands Region. Sites with existing or potential rail access along existing and proposed freight routes particularly Stourbridge - Walsall and Walsall - Lichfield will be protected for rail related uses.

16.33 The Freight Strategy notes the need to address the increased importance of 'last mile' logistics and the role that transport innovation can play in this, e.g., parcel hubs and EV charging for delivery vehicles.

### Evidence

- West Midlands Freight Strategy - Supporting our Economy, Tackling Carbon (TfWM 2016)
- Black Country and Southern Staffordshire Regional Logistics Site Study (CBRE 2013)
- West Midlands Strategic Transport Plan - Movement for Growth (TfWM 2016)
- Movement for Growth - 2026 Delivery plan for Transport (TfWM 2017)
- West Midlands Strategic Transport Plan (Core Strategy) – Reimagining transport in the West Midlands (TfWM 2023 and ongoing)
- Black Country Transport - Connected for Growth (BCLEP and TfWM 2019)
- West Midlands' Key Route Network Evidence Report (TfWM 2018)

### Delivery

- The West Midlands Freight Strategy will guide the delivery of measures to improve the movement of freight. The rail-related elements will ultimately be delivered through a combination of Network Rail and the private sector against the background of the national Rail Investment Strategy and the regional freight strategy.



## DRAFT DUDLEY LOCAL PLAN

- The overarching responsibility for the development and improvement of the Key Route Network sits with the West Midlands Mayor and Transport for West Midlands, in partnership with the Local Highway Authority. The framework for improvement forms part of Movement for Growth with implementation guided by a series of Key Route Network Corridor Action Plans.

### Active Travel

16.34 The development of sustainable modes of travel and encouraging people out of their cars, particularly for shorter and commuter journeys, is an important element of planning and transport strategy. Places need to be well-connected with attractive, convenient, direct and safe routes available to non-car users, thus providing real choice.

16.35 The cycle network in the West Midlands consists of three tiers: -

- The National Cycle Network (NCN) – identified and developed by Sustrans in partnership with local authorities and shown on the Transport Key Diagram. This network provides long distance routes across the country linking major destinations.
- The Metropolitan Network (known as the Starley Network) – identified by WMCA in Movement for Growth and developed through the West Midlands Cycling & Walking Infrastructure Plan (WM LCWIP). These routes link strategic locations in the West Midlands and are also shown on the Transport Key Diagram
- Local Networks – this builds upon the West Midlands LCWIP, and includes the Black Country LCWIP and Dudley’s emerging Sustainable Route Network.

16.36 The emerging Black Country and Dudley Networks for Cycling will provide greater detail on the Dudley sections of the West Midlands LCWIP and will identify the most important links in the Local Network.

## Policy DLP71 Active Travel

- 1. Joint working between Dudley Council, neighbouring authorities, Canal and River Trust and other regional strategic Highway Authorities and Active Travel England will ensure that a comprehensive, integrated, attractive and well-designed cycle and footpath network is created, improved and maintained to serve the West Midlands region, which the existing and proposed networks within Dudley Borough can connect to and integrate with.**
- 2. New development will link to existing walking and cycling networks, through safe and direct pathways, not impeded by infrastructure provided for other forms of transport, unless there is robust evidence provided as to why this is not viable and/or practical.**
- 3. Cycle parking facilities should be provided at all new developments and should be in convenient locations with good natural surveillance, with the number of cycle parking spaces required in new developments and in public realm schemes determined by local planning guidance. The design of cycle infrastructure should be in accordance with the principles and standards contained in the West Midlands Cycle Design Guidance (TfWM 2021), Local Transport Note 1/20 or superseding guidance.**
- 4. The following networks and other linkages within Dudley Borough are considered priorities for potential enhancement and expansion as cycle routes and strategic footpaths, including their signposting and delineation, and their environment upgraded with an emphasis on enhanced green infrastructure:**
  - a. Sustrans Link 54 (Stourport-Brierley Hill-Dudley).**
  - b. Sustrans Link 81 (Dudley/Coseley).**
  - c. The canal network.**
  - d. The River Stour (Stour Valley) active travel network.**

### **Policy DLP71 Active Travel**

- e. The Geo-Park/Geo-Trail active travel network.**
- f. Disused railway lines, for example: Smestow Valley active travel network.**
- g. The 9 Mile Walking Route from Norton Covert, Stourbridge, to The Leasowes, Halesowen.**
- h. Monarch's Way.**
- i. Links to existing centres.**
- j. National and regionally recognised footpaths.**
- k. Links to public transport nodes, stops and interchanges.**
- l. Within accessible neighbourhoods, to readily access local services and facilities.**

### **Justification**

16.37 It is essential that the development of walking and cycling facilities are an integral part of the transport system both on the highway network, canal corridors, Public Rights of Way and on other paths. Comprehensive cycle and walking networks within Dudley will enable communities to access employment, public transport interchanges, services, and facilities in a sustainable way. A transport network that facilitates car use and disadvantages walking and cycling can adversely affect the health and wellbeing of its communities. Identifying and overcoming barriers to walking and cycling during development processes will encourage a renaissance of walking and cycling within Dudley and help improve the health and wellbeing of local communities by reducing the incidence of obesity, coronary heart disease, strokes, and diabetes. Both walking and cycling are active modes of travel with clear health benefits. The implementation of such networks recognises the specific requirements of each with dedicated, segregated cycling provision being the default objective along with a comprehensive network of walking opportunities available both on highway and off road.

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16.38 Walking and Cycling Strategies are incorporated within Movement for Growth and its successor. The over-arching framework is the West Midlands Local Cycling & Walking Infrastructure Plan (LCWIP). This will be supported by the Black Country LWCIP and emerging Dudley LWCIP. Work is underway on a Sustainable Local Travel Routes Plan which will inform Dudley's LWCIP. All new cycle facilities will aim to be designed in accordance with guidance set out in Local Transport Note (LTN) 1/20 and TfWM's Cycle Design Guidance, or superseding guidance.

16.39 Several cycle route corridors are being progressed for future development, including those in and around the borough's strategic and town centres (see the relevant sections for further details). These link into wider borough corridor projects which currently include:

- A4123 from Wolverhampton via Dudley and Sandwell to Birmingham (Hagley Road)
- A4101 Stourbridge Road/Queens Cross to Scott's Green Island (links into Sustrans Route 54 improvements)
- A461 Dudley Port (Sandwell), Burnt Tree to Queens Cross through to Bretell Lane, Audnam (via Brierley Hill)
- A456, Manor Way- M5 junction 3 to Hayley Green
- A458 (key sections)
- Smestow Valley, Pensnett to Holbeche House (west of Ham Lane).
- Improvements to existing cycle corridors.

### Evidence

- West Midlands Strategic Transport Plan - Movement for Growth (TfWM 2016)
- Movement for Growth - 2026 Delivery plan for Transport (TfWM 2017)
- West Midlands Strategic Transport Plan (Core Strategy) – Reimagining transport in the West Midlands (TfWM 2023 and ongoing)
- Black Country Transport Priorities Document (BCA 2020)
- West Midlands Local Cycling & Walking Investment Plan (TfWM 2019)
- Black Country Cycling Strategy (BCA 2021)
- Black Country Plan Transport Modelling Study (2021)

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- West Midlands Cycle Design Guidance (TfWM 2021)

### Delivery

- The Metropolitan Cycle Network will be delivered through the West Midlands Local Cycling & Walking Infrastructure Plan. Funding will be sought from a variety of competitive and devolved sources such as the Transforming Cities Fund and Intra-City Transport Fund.
- The delivery of most local cycle links will be through the Local Cycling & Walking Implementation Plan (LCWIP) and Sustainable Local Travel Routes Plan.
- The Black Country's extensive network of canals affords numerous opportunities to contribute to the delivery of a comprehensive network of safe, off-road, cycle routes. The Canal & River trust will therefore be a key delivery partner.
- Where appropriate opportunities afforded by Highways England's Designated Fund Programme will be utilised. This aims to address specific issues such as safety and severance resulting from the interface between the Strategic Road Network and local routes.

### Demand for Travel and Travel Choices

16.40 The management of the demand for road space and car parking, together with influencing travel choices, is a significant component to achieving sustainable communities, environmental transformation and economic prosperity.

#### **Policy DLP72 Demand for Travel and Travel Choices**

- 1. The Council is committed to considering all aspects of traffic management in the centres and wider area. The priorities for traffic management in the wider West Midlands region are:**
  - a. identifying appropriate strategic and local Park and Ride sites on current public transport routes to ease traffic flows into centres.**

**Policy DLP72 Demand for Travel and Travel Choices**

- b. working together with the rest of the region to manage region-wide traffic flows through the West Midlands Metropolitan Area Urban Traffic Control (UTC) scheme and further joint working.**
- c. promoting and implementing Smarter Choices measures that will help to reduce the need to travel and facilitate a shift towards using sustainable modes of transport (walking, cycling, public transport, car sharing).**
- d. supporting the emerging Carbon Management Plan.**
- e. the use of innovation to promote behaviour change in the deployment of policy related interventions.**

**Justification**

16.41 Spatial planning objectives aim at making the network of town and city centres as attractive and accessible as possible to encourage use the most sustainable modes.

16.42 Other important aspects of demand management are the prioritisation of allocation of road space towards sustainable methods of travel such as walking, cycling and buses by using schemes such as appropriate traffic calming measures and full or time limited pedestrianisation so making these modes more attractive to people visiting the centres.

16.43 Other important elements include the promotion and marketing of sustainable transport through travel plans (refer to Policy DLP69), planning conditions / obligations and other associated sustainable mobility initiatives, including the promotion of schemes and opportunities for walking, cycling, micro-mobility, public transport and car sharing. These policies seek to reduce vehicular borne traffic congestion and pollution, improve road safety, promote social inclusion and accessibility, therefore encouraging consumers to access sustainable transport.

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### Evidence

- West Midlands Congestion Management Plan (TfWM 2018)
- West Midlands Park & Ride Strategy (TfWM 2020)

### Delivery

- The policy will be delivered under the Traffic Management Act 2004, which places network management duties on local highway authorities. The main duty is to secure the expeditious movement of people and goods, inclusive of cyclists and pedestrians, on the road network and on adjacent road networks for which another authority is the traffic authority.

### Parking Management

16.44 The management of car parking is an important element for sustainable communities, environmental transformation and economic prosperity. It also has a key role in reducing the impact of vehicle trips on air quality and carbon emissions.

#### **Policy DLP73 Parking Management**

- 1. The priorities for traffic management in the Dudley Borough include the sustainable delivery and management of parking in centres and beyond, through use of some or all of the following measures as appropriate:**
  - a. the management and control of parking.**
  - b. the type of parking – ensuring that where appropriate long-stay parking is managed and minimised in town centres, to support parking for leisure and retail customers and to encourage commuters to use more sustainable means and reduce peak hour traffic flows.**
  - c. maximum parking standards – ensuring that a consistent approach to maximum parking standards is enforced in new developments as set out in local planning guidance.**

**Policy DLP73 Parking Management**

- d. The location of parking – by reviewing the location of town centre car parks through the “Network Management Duty”, to ensure that the flow of traffic around town centres is as efficient as possible.**

**Justification**

16.45 The correct balance needs to be found between managing and pricing parking to maximise the use of sustainable travel means to enter town centres, whilst avoiding restricting parking to the extent that consumers are dissuaded from using town centres and deterring new development.

16.46 The control of and management of parking in centres will require a variety of approaches, recognising that not all publicly available car parking is in local authority control or management. The use of planning conditions to ensure that new public parking is managed appropriately will therefore be an important aspect of this policy.

16.47 The continued adoption of maximum parking standards for all but residential development is considered to be an important tool in managing demand for single occupancy vehicle trips to centres and major employment destinations, leisure and other facilities.

16.48 Reduced levels of long-stay car parking in centres will enable more efficient use of land.

**Evidence**

- Black Country Parking Study (BCA, 2021)

**Delivery**

- This policy will be delivered through the Council’s network management duty and parking management policies.



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- The management of new privately owned and operated public car parks will be controlled through Parking Management Plans via planning conditions or planning obligations through the Development Management process.

### Planning for Low Emission Vehicles

16.49 The UK government has committed to banning the sale of petrol and diesel cars by 2030. The resultant societal shift from petrol and diesel internal combustion engine (ICE) vehicles to Zero and Ultra Low Emission Vehicles (ULEVs) will require widespread support from local authorities. It is projected that there will be an additional 42,500 ULEVs within the Black Country by 2025. The Black Country ULEV Strategy sets out a framework for how Dudley Council and the other BCAs can support this transition.

#### **Policy DLP74 Planning for Low Emission Vehicles**

- 1. The Council will support the development of low emission vehicle technologies and provide facilities and measures which enable the ease of use of low emission vehicles, by:**
  - a. Ensuring that new developments include adequate provision for charging infrastructure e.g. electric vehicle charging points in car parks, measures to encourage LEV use through travel plans and other initiatives.**
  - b. Where appropriate, facilitating the introduction of charging points in public locations.**
  - c. Working with partners to explore support for alternative low emission vehicle technologies, such as hydrogen fuel cells, across a range of modes; private cars, buses and/or small passenger and fleet vehicles.**

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### Justification

16.50 In July 2019, the West Midlands Combined Authority committed to setting a 'net zero' emissions target by 2041, with a climate action plan being approved by the WMCA board by January 2020. The WMCA Board further approved a regional ULEV strategy in February 2020. The Black Country ULEV Strategy sits under this regional document. In addition, 'Green Transport Revolution' is one of the six 'Big Moves' within the emerging West Midlands Local Transport Plan and is focused on accelerating the shift away from internal combustion engines.

16.51 Whilst the WMCA ULEV Strategy focusses on sharing best practice, co-ordination and possible joint delivery of a large-scale network of rapid charging 'hubs', the Black Country ULEV Strategy takes a more granular approach, focussing on the specifics of each authority and offering a framework for the delivery on infrastructure on the ground.

16.52 The study found that the Black Country lags behind the rest of the country when it comes to adoption of ULEVs. This is reflected in the availability of charging infrastructure across the four authorities, with around 80% of the sub-region further than one km from the nearest publicly available charge point. However, relative to median wage, all four Black Country authorities sit on or above the trend for ULEV adoption, indicating higher uptake than might be expected given the average wage across each of the four authorities.

16.53 Despite excellent progress in recent years, our charging infrastructure network is not yet where it needs to be. We need to get infrastructure to where users need it; at home (for areas where there is little or no off-street parking), enroute for longer journeys and at the destinations people travel to. The requirement for adequate charging networks also applies to the Local Authority Council Depots and will need to be a key component of the Council's Fleet Strategy moving forward. The ULEV contains several electric vehicle related commitments including a commitment to develop a Council vehicle replacement strategy to ensure that Dudley's vehicle fleet is upgraded in a way that supports the net-zero targets and can be financed within identified budgets.

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16.54 Close working between Dudley Council and TfWM is also enabling the trial of mobility hubs (local travel points) in 2023/24. This, it is anticipated, will lead to lessons learnt to inform the wider regional roll out of mobility hubs (up to 40 across the region by 2027). Mobility hubs are stations of publicly managed vehicles (EV cars, cycles, micro-mobility and parcel collection unit) within an improved public realm space. This it is envisaged will encourage use of carbon efficient travel whilst reducing the need for large capital outlays to purchase vehicles.

### Evidence

- Black Country Air Quality Supplementary Planning Document (BCA 2016)
- West Midlands ULEV Strategy (TfWM 2020)
- Black Country ULEV Strategy (Cenex on behalf of BCA 2020)

### Delivery

- Delivery will be achieved through the use of the Black Country ULEV Strategy as a framework to support bids for Central Government funding for public EV charging infrastructure as well as providing guidance for the provision of infrastructure in public sector-owned locations.
- The Black Country Air Quality SPD will continue to provide guidance for the provision of charge points through the planning process.

### Monitoring

Policy	Indicator	Target
<b>DLP67, DLP68, DLP71</b>	The safeguarding of land for Priority Transport Schemes identified on the Transport Key Diagram	No loss of safeguarded land, or prejudicial development  Delivery of Priority Transport Schemes within the borough

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<p><b>DLP69, DLP72, DLP74</b></p>	<p>Appropriate provision or contributions towards transport works and Travel Plans measures by all relevant permissions based on best practice. Targets and measures contained in Travel Plans and agreements will be monitored and reviewed</p>	<p>Travel Plans to be produced and monitored for 100% of all planning applications that are required to submit a Transport Assessment or a Transport Statement</p>
<p><b>DLP70</b></p>	<p>The safeguarding of key existing and disused railway lines identified on the Transport Key Diagram</p>	<p>No loss of safeguarded lines</p>
<p><b>DLP71</b></p>	<p>Implementation of Proposed Local Cycle Network identified in the Cycle Network Diagram</p>	<p>Delivery of Priority Transport Schemes within the borough (cycle network)</p>
<p><b>DLP73</b></p>	<p>Number of publicly available long stay parking places in strategic and town centres</p>	<p>Decrease the number of long stay parking spaces in centres</p>
	<p>All new publicly owned long stay parking spaces in strategic and town centres to be in peripheral locations</p>	<p>100%</p>

17 Waste

Introduction

- 17.1 This section sets out the needs for waste infrastructure to support growth in the borough, in accordance with National Planning Policy for Waste (NPPW). The key driver is to minimise the amount of waste generated across all sectors and increase the re-use, recycling, and recovery rates of waste material (seeking to achieve net self-sufficiency). The Council will work collaboratively with other Waste Planning Authorities to address the identified waste infrastructure needs.
- 17.2 This policy sets out the overall strategy and principles for waste management and the types of waste development that will support this. It also identifies how much new waste management capacity is likely to be needed to support planned levels of growth over the plan period.

<b>Policy DLP75 Waste Infrastructure - Future Requirements</b>
<ul style="list-style-type: none"><li><b>1. Proposals for relevant, major development shall evidence how its operation will minimise waste production, as well as facilitating the re-use and recovery of waste materials including, for example, through recycling, composting and energy from waste.</b></li><li><b>2. Proposals for waste management facilities will be supported based upon the following principles:</b><ul style="list-style-type: none"><li><b>a. managing waste through the waste hierarchy in sequential order. Sites for the disposal of waste will only be permitted where it meets a need which cannot be met by treatment higher in the waste hierarchy.</b></li><li><b>b. promoting the opportunities for on-site management of waste where it arises and encouraging the co-location of waste developments that can use each other’s waste materials.</b></li><li><b>c. ensuring that sufficient capacity is located within the borough to accommodate the waste capacity requirements during the plan</b></li></ul></li></ul>

### **Policy DLP75 Waste Infrastructure - Future Requirements**

**period (as far as practically possible) and reducing the reliance on other authority areas.**

- d. enabling the development of recycling facilities across the borough, including civic amenity sites, and ensuring that there is enough capacity and access for the deposit of municipal waste for re-reuse, recycling, and disposal.**
- e. waste must be disposed of, or be recovered in, one of the nearest appropriate facilities, by means of the most appropriate methods and technologies, to ensure a high level of protection for the environment and public health.**
- f. ensuring new waste management facilities are located and designed to avoid unacceptable adverse impacts on the townscape and landscape, human health and well-being, nature conservation and heritage assets and amenity.**
- g. working collaboratively with neighbouring authorities with responsibilities for waste who import waste into, or export waste out of, the borough, to ensure a co-operative cross boundary approach to waste management is maintained.**

#### **Justification**

17.3 In line with national waste planning guidance, the Plan aims to make provision for the suitable management of waste. Housing and employment land are projected to increase in the borough as the regeneration of the urban area progresses, to help meet strategic housing and employment targets. The needs of new waste infrastructure will need to be balanced with those of housing and employment for suitable development sites.

17.4 In seeking to identify development sites for waste infrastructure, priority shall be given to the safeguarding of existing sites for their continued use and the retention of the local employment areas in which they occur (see Policy DLP76 and Policy DLP20). As waste facilities are an essential part of the infrastructure

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of an area, it is not only important that they are appropriately located, but also that policy protection is applied to areas suitable for waste uses, to help achieve the objectives of moving waste up the hierarchy.

- 17.5 Waste reduction and resource efficiency improvements will have a significant influence on future waste growth. The transition towards a circular economy, the approach to economic development designed to benefit businesses, society and the environment, is expected to significantly change the way waste will be managed in future. In particular, the quantities of waste reused, recycled, and composted are expected to increase substantially.
- 17.6 Transitioning towards the circular economy will involve a significant reduction in the amount of waste produced by households and businesses, because avoidable waste will be 'designed out' of products at the manufacturing stage. It will also mean a significant shift away from methods of managing unavoidable waste at the bottom of the 'waste hierarchy' (waste disposal and energy recovery) and towards those at the top of the hierarchy which can 'close the loop' (re-use and recycling). A circular economy and the effective management of waste also has a role to play in helping to address climate change, e.g., the re-use of resources helps reduce the demand for new materials and the emissions associated with producing the latter.

### **Updated Baseline for Dudley**

- 17.7 The Dudley Borough Waste Study (2023) provides an updated baseline on waste arisings, imports and exports. In 2021 Dudley was estimated to generate approximately 470,000 tonnes of waste. Excluding exempt sites, the largest waste stream was estimated to be construction, demolition and excavation (CD&E) waste at over 254,000 tonnes. Just under 127,000 tonnes were collected by the Council from household sources. Commercial and industrial (C&I) waste arisings (including LACW non-household sources) were estimated to be just under 70,000 tonnes and hazardous waste arisings to be over 19,000 tonnes. Other waste stream arisings were just over 400 tonnes, composed primarily of agricultural waste.

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- 17.8 With the exception of exempt sites, over 114,000 tonnes (23.5%) were re-used, recycled or composted, over 182,000 tonnes (37.6%) were subject to recovery or treatment, over 149,000 tonnes (37.6%) (mainly construction and demolition waste) was disposed to landfill, and just over 40,000 tonnes (8.3%) were transferred for management elsewhere.
- 17.9 Dudley is an importer of waste with facilities within its boundaries (including permitted sites and incinerators) managing 662,000 tonnes in 2021. Of this total the biggest percentage (by tonnage) (24%) was received at Treatment sites, followed by Landfill sites (24%), Metal Recycling Sites (23%), Incinerators (15%) with the remainder managed through Transfer sites (14%).
- 17.10 Overall, Dudley was estimated to import circa 1,500 tonnes more waste than it exported in 2021, with the vast majority of these imports (85%) arising from within the West Midlands Region. Dudley was a net importer of hazardous waste by approximately 2,000 tonnes and a net exporter of non-hazardous waste by a mere 360 tonnes.
- 17.11 Despite being a net importer, exports from Dudley amounted to nearly 450,000 tonnes in 2021. Of the 450,000 tonnes of waste received at permitted sites in England and Wales and incinerators in England, outside of Dudley, the biggest percentage (by tonnage) (29%) was received at Landfill sites, followed by Treatment sites (22.5%), Metal Recycling Sites (18.5%), Incinerators (16%), Transfer (10%) and On/In Land sites (4%).

### **Projected Future Waste Capacity Requirements**

- 17.12 The updated waste capacity requirements are based upon the housing and employment growth figures for the borough as set out in the DLP. Under the projections, the quantity of waste Dudley is projected to manage (included imported waste) increases from 1.2 million tonnes (mt) in 2021 to 1.5 mt in 2040/41 equating to an increase of 32% or 1.4% per annum. An ongoing emphasis on waste reduction has seen a 14% reduction in waste per household since 2006/07 and this trend could have a significant influence on future waste growth. However, there are emerging changes in the need for different types of waste management capacity. Exports already reflect a shortage of landfill



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space; household waste material processing plants and composting facilities and the way waste will be managed in the future is expected to change significantly with transition towards a Circular Economy. In particular, the quantities of waste reused, recycled and composted are expected to increase substantially.

### Waste Management Scenarios & Capacity Gaps

17.13 Three waste management scenarios are presented according to the extent to which the Circular Economy targets for re-use and recycling of C&I and municipal waste over the plan period 2021/22 to 2040/41 are met. Based on the assumption that the 'Circular Economy' recycling targets will either be met (WMS2) or partially met (WMS3), the Dudley Borough Waste Study, 2023 (at Table 3.9) predicts that the following additional waste management capacity will need to be delivered up to 2041 to maintain the Borough's net self-sufficiency:

**Table 17.1 Waste management capacity requirements (2020-2041)**

	WMS2 (tonnes per annum)	WMS3 (tonnes per annum)
Re-use/Recycling	473,000	400,000
Energy Recovery	143,000	152,000
Disposal	129,000	192,000

17.14 This takes account of known future developments or closures of waste management facilities. Total waste management capacity is projected to decrease from 758,000 tonnes in 2021 to 718,000 tonnes in 2041 which is driven by decreasing landfill space with recycling, recovery and transfer capacity not anticipated to change significantly.

17.15 Most of the new capacity requirements identified are expected to be delivered by the waste industry rather than by the Council as the Waste Planning Authority. Delivery will therefore depend on whether new projects are financially viable and attractive to investors. This will in turn depend on demand from waste

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producers, the effectiveness of government initiatives to incentivise re-use and recycling of waste in preference to energy recovery and disposal to landfill, and the availability of suitable sites within the borough where the new facilities can be built (see Policy DLP77). The Council is looking to provide an additional Household Waste Recycling Centre (HWRC) to the north or centre of the borough to complement its existing Stourbridge HWRC, and a search for a suitable site remains ongoing.

17.16 The Dudley Borough Waste Study identifies that more than 80% of waste imported and exported from Dudley stays within the West Midlands region. Waste flows within the West Midlands emphasises the interdependence that exists between the authorities within this region. It is recognised that ongoing collaboration with relevant local authorities under the Duty to Cooperate will be required to ensure waste capacity requirements that cannot be delivered within the borough are available in other areas, where there are existing import/export relationships established and ongoing (e.g., disposal at landfills).

### **Evidence**

- Black Country Waste Study (2020 and 2022), Wood
- Dudley Borough Waste Study (2023), WSP

### **Delivery**

- Waste Industry and Investors – develop new waste management infrastructure in locations that are well placed to meet demand from waste producers, supported by investors.
- Dudley Council – deliver new/ upgraded WTS/ HWRC/ MRF capacity needed to support separate collection of waste glass, metal, paper, card and food from households and increased recycling of these wastes. Determine planning applications for new waste infrastructure and upgrading or expansion of existing waste infrastructure within the prescribed/ agreed target dates.

**Waste Sites**

17.17 This policy seeks to safeguard and retain the capacity of existing waste facilities to maintain the existing waste management capacity.

**Policy DLP76 Waste Sites**

**Protecting Waste Sites**

- 1. The Council will safeguard all existing strategic (as listed in the ‘Justification’ below) and other waste management facilities from inappropriate development to maintain existing levels of waste management capacity, unless it can be demonstrated that:
  - a. there is no longer a need for the facility; and**
  - b. capacity can be met elsewhere; or**
  - c. appropriate compensatory provision is made in appropriate locations elsewhere in the borough; or**
  - d. the site is required to facilitate the strategic objectives of the Plan.****
- 2. This policy will also apply to all new waste management sites that are implemented within the lifetime of the plan.**

**New development near existing waste facilities**

- 3. Proposals for housing and other potentially sensitive uses will not be permitted near to<sup>45</sup> or adjacent to an existing waste management site where there is potential for conflict between the uses that cannot be fully mitigated (applying the ‘agent of change’ principle) unless:
  - a. a temporary permission for a waste use has expired, or the waste management use has otherwise ceased, and the site or infrastructure is considered unsuitable for a subsequent waste use; or****

<sup>45</sup> The definition of ‘near’ in terms of specific distances is likely to vary according to the nature of the individual waste site. The Black Country Waste Study (2020) suggests 100-150metres should be applied for more significant uses with tighter boundaries around smaller facilities.

### Policy DLP76 Waste Sites

- b. redevelopment of the waste site or loss of waste infrastructure would form part of a strategy or scheme that has wider environmental, social and /or economic benefits that outweigh the retention of the site or infrastructure for the waste use and alternative provision is made for the displaced waste use; or**
  - c. a suitable replacement site or infrastructure has otherwise been identified and permitted.**
- 4. Waste Site Impact Assessments will be expected to demonstrate that at least one of the above criteria applies. Applications should also identify any ‘legacy’ issues arising from existing or former waste uses, and how these will be addressed through the design of the development and the construction process.**

### Justification

17.18 The focus of the Plan is on safeguarding strategic waste sites, while also giving appropriate protection to other waste sites<sup>46</sup>. The Local Plan policies are focused on the borough’s waste requirements and infrastructure, however given the nature of waste management (where waste arising in one area is often managed in another, and facilities will have catchment areas that extend beyond their boundaries) the wider context of the Black Country area (and beyond) is recognised.

17.19 The existing strategic sites are identified on the Waste Diagram and listed in Table 17.2 below are the significant waste management facilities operating in the borough. They have been identified through a detailed analysis of all known licenced and exempt facilities and include waste treatment, waste transfer, waste to energy and landfill facilities.

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<sup>46</sup> This takes forward the approach under the former Black Country Local Plan Review whereby strategic waste sites accounted for nearly 75% of the Black Country’s estimated operational waste management capacity by tonnage.

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17.20 The definition of a strategic waste management site is;

- a) all facilities that form a vital part of the borough's municipal waste management infrastructure, e.g. energy from waste plants, waste transfer facilities and HWRCs, depots.
- b) all commercial waste management facilities that fulfil more than one local role, e.g. they are part of a nationwide or regional operation linked to other facilities elsewhere and take in waste from all over the borough and / or beyond.
- c) all commercial facilities specialising in a particular waste stream or waste management technology, of which there are no others, or very few other of the same type operating elsewhere in the borough.
- d) all facilities likely to make a significant contribution towards existing waste management capacity.
- e) a site with sufficient capacity to recover, treat or dispose of at least 20,000 tonnes of waste per annum.
- f) a facility forming part of the UK's network of installations for waste disposal, such as landfill sites.
- g) a hazardous waste recovery facility of sufficient size to qualify as a Nationally Significant Infrastructure Project (NSIP).

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**Table 17.2 Strategic Waste Sites in Dudley Borough (currently permitted)**

<b>Local Plan Ref.</b>	<b>Previous Local Plan Ref (2011 Black Country Core Strategy)</b>	<b>Site Name and Address</b>	<b>Operational capacity (tonnes per annum, tpa)</b>
<b>Municipal Waste Recovery Installations</b>			
WS1	WSD6	Dudley Energy from Waste facility, Lister Road Depot, Lister Road, Dudley	95,000
<b>Municipal Waste Recovery- supporting Infrastructure</b>			
WS2	WSD11	Blowers Green Recycling Depot, Blowers Green Road, Dudley	40,000
WS3	n/a	Lister Road Transfer Station, Lister Road Depot, Lister Road, Dudley	23,500
WS4	WSD10	Stourbridge Household Waste Recycling Centre (HWRC) off Birmingham Street (A458), Stourbridge	20,000
<b>Waste Disposal Installations</b>			
WS5	WSD5	Himley Quarry Landfill, Oak Lane, Kingswinford	220,000*
<b>Significant Metal Recycling Sites (MRS)</b>			
WS6	WSD9	Shakespeare's MRS, Oak Lane, Kingswinford	40,000

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Local Plan Ref.	Previous Local Plan Ref (2011 Black Country Core Strategy)	Site Name and Address	Operational capacity (tonnes per annum, tpa)
WS7	WSD1	Sims MRS Halesowen, James Scott Road, Cradley, Halesowen (formerly E Coley Street)	35,000
WS8	n/a	Wades of Wednesbury, Webb Street, Coseley	20,000
WS9	n/a	Woodside Works, Blackbrook Road, Dudley (Dartmouth Global Trading)	35,000
<b>Other Significant Waste Management Infrastructure</b>			
WS10	n/a	AB Waste Management and Skip Hire (formerly Bloomfield Recycling), Coseley	45,000
WS11	n/a	Budden Road Waste Transfer Station, Coseley	25,000
WS12	n/a	Environmental Contracts Ltd (ECL) Waste Transfer, Dudley	25,000

\*Estimated capacity remaining at the end of 2021 (permitted end date of 31/12/2025)

### Safeguarding Existing and Planned Waste Sites

17.21 The need for new housing and employment development must be balanced against the need to retain the infrastructure needed to support local households, businesses, and the construction industry. This includes the infrastructure that manages the waste they generate. Waste Planning authorities must therefore

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ensure that the impact of non-waste development on existing and planned waste facilities is acceptable, and “does not prejudice the implementation of the waste hierarchy and/ or the efficient operation of such facilities” (NPPW).

17.22 The Plan therefore recommends a safeguarding policy for existing strategic and other waste sites (Policy DLP76). However, the policy also recognises that the redevelopment of existing or former waste management sites with new housing, employment or other land uses is sometimes justified. For example, redevelopment is likely to be acceptable where the waste facility has already closed, or the operator is proposing to close it or relocate the operations to another site.

17.23 Another important material consideration will be whether or not the waste operations are lawful, i.e., whether they have planning permission or a lawful development certificate. For example, if the waste operations are unauthorised and unsuitable for the location, the Council will normally consider taking enforcement action to stop them.

### **Potential Losses of Waste Management Capacity**

17.24 When determining applications for non-waste development within a short distance or adjacent an existing waste management facility, regard will be had to any potential adverse impacts the proposed development might have on the future of the site as a location for the continuation of waste management activities. If a development is likely to have an unacceptable impact on the future of the site as a location for waste management, it will be refused. The ‘agent of change’ principle set out in national planning policy will be applicable i.e., existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established; the ‘agent of change’ (the new development) should provide suitable mitigation before the development has been completed.

### **Waste Site Impact Assessments**

17.25 Taking on board the Black Country Waste Study recommendations, the policy requires applications for non-waste development, which could be sensitive to



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the operation of a waste management site, on or near to an existing or planned waste site to include a Waste Site Impact Assessment. This should:

- a) identify the waste site potentially affected;
- b) explain the spatial relationship between the application site and the waste site;
- c) provide a brief description of the waste site, which should include:
  - i. its operational status and any proposed changes;
  - ii. the facility type;
  - iii. whether the site is a strategic waste site;
  - iv. the types of waste managed;
  - v. the waste operations permitted on the site.
- d) summarise the main effects of the waste operations;
- e) identify any effects that could be harmful to the health, wellbeing, and amenity of the occupiers of the new development;
- f) consider how the occupiers of the new development could be affected;
- g) consider how the waste site could be affected by the development;
- h) demonstrate how the development complies with the policy and the measures proposed to ensure that the waste site and the proposed development can coexist without compromising each other.

### Evidence

- Black Country Waste Study (2020 and 2022), Wood
- Dudley Borough Waste Study (2023), WSP
- Black Country Council's Water Cycle Study: Phase 1 (2020), JBA Associates

### Delivery

- Planning applications and permissions
- Waste Industry- engage positively with developers and the local planning authority on proposals to change the use of existing or planned waste sites and proposals for non-waste development near to existing or planned waste sites

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- Developers- ensure that new development near to existing or planned waste sites have regard to the potential effects on both developments, ensure that proposals for non-waste development make efficient use of resources and are designed to include sufficient space for secure waste storage, management and collection.

### Preferred Areas for New Waste Facilities

17.26 The identification and delivery of new waste management facilities will contribute towards meeting new capacity requirements set out in Policy DLP75 and will help meet the strategic objectives of the Plan.

#### **Policy DLP77 Preferred Areas for New Waste Facilities**

- 1. The preferred location for new waste management facilities in the borough is the Local Employment Area shown on the Policies Map and Waste Key Diagram (Bloomfield Road/Budden Road, Coseley).**
- 2. All proposals for new waste management facilities should demonstrate how they will contribute to the strategic objectives of Policy DLP75, such as the contribution they will make to landfill diversion, delivery of new waste management capacity and diversification of the range of facilities currently available.**
- 3. All applications for waste development will be expected to comply with the requirements in Policy DLP78.**

### Justification

17.27 The NPPW requires Waste Management Authorities to identify suitable sites or areas for waste management in Local Plans. Several specific locations have been identified in the Black Country Waste Study (2020) where new waste management facilities could be located.

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17.28 In accordance with the NPPW when deciding which areas should be allocated waste planning authorities should assess their suitability against a range of criteria;

- a) the extent to which the site or area will support the other policies set out in the NPPW;
- b) physical and environmental constraints on development, including existing and proposed neighbouring land uses;
- c) the capacity of the existing and potential transport infrastructure to support the sustainable movement of waste and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport, and;
- d) the cumulative impact of existing and proposed waste disposal facilities on the well-being of local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.

17.29 The NPPW advises that when identifying suitable sites and areas for waste, waste planning authorities should consider opportunities for on-site management of waste where it arises. This has been addressed in Policy DLP75 part 2b.

17.30 The NPPW also recommends looking at a broad range of locations for the development of new waste infrastructure, including industrial sites (particularly where there are opportunities to co-locate waste management facilities together). Priority should be given to the re-use of previously developed land, sites allocated for employment use and redundant agricultural buildings).

### **Identification of Preferred Sites**

17.31 It is not proposed to allocate specific sites for waste in the Plan because no new sites likely to be deliverable within the Plan period have been identified, apart from sites that already have planning permission. To have sufficient confidence to allocate a site, it would need to be actively promoted for waste management use by a waste planning authority, a landowner, or a commercial waste operator.

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### **Identification of Preferred Areas**

17.32 A number of employment areas have been identified in the Black Country Waste Study (2020) as being most suited to the development of new waste recovery, treatment, and transfer infrastructure. These sites were identified through a five-stage screening process followed by an assessment of employment locations and selected sites promoted through the 'call for sites' which fell outside of the excluded areas (Black Country Waste Study, Chapter 5).

17.33 The results of the assessments are presented in Appendix M of the Black Country Waste Study and are summarised in Table 5.10 of the main report. These areas are considered least likely to give rise to land use conflicts, and in several cases, there is already co-location of existing waste facilities to which new sites would contribute. There is only one such area in Dudley Borough, and this is identified on the Waste Key Diagram and Policies Map and in Policy DLP77 (Bloomfield Road/Budden Road, Coseley).

17.34 The policy allows for the provision of new waste facilities at other appropriate locations other than the Preferred Area at Bloomfield Road/Budden Road, with reference to Policy DLP78.

### **Evidence**

- Black Country Waste Study (2020), Wood
- Black Country Employment Area Review (BEAR) (2020), Black Country Local Authorities
- Authority Monitoring Report

### **Delivery**

- Planning applications and permissions

### **Locational Considerations for New Waste Facilities**

17.35 Steering waste management facilities towards the most suitable locations where they are likely to generate maximum benefits in terms of co-location, provide supporting infrastructure for other uses and minimise potential harmful effects

on the environment and local communities will support the strategic objectives of the Plan.

## **Policy DLP78 Locational Considerations for New Waste Facilities**

### **Key Locational Considerations for All Waste Management Proposals**

- 1. Proposals should demonstrate how they will contribute to the strategic objectives of Policy DLP75, such as the contribution they will make towards landfill diversion, delivery of new waste management capacity and diversification of the range of facilities currently available.**
- 2. Development for new build waste management facilities should be focused in local employment areas (primarily Local Employment Areas- Policy DLP20) and will be required to meet the following criteria:**
  - a. evidence the need for the facility.**
  - b. all waste processes and operations must be contained, processed and managed within buildings unless there are acceptable operational reasons why these processes cannot be contained in buildings.**
  - c. proposals must accord with all other policies in relation to the protection of the natural and historic environment and public amenity or demonstrate that other material considerations outweigh any policy conflicts.**
  - d. consideration will be given to the potential impacts of waste management proposals on**
    - i. minimising adverse visual impacts.**
    - ii. potential detrimental effects on the environment and public health.**
    - iii. generation of odours, litter, light, dust, and other infestation.**

## **Policy DLP78 Locational Considerations for New Waste Facilities**

- iv. noise, excessive traffic and vibration.**
- v. risk of serious fires through combustion of accumulated wastes.**
- vi. harm to water quality and resources and flood risk management.**
- vii. land instability.**
- viii. land use conflict- proposals should demonstrate compatibility with the uses already present within / adjacent to the area.**
- ix. where necessary mitigation measures should be identified to reduce any adverse effects to an acceptable level.**
- x. whether the proposal would provide opportunities for co-location of related uses and / or generate other benefits (for example; produce a range of waste types or streams, produce high quality aggregates or other useful raw materials, or supply heat and power or other forms of energy to adjacent uses).**

### **Waste Applications – Supporting Information**

- 3. Planning applications for waste development (Note 1 below) should include a supporting statement that clearly describes the key characteristics of the development. It should also explain how the development aligns with the principles and preferred methods of managing waste in Policy DLP75. In particular, the application should explain the contribution the development would make towards driving waste up the waste hierarchy, supporting the development of a more circular economy, meeting the boroughs'**

**Policy DLP78 Locational Considerations for New Waste Facilities**

**additional waste capacity requirements, and broadening the range of waste facilities currently available in the plan area.**

- 4. The following information should also be included in the supporting statement and/or on the planning application form:**
- a. the type of waste facility or facilities proposed.**
  - b. the waste streams and types of waste to be managed.**
  - c. the types of operation to be carried out on the site.**
  - d. whether waste would be sourced locally, regionally or nationally.**
  - e. the maximum operational throughput in tonnes per annum.**
  - f. for waste disposal, the total void space to be infilled in cubic metres.**
  - g. the outputs from the operations, including waste residues.**
  - h. the expected fate and destination of the outputs.**
  - i. the number of associated vehicular movements.**
  - j. the number of jobs created.**

**Notes: (1) This includes applications for new build waste developments, changes of use to waste developments, applications for new operational development and other material changes to existing waste sites, and 's73' applications to vary a condition attached to an existing waste permission.**

**Justification**

17.36 National policy requires the Council to identify suitable sites and areas for waste management in the Plan. A 'Preferred Area' for new waste facilities is set out in Policy DLP77. This Policy DLP78 identifies that in principle other employment areas may be appropriate locations for new waste facilities (should opportunities at the 'Preferred Area' not be available or suitable for individual proposals).

17.37 Many of the waste management facilities have operations that are similar to industrial processes and therefore may also be located in other retained

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employment areas. Operators seeking a location for new waste management facilities should be focusing their search on areas to be retained as employment land and should avoid those areas proposed to change to housing.

- 17.38 While most types of waste facilities are likely to be acceptable in all Local Employment Areas (Policy DLP20), the list of facilities acceptable on Strategic Employment Areas (Policy DLP19) is much shorter. They will normally be restricted to fully enclosed operations that fall within Use Classes E(g)(iii) or B2 and are already classified as employment uses, or sui generis operations that would be compatible with a Strategic Employment Area location and would not compromise existing or potential future employment uses falling within Use Classes E(g)(ii), E(g)(iii), B2 or B8 (Policies DLP19 and DLP20). Policy DLP78 reflects this approach.
- 17.39 Certain waste operations may be acceptable on 'Other Employment' land (Policy DLP21) not identified as Strategic or Local Employment Areas for long-term retention in employment land use. However, given the status of these sites and the potential that they will be developed for a non-employment use, the Council is only likely to grant a temporary permission for waste development in these types of location.
- 17.40 There are certain types of waste management facilities that require an open site and will therefore be difficult to accommodate within the urban areas of the borough due to the lack of suitable sites (e.g., open window composting facilities). These types of facility are subject to strict regulation by the Environment Agency and must be located at least 250m away from sensitive receptors.
- 17.41 The last part of the policy sets out the criteria against which new waste management proposals will be assessed. There are a number of other issues common to all waste developments that should be addressed in all cases. For example, the relationship of the proposal to the strategy for waste and resources as set out in Policy DLP75 is of paramount importance, and all applications should explain how the proposed development is aligned with these principles. They should also address other locational issues such a proximity to the source of waste, relationships to adjoining / neighbouring uses, visual impacts and



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other potential effects on the surrounding area. Potentially harmful environmental / amenity impacts will be minimised where operations are contained within a building or enclosure, so facilities should always be enclosed where feasible.

### Waste Applications – Supporting Information

17.42 All waste applications should be accompanied by a supporting statement which provides a general description of the development.

17.43 Applicants will be required to provide a certain amount of information about their proposed development on the planning application form, including information about the waste streams to be managed and the maximum annual throughput in tonnes and/ or void space in cubic metres. However, as the space available on the form is limited, a more comprehensive description of the proposed waste operations should be provided in the supporting statement.

17.44 To assist applicants, the policy sets out the key pieces of information they should provide to enable the Council to understand the types of operation proposed and the potential effects of the development. The most appropriate place to set out, describe in detail and assess such a proposal against relevant planning policies is within a Planning Statement. In addition, if the development is 'EIA development' (meaning it requires an Environmental Impact Assessment), as Schedule 1 or 2 development, details should be included in an Environmental Statement (ES)<sup>47</sup>.

### Evidence

- Black Country Waste Study (2020 and 2022), Wood
- Dudley Borough Waste Study (2023), WSP
- Black Country Employment Area Review (BEAR) (2020), Black Country Local Authorities
- Authority Monitoring Report

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<sup>47</sup> Or any equivalent following the Government's review of the Environmental Impact Assessment regulations.

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**Delivery**

- Planning applications and permissions
- Engagement with relevant stakeholders as part of pre-application and planning application process, including waste operators, Environment Agency, Environmental Health.

**Resource Management and New Development**

17.45 Managing material resources – including waste - in a responsible way is an important element of sustainable development and will support the strategic objectives of the Plan.

<p><b>Policy DLP79 Resource Management and New Development</b></p>
<ol style="list-style-type: none"><li><b>1. All new developments should;</b><ol style="list-style-type: none"><li><b>a. address waste as a resource.</b></li><li><b>b. minimise waste as far as possible.</b></li><li><b>c. design sites with resource and waste management in mind.</b></li><li><b>d. manage unavoidable waste in a sustainable and responsible manner.</b></li><li><b>e. maximise use of materials with low environmental impacts.</b></li></ol></li><li><b>2. Where a proposal includes uses likely to generate significant amounts of waste, these should be managed either on-site or in as close a proximity as possible to the source of the waste.</b></li><li><b>3. Resource and waste management requirements should be reflected in the design and layout of new development schemes. Wherever possible building, engineering and landscaping projects should use alternatives to primary aggregates, such as secondary and recycled materials, renewable and locally sourced products and materials with low environmental impacts. Consideration should also be given</b></li></ol>

**Policy DLP79 Resource Management and New Development**

**to how waste will be managed within the development once it is in use.**

- 4. Where redevelopment of existing buildings or structures and / or remediation of derelict land is proposed, construction, demolition and excavation wastes (CD&EW) should be managed on-site where feasible and as much material as possible should be recovered and re-used for engineering or building either on-site or elsewhere.**

**Justification**

17.46 This policy sets out general principles on waste and resource efficiency to be addressed by new developments, including requirements to manage large amounts of waste on site or nearby, recycle and re-use products as far as possible.

17.47 Achieving zero waste growth and driving waste up the “waste hierarchy” are important objectives of national policy guidance and the strategy for waste management in the borough. Delivering on site-waste management of waste and making better use of waste generated through development will contribute to the delivery of these objectives.

17.48 This policy sets out the minimum requirements for planning applications for all developments to demonstrate how they have addressed waste and resource issues.

17.49 Residential developments should include adequate storage for recyclable and nonrecyclable waste pending collection, including storage for recyclable wastes and access for waste collection vehicles.

17.50 The resources and waste management requirements of businesses will be an important consideration in development projects to improve employment areas, town, and district centres. Where feasible, regeneration schemes should include provision for on-site waste management.

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17.51 Where organisations are generating significant amounts of a particular type of waste, which is not currently managed in the borough, consideration should be given towards waste being disposed of or being recovered at the nearest appropriate facility(s).

17.52 Opportunities for symbiosis – matching waste producers with organisations who might have a use for the waste produced - should be explored.

### Evidence

- Black Country Waste Study (2020 and 2022), Wood
- Dudley Borough Waste Study (2023), WSP
- Authority Monitoring Report

### Delivery

- Planning applications and permissions
- Developers- ensure that proposals for non-waste development make efficient use of resources and are designed to include sufficient space for secure waste storage, management and collection.
- Waste Collection Authority- provide advice to developers on the waste bins and storage space required in residential developments.

### Monitoring

Policy	Indicator	Target
DLP75 & DLP79	% of LACW recycled / recovered per annum (DeFRA LACW Statistics)	Increase in recycling rates
DLP75	New waste recycling, recovery and transfer capacity (tonnes per annum) New landfill capacity (cubic metres /	As specified in Policy DLP75 supporting text

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	tonnes) Waste capacity lost (tonnes per annum) (Dudley Council Annual Monitoring)	
DLP76	Number of planning applications for housing development near to a Strategic Waste Site / % of proposals compliant with policy (	100% of housing developments near to a Strategic Waste Site to include effective measures to manage land use conflicts
DLP77	Net change in waste capacity – significant losses in capacity /significant gains from development of new infrastructure	Delivery of indicative waste capacity requirements in Policy DLP75 delivered
DLP77 & DLP78	Total number of planning applications for waste development approved/ number of applications approved within the preferred areas or other retained employment areas	% of planning permissions for waste development (excluding landfill sites) to be in preferred areas or other retained employment areas
DLP78	Total number of planning applications for waste development submitted, number of applications held in abeyance / invalid	100% of waste applications include information required by the policy

**18 Minerals**

**Introduction**

18.1 Local plans are expected to make sufficient provision for all kinds of development, including for minerals (NPPF). The policies for minerals support the strategic objectives of the Plan.

**Minerals Production - Requirements**

18.2 This policy reflects the fact that there are no remaining workable primary minerals reserves within Dudley Borough (as identified in the supporting Black Country and Dudley Borough Minerals Studies). The focus is upon the boroughs’ secondary and recycled aggregates supply and continuing to work jointly with other Minerals Planning Authorities to consider any strategic matters arising from the likely demand for minerals over the Plan period. Continued joint working (for example as part of the West Midlands Aggregates Working Party) will serve to address any matters arising from the imports of minerals from other areas into the borough.

<p><b>Policy DLP80 Mineral Production - Requirements</b></p>
<p><b>1. To enable Dudley Borough to make an appropriate contribution towards local and regional minerals requirements, the following provision is identified for minerals over the Plan period.</b></p>
<p><b><u>Construction Aggregates- Secondary and Recycled Aggregates</u></b></p>
<p><b>2. The supporting evidence base identifies the estimated quantity of secondary and recycled aggregates per annum being produced at permitted production sites within the borough (Dudley Minerals Study, forthcoming). As a minimum, the Council will aim to maintain this level of production throughout the Plan period. In support of this, permitted secondary and recycled aggregates sites expected to continue in production up to 2041 will be safeguarded (see Policy DLP81).</b></p>

**Policy DLP80 Mineral Production - Requirements**

**Efficient Use of Mineral Resources**

- 3. All new developments will be encouraged to be resource-efficient, by making the maximum possible use of recycled mineral products in construction, to reduce reliance of quarried products and help maintain existing supplies for longer.**
  
- 4. To address strategic matters related to the supply of minerals, the Council will continue to work with relevant local authorities and other stakeholders (including via the West Midlands Aggregate Working Party) and will contribute to the publication of Local Aggregates Assessments for the West Midlands Metropolitan Area.**

**Justification**

- 18.3 The NPPF recognises that mineral resources can only be worked where they are found. As detailed in the Black Country and Dudley Minerals Study’s (2020 and 2023), there are no primary aggregates sites remaining in the borough. Therefore, the focus of the policy is on the supply of secondary and recycled aggregates which helps to preserve the regional primary aggregates supply.
  
- 18.4 Secondary and recycled aggregate sites expected to continue in production up to the end of the Plan period will be safeguarded (see Policy DLP81). Due regard should also be had to the relevant Dudley Local Plan waste policies (notably Policies DLP75 and DLP76).
  
- 18.5 For minerals planning purposes, past trends and future provision is planned at the West Midlands Metropolitan Area (WMMA) level via the Local Aggregates Assessment. The WMMA comprises the seven unitary authorities of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall, and Wolverhampton. The Council will continue to work with these Mineral Planning Authorities in terms of identifying, monitoring and managing the wider WMMA minerals requirements over the plan period.

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18.6 There is one tile work business in the borough (Dreadnought) which is reliant on brick clay imports from Staffordshire, Shropshire, Leicestershire and Warwickshire. Via joint working as part of the WMMA and the West Midlands Aggregate Working Party, the Council will seek to monitor and manage the supply of imports necessary to serve such sites.

**Evidence**

- Black Country Minerals Study (2020), Wood
- Dudley Borough Minerals Study (2023), WSP

**Delivery**

- Planning applications and permissions
- Duty to Cooperate- continued liaison with WMMA authorities under the Duty to Cooperate and wider Minerals Planning Authorities i.e., via the Local Aggregates Assessment and the Aggregates Working Party

**Minerals Safeguarding**

18.7 The evidence base has not identified any parts of Dudley Borough that merit being designated as Minerals Safeguarding Areas (MSA - i.e., any workable primary mineral reserves). The policy is therefore focused upon how larger scale developments across the borough can prevent the unnecessary sterilisation of mineral resources more widely (outside of MSAs).

18.8 This policy sets out how mineral resources and sites that are expected to be producing, processing or transporting minerals and mineral products within Dudley Borough will be protected from other types of development that could compromise their continued operation over the plan period.

<b>Policy DLP81 Minerals Safeguarding</b>
<b>1. Mineral deposits that are identified as being, or may become of, economic importance will be safeguarded from unnecessary sterilisation.</b>



## Policy DLP81 Minerals Safeguarding

- 2. Where non-mineral development is proposed, encouragement will be given to the extraction of any identified mineral resource prior to or in conjunction with, development, where this would not have unacceptable impacts on neighbouring uses. This applies to developments over five hectares (for new building development only, i.e., excluding changes of use and conversions). Such developments should be accompanied by supporting information (as set out in the Justification) demonstrating that mineral resources will not be needlessly sterilised.**
- 3. The location of currently permitted mineral infrastructure sites are identified on the Minerals Key Diagram and are listed in the ‘Justification’ below. Applications for development within a 150m buffer zone of these sites will need to demonstrate they will not have any unacceptable impacts on these sites that would prevent them from continuing to operate. Any new mineral infrastructure sites which come forward during the plan period will also be subject to these policy provisions.**

### Justification

18.9 Most of Dudley Borough’s primary mineral resources are now either exhausted or sterilised by other development and are therefore not capable of being worked on a commercial scale. Therefore, the plan does not identify any Minerals Safeguarding Areas (MSAs). However, to prevent the unnecessary sterilisation of minerals resources more widely, the prior extraction of these resources is encouraged where large scale non-mineral development is proposed (except for conversions /changes of use that do not involve any new building or excavation works) in accordance with the NPPF.

18.10 Mineral sterilisation issues will only generally come into play when larger development sites are concerned i.e., those generally above five hectares, and such developments should be accompanied by supporting information

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demonstrating that mineral resources will not be needlessly sterilised. The supporting information should include details of a prior extraction scheme or, where this is not considered feasible, evidence that:

- a) mineral resources are either not present, are of no economic value or have already been extracted as a result of a previous site reclamation scheme or other development; or
- b) extraction of minerals is not feasible, for example due to significant overburden or because mineral extraction would lead to or exacerbate ground instability; or
- c) prior extraction of minerals would result in abnormal costs and / or delays which would jeopardise the viability of the development; or
- d) there is an overriding need for the development which outweighs the need to safeguard the mineral resources present; or
- e) extraction of minerals would have unacceptable impacts on neighbouring uses, the amenity of local communities or other important environmental assets.

18.11 Where prior extraction is proposed, conditions will be imposed on any grant of permission requiring applicants to provide details of the types and tonnages of minerals extracted once the scheme has been completed.

18.12 The Plan must make provision for mineral sites and associated mineral infrastructure sites (in accordance with the NPPF). As such, existing mineral sites and mineral infrastructure sites need to be safeguarded for continued use and to retain the potential of the areas in which they occur.

18.13 The Black Country Minerals Study identifies 'buffer zones' around existing mineral extraction and mineral infrastructure sites. Given the proximity of permitted mineral sites to existing development in the borough, it is considered that the application of the Mineral Products Association's recommended 250m buffer zone around every existing mineral site is unrealistic. A 150m buffer has been applied instead. Any non-mineral development within this 150m buffer zone will need to demonstrate it will not have any unacceptable impacts on these sites that would prevent them from continuing to operate.

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18.14 The currently permitted mineral infrastructure sites are detailed in Tables 18.1 and 18.2 below.

**Table 18.1 Mineral Sites in Dudley Borough**

Local Plan Site Ref	Previous Local Plan Ref	Site Name	Location	Use
MS1	n/a	Dreadnought Brickworks	Dreadnought Road, Pensnett	Operational brickworks

**Table 18.2 Mineral Infrastructure sites in Dudley Borough**

Local Plan Site Ref	Previous Local Plan Ref	Site Name	Location	Use
MS2	n/a	Accumix Concrete	Ham Lane, Kingswinford	Concrete Batching Plant
MS3	n/a	Bell Recycling Centre	Oak Lane, Kingswinford	Aggregates Recycling
MS4	n/a	Oak Lane Aggregates Recycling Site	Oak Lane, Kingswinford	Aggregates Recycling
MS5	n/a	SW Jackson Aggregates	Off Oak Lane, Kingswinford	Concrete Batching Plant
MS6	n/a	Pegasus Skip Hire (formerly	Timmis Road, Lye	Aggregates Recycling

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Local Plan Site Ref	Previous Local Plan Ref	Site Name	Location	Use
		Regen R8 Limited)		

**Evidence**

- Black Country Minerals Study (2020), Wood
- Dudley Borough Minerals Study (2023), WSP

**Delivery**

- Planning applications and permissions
- Developers- to consider the impact of proposed development on minerals resources and infrastructure

**Managing the Effects of Mineral Development**

18.15 This policy sets out the requirements that planning applications for mineral working and minerals infrastructure will be expected to address. The policy applies to both proposals at existing sites and those at new ones.

<p><b>Policy DLP82 Managing the Effects of Mineral Development</b></p>
<p><b>1. Proposals for new mineral working or mineral-related infrastructure at both new and existing sites should demonstrate how they contribute towards the strategic objectives of Policy DLP80. They should accord with all other policies of the Local Plan including those in relation to the protection of the environment, public amenity and health, and surrounding land uses, or otherwise demonstrate that other material considerations outweigh any policy conflict. Proposals will be assessed in terms of:</b></p>

**Policy DLP82 Managing the Effects of Mineral Development**

- a. minimising any adverse visual impacts.**
- b. effects on natural (including ecological networks), built, and historic (including archaeological) environments and on public health.**
- c. generation of noise, dust, vibration, lighting, and excessive vehicle movements.**
- d. compatibility with neighbouring uses – taking into account the nature of the operations, hours of working, the timing and duration of operations and any cumulative effects.**
- e. harm to water quality and resources and flood risk management.**
- f. ground conditions and land stability.**
- g. land use conflict – proposals should demonstrate compatibility with the uses already present within the surrounding area.**
- h. impacts on the highway, transport, and drainage network.**
- i. where necessary, mitigation measures should be identified to reduce any adverse effects to an acceptable level.**

**Justification**

18.16 The NPPF places several requirements on minerals planning authorities when setting policies for assessing minerals developments and for assessing individual proposals – including adverse impacts on the natural and historic environment and on human health, cumulative effects of multiple mineral facilities, control and mitigation of noise, dust and vibration, and restoration and aftercare at the earliest opportunity and to a high environmental standard.

18.17 This policy sets out the general requirements that will apply to all proposals involving the development of mineral infrastructure and mineral working.

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18.18 Mineral infrastructure proposals are defined as storage, handling, and processing facilities (such as depots and recycling facilities) and transportation facilities (such as rail sidings, rail heads and canal wharves). In the context of Dudley Borough, mineral working proposals are only likely to include any prior extraction in advance of a large-scale development scheme.

18.19 Mineral developments differ and early discussion with the mineral planning authority is recommended to clarify the scope and detail of information that will be required. It will be important that the applicant demonstrates the proposal to be consistent with national policy and the overall Spatial Strategy.

### Evidence

- Black Country Minerals Study (2020), Wood
- Dudley Borough Minerals Study (2023), WSP

### Delivery

- Planning applications and permissions
- Developers- to consider and satisfy the general requirements and additional assessment criteria set out in this policy when submitting minerals development proposals.

### Monitoring

Policy	Indicator	Target
DLP80	Levels of aggregates produced from secondary and recycled sources.	Maintenance of current levels over the plan period.
DLP81	Applications for non-mineral development within the 'buffer zones' around mineral extraction sites and mineral infrastructure that comply with	100%

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<b>Policy</b>	<b>Indicator</b>	<b>Target</b>
	the safeguarding provisions in the policy.	
DLP82	Percentage of applications for mineral related development satisfying the requirements set out in the policy.	100%

## 19 Development Management Policies

### Introduction

19.1 This section provides development management policies for specific issues within the borough.

### Access for All

19.2 This policy ensures that the borough provides an accessible and inclusive environment to all members of its community.

<b>Policy DLP83 Access for All</b>
<ol style="list-style-type: none"><li><b>1. Dudley Borough shall be an environment which is accessible and inclusive to all members of its community.</b></li><li><b>2. All new development for townscape and landscape enhancements shall be informed by the Access for All SPD (or any subsequent guidance), in particular to seek to incorporate measures for the ease of access for disabled, infirm and partially sighted persons.</b></li><li><b>3. This is particularly to ensure unhindered movement for all within Dudley’s Centres, along its Canals and the River Stour, and other footpaths and pedestrian linkages.</b></li><li><b>4. This is providing that such measures would not conflict with the value, character or setting of heritage assets or would not prevent works which would provide substantial benefits to the wider local community from being realised.</b></li></ol>

### Justification

19.3 The Council recognises that in order to achieve strong, vibrant, sustainable and inclusive communities, our built environment should be fully accessible to enable everyone to participate in the community. An important part of delivering this commitment is breaking down unnecessary physical barriers imposed on



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people by poor design of buildings and places, allowing everyone to fully participate in community, leisure, retail, social and cultural activities.

**Incompatible Land Uses**

19.4 This policy ensures that developments which are incompatible in terms of their environment impact are not permitted unless suitable mitigation is provided.

<b>Policy DLP84 Incompatible Land Uses</b>
<ol style="list-style-type: none"> <li><b>1. Development will not be permitted if it is incompatible, in terms of its environmental impact, with the surrounding uses and suitable mitigation cannot be provided (prior to the development being completed).</b></li>   <li><b>2. This will particularly be as a result of the amenity of the occupiers of existing and proposed buildings and the users of the public realm at or near to the site potentially being subject to undue harm as a result of development, especially by virtue of noise and disturbance, light and air pollution, and odours and fumes. This especially relates to the amenity of the occupiers of dwellings. The ‘agent of change’ principle as detailed in national planning policy will be applied to development proposals.</b></li> </ol>

**Justification**

19.5 It is acknowledged that amenity of existing occupants or users of a particular development or space can be harmed as a result of the impact of environmental factors such as noise and air pollution brought about by a new development or proposal. This policy recognises that it is not only occupiers of residential buildings that experience the impact of adjacent development on amenity value but also buildings and spaces which are used for employment, retail, community or leisure purposes. It reflects the national planning policy approach in respect of the ‘agent of change’ principle. This seeks to ensure that new development can be integrated effectively with existing businesses and community facilities, and that existing businesses and facilities do not have unreasonable restrictions

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placed on them as a result of development permitted after they were established.

### Contaminated Land

19.6 This policy ensures that issues related to contaminated land are considered and addressed as part of new development proposals.

#### **Policy DLP85 Contaminated Land**

- 1. A preliminary risk assessment of contaminated land is required at the planning application stage for all major development and for smaller scale sensitive development where contamination is known or suspected to be present.**
- 2. Where a satisfactory preliminary risk assessment identifies it is necessary, an intrusive site investigation and quantitative risk assessment are also required at the planning application stage.**
- 3. Where planning permission is granted, conditions may be placed which require the applicant to undertake further action in relation to:**
  - a. provision of a risk assessment and options appraisal.**
  - b. formulation of a sustainable remediation strategy.**
  - c. implementation and verification of the remediation strategy.**
  - d. the sustainable remediation of contaminated land not previously identified.**
  - e. Long term monitoring and/or maintenance of remedial measures where identified as being required by the remediation strategy.**
- 4. The requirements of criteria 1– 3 must be undertaken in line with best practice guidance and by a competent environmental specialist as defined in the UK Government Land Contamination Risk Management (LCRM) guidance, NPPF and PPG.**

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### Justification

19.7 The historic capital of the Black Country, Dudley Borough is an intensely industrialised area that was at the forefront of the industrial revolution. The strong industrial heritage of the borough was built upon its mineral wealth of coal, ironstone, limestone, fireclay and sand. Due to human activities involving the use, manufacture, storage and disposal of substances, numerous sites have become contaminated. The type of contamination can vary widely from site to site and is specific to the previous use. Some of the more common substances encountered include arsenic, heavy metals (such as lead and mercury), oils and tars, solvents, acids and gases such as methane and carbon dioxide associated with the degradation of wastes. The Council has powers under Part 2A of the Environmental Protection Act 1990 to inspect potential areas of contaminated land in line with its Contaminated Land Strategy. However, the regulations do not usually apply to development land. Instead, contaminated land must be addressed during development in line with planning policies and guidance.

### Unstable Land

19.8 This policy ensures that issues related to unstable land are considered and addressed as part of new development proposals.

#### **Policy DLP86 Unstable Land**

- 1. Where it is known or suspected that land stability may have an impact on any development or works to upgrade the local environment, planning applications must be accompanied by sufficient proportionate information to determine the extent of the instability.**
- 2. The developer will be required to undertake an assessment of the potential of such works to mitigate against or ensure that there are no significant adverse impacts on controlled waters and geological features of value.**

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**Justification**

19.9 There is an acknowledged and evidenced legacy of unstable land within Dudley Borough, primarily relating to both coal and limestone workings. The policy seeks to address this where possible in the development process as well as referring to the need to ensure that controlled waters (inland freshwaters and groundwaters) are not adversely affected by remediation works.

**Noise pollution**

19.10 This policy ensures that issues related to noise pollution are considered and addressed as part of new development proposals.

<p><b>Policy DLP87 Noise Pollution</b></p>
<ol style="list-style-type: none"><li><b>1. Where development has the potential to generate noise, the Council will require any such proposal to include measures that would minimise noise emissions and intrusions to an agreed, acceptable level.</b></li><li><b>2. Where development would be subject to high noise levels the Council will require the proposal to include measures to reduce noise intrusion to an agreed, appropriate level.</b></li><li><b>3. The Council will not permit development for either noise-generating proposals or noise-sensitive proposals where:</b><ol style="list-style-type: none"><li><b>a. a juxtaposition of uses arise.</b></li><li><b>b. noise levels are assessed as being significant to the extent that amenity will be demonstrably prejudiced despite the provision of mitigation measures and, where those mitigation measures are considered to be inappropriate for the development proposal.</b></li></ol></li></ol>

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### Justification

19.11 Noise pollution has the potential to be a nuisance and in extreme circumstances can cause considerable stress for people living and working in close proximity. The planning system has an important role to play in protecting local residents from development that results in noise pollution.

### Light pollution

19.12 This policy ensures that issues related to light pollution are considered and addressed as part of new development proposals.

#### **Policy DLP88 Light Pollution**

- 1. Applications for development that comprise or require external lighting must demonstrate that:**
  - a. the use and design of the lighting scheme is necessary, particularly on the grounds of public safety, and appropriate to the location and the use proposed and/or design of the scheme/building. Clustering of lighting installations will only be permitted in the interests of safety or to highlight an individual landmark building or thoroughfare or town centre area.**
  - b. there is no harm to residential amenity.**
  - c. light spillage is minimised and, where appropriate, measures are provided to:**
    - i. screen lighting installations from view from neighbouring areas, especially within, to or from heritage assets and areas of Green Belt.**
    - ii. restrict the times of illumination.**
  - d. there shall be no harm to protected wildlife species or habitats of acknowledged nature conservation importance including watercourses.**

**Policy DLP88 Light Pollution**

- e. illumination shall not provide an undue distraction to users of the public highway. Approval of development which includes significant external lighting will contain appropriate conditions where necessary to mitigate against any negative impacts. Where such impacts cannot be mitigated and there is the potential for significant harm to the local environment, the Council will refuse permission for that scheme.**

**Justification**

19.13 The quality of the night-time environment is often dependent upon light. Artificial light is essential for reasons of safety and security as well as for a vibrant night-time economy in towns or add to the amenity of a place by highlighting special buildings and open spaces of character. However, insensitive lighting can cause light pollution and can also have an adverse impact upon biodiversity by affecting normal diurnal patterns of plants and animals. External lighting is needed for commercial use, such as security lights, and for some community and sports facilities such as floodlit sports grounds and facilities in parks and open spaces, particularly during the winter for added safety to encourage increased use. Whilst the lighting has to be adequate for the purpose, it is important that there is no significant nuisance to the amenity of surrounding properties. This may require the use of planning conditions to limit times when lighting is used to minimise the intrusion.

**Control of Advertisements**

19.14 This policy sets out matters to be considered for applications for new advertisements in the borough.

## **Policy DLP89 Control of Advertisements**

- 1. The Council will resist the display of any advertisement which is detrimental to:**
  - a. the appearance of the building and/or land upon which it is displayed.**
  - b. the visual amenity and character of the surrounding area including key views and vistas.**
  - c. public safety including highway safety.**
  
- 2. The Council will require that the scale and design of any proposed advertisement should:**
  - a. be in keeping with the scale and character of the area and any adjacent or nearby buildings.**
  - b. be appropriate to the surroundings and any recognised heritage assets or buildings and locations identified as being heritage assets.**
  - c. avoid obscuring any elevational design details and architectural features of a building.**
  - d. be appropriately and sensitively illuminated.**
  - e. avoid the cumulative impact of advertisements which may result in over proliferation and cluttering of the street-scene.**

### **Justification**

19.15 The Council recognises that outdoor advertising is essential to promote commercial activity and communicate information. Well designed and well-located advertisements add colour and vitality in urban areas whereas poorly designed and/or located advertising can be detrimental to visual amenity, and in some cases a public or highway safety hazard. The policy reflects the national policy approach to determining advertisement applications and guidance provided in the adopted Shopfront and Advertisement SPD (or any subsequent guidance).

**Glossary**

<b>Word/Phase/Acronym</b>	<b>Abbreviation</b>	<b>Meaning</b>
<b>Accessible Neighbourhoods:</b>		Where land uses (local services, schools, employment and housing) are better aligned, spatially, with transport planning (transport infrastructure), to make it easier for people to walk, cycle and use public transport.
<b>Aggregates:</b>		Term used to describe minerals used for construction purposes, such as sand and gravel, which can be used as hardcore or to produce mortar, cement, concrete and other building products, and hard rock, which can be crushed and used for foundations or as road stone. Aggregates can be “primary” (virgin materials quarried from the ground), “secondary” (produced as a by-product of other mineral working or industrial processing), or “recycled” (Produced from recycled waste).
<b>Area of High Historic Townscape Value:</b>	AHHTV	Areas of High Historic Townscape Value are identified in order to illustrate the distribution and extent of areas where built heritage makes a significant contribution to local character and distinctiveness across the borough. These areas exhibit a concentration of historic assets that in combination make a particularly positive contribution to local character and distinctiveness. This was assessed



## DRAFT DUDLEY LOCAL PLAN

Word/Phase/Acronym	Abbreviation	Meaning
		<p>alongside the contribution of the streetscape, landscape features (including views) and their historical associations. The areas selected as warranting designation as an AHHTV are those considered to be of particular value within the Borough.</p>
<p><b>Area of High Historic Landscape Value:</b></p>	<p>AHHLV</p>	<p>Areas of High Historic Landscape Value refer to Landscape Heritage Areas identified by the council, which demonstrate that it is the importance of the elements of the historic environment to the character and distinctiveness of these areas that is recognised by their designation. The value of High Historic Landscape Values resides primarily in the quality of the wider landscape, such as areas of open space, woodland, watercourses, hedgerows, and archaeological features and their historic. Communal, ecological and aesthetic values.</p>
<p><b>Biodiversity:</b></p>		<p>The variety of life on Earth or in a specific region or area.</p>
<p><b>Bio Diversity Net Gain:</b></p>	<p>BNG</p>	<p>A way to contribute to the recovery of nature while developing land.</p>

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Word/Phase/Acronym	Abbreviation	Meaning
<b>Blue Infrastructure</b>		Blue infrastructure relates to urban water infrastructure. Including ponds, lakes, streams, rivers and storm water provision. Sustainable drainage schemes (SuDs) are usually included within blue infrastructure.
<b>Community Gardens</b>		A piece of land gardened or cultivated by a group of people individually or collectively.
<b>Cultural Heritage</b>		Artifacts, monuments, a group of buildings and sites, museum that have a diversity of values including symbolic, historic, artistic, aesthetic, ethnological or anthropological, scientific and social significance.
<b>Energy from Waste:</b>	EFW	The use of waste to generate energy in the form of electricity or heat and power. The term is most often used to describe facilities that generate energy from the combustion of municipal waste. There are two examples of this type of facility in the Black Country, at Lister Road in Dudley and at Crown Street in Wolverhampton. Energy can also be generated from waste using technologies, such as anaerobic

## DRAFT DUDLEY LOCAL PLAN

Word/Phase/Acronym	Abbreviation	Meaning
		<p>digestion (AD), mechanical and biological treatment (MBT), and the capture of landfill gas. Organic wastes can also be used as “biomass” to power generators and power plants.</p>
<b>Flood Zone</b>		<p>A geographic area within which the flood risk is in a particular range (as defined by PPS25). These are defined as Zone 1 (low probability as having a less than 1 in 1000 years chance of flooding). Zone 2 (medium probability of between 1 in 100 and 1 in 1000 years chance). Zone 3a (high probability a 1 in 100 years or greater chance) and Zone 3b (functional floodplain a 1 in 20 years chance). These are mapped in the Black Country SFRA.</p>
<b>Geodiversity</b>		<p>The variety of rocks, fossils, minerals, landforms and soils along with the natural processes that shape the landscape.</p>
<b>Green Infrastructure</b>		<p>A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and well-being benefits</p>

## DRAFT DUDLEY LOCAL PLAN

Word/Phase/Acronym	Abbreviation	Meaning
		for nature, climate, local and wider communities and prosperity.
<b>Growth Network</b>		The area covered by the Strategic Centres and Regeneration Corridors in the Black Country where growth and regeneration and land use change will be concentrated.
<b>Household Waste Recycling Centre:</b>	HWRC	A facility operated by or on behalf of a waste collection authority, where the public can take bulky wastes which would not normally be collected, such as rubble, large household items, and surplus waste they need to dispose of outside of the normal collection arrangements.
<b>Landfill</b>		A method of disposing of waste or pre-treated waste residues without attempting further re-use or recycling. Most landfill sites are former quarries where the waste is used to fill the void and help restore the site to a beneficial end-use (restoration by landfilling with waste is normally a condition of the mineral permission).

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Word/Phase/Acronym	Abbreviation	Meaning
<b>Local Green Space:</b>	LGS	Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities.
<b>Local Nature Reserve:</b>	LNR	A Local Nature Reserve or LNR is a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 by principal local authorities in England, Scotland and Wales. Local Nature Reserves (LNR's) are for both people and wildlife. They are places with wildlife or geological features that are of special interest locally. They offer special opportunities to study or learn about nature or simply to enjoy it.
<b>Metal Recycling Site:</b>	MRS	Any facility involving or related to metal recycling, such as a scrap yard, a metal processing facility, or a vehicle dismantler/ car breaker.
<b>Minerals Planning Authority:</b>	MPA	A planning authority with a statutory duty/ responsibility for mineral planning within their area, meaning that they have to prepare LDF policies on minerals and deal with planning applications for mineral development. All unitary authorities (including the Black Country Authorities) are mineral planning authorities.

## DRAFT DUDLEY LOCAL PLAN

Word/Phase/Acronym	Abbreviation	Meaning
<b>Mineral Safeguarding Area:</b>	MSA	An area designated by minerals planning authorities which covers known deposits of minerals which are desired to be kept safeguarding from unnecessary sterilisation by non-mineral development.
<b>Municipal Waste:</b>	MSW	(Sometimes referred to as Municipal Solid Waste or MSW for short): Waste collected by waste collection authorities (see below) from households and traders/ businesses or deposited at household waste recycling centres/ Civic amenity sites. It is the responsible of the waste disposal authority (see below) to manage the municipal waste arising within their area.
<b>National Nature Reserve:</b>	NNR	National Nature Reserves were established to protect some of our most important habitats, species, and geology, and to provide “outdoor laboratories” for research. There are currently 221 NNRs in England with a total area of over 105,00 hectares.
<b>Site of Importance for Nature Conservation:</b>	SINC	These are the most important areas for ecology and/or geology outside of sites with statutory protection. They are

## DRAFT DUDLEY LOCAL PLAN

Word/Phase/Acronym	Abbreviation	Meaning
		broadly of a quality to be important within the Birmingham and Black Country sub-region. The schedule of SINC's in Birmingham and the Black Country is maintained by the Local Sites Partnership.
<b>Site of Local Importance for Nature Conservation:</b>	SLINC	These sites are broadly of a quality to be of importance for ecology and/or geology at the borough/city level. The schedule of SLINC's in Birmingham and the Black Country is maintained by the Local Sites Partnership.
<b>Site of Special Scientific Interest:</b>	SSSI	A formal conservation designation describes an area that's of particular interest to science due to the rare species of fauna and flora it contains, as well as important geological or physiological features that are within the designation area.
<b>Special Areas of Conservation:</b>	SACs	Strictly protected sites designated under the EC Habitats Directive. The habitat types and species for which these sites are designated, are those considered to

## DRAFT DUDLEY LOCAL PLAN

Word/Phase/Acronym	Abbreviation	Meaning
		be most in need of conservation at a European level.
<b>Social Cohesion</b>		The extent of connectedness and solidarity among groups in society.
<b>Strategic Flood Risk Assessment:</b>	SFRA	A study to assess the risk to an area or site from flooding, now and in the future, and to assess the impact that any changes or development on the site or area will have on flood risk to the site and elsewhere. It may also identify, particularly at more local levels, how to manage those changes to ensure that flood risk is not increased. The Black Country SFRA identifies those areas that have 'low', 'medium' and 'high' probability of flooding and recommends possible flood risk mitigation solutions where flood risk has been identified as a potential constraint to future development.
<b>Sustainable Development</b>		Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It is central to the economic.



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<b>Word/Phase/Acronym</b>	<b>Abbreviation</b>	<b>Meaning</b>
<b>Urban Greening:</b>		Public landscaping and urban forestry projects that increase the number of green spaces within cities.
<b>Urban Historic Landscape Characterisation:</b>	UHLC	A method of identification and interpretation of the varying historic character within an urban area that looks beyond individual heritage assets as it brigades understanding of the whole landscape and townscape.
<b>Wheeling</b>		An equivalent alternative to foot/pedestrian-based mobility, for example the use of wheelchairs and mobility scooters or other mobility aids (that are similar to the speed of walking).

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### Appendix 1 – Strategic and Non-Strategic Policies

#### Dudley Local Plan - Part One – Spatial Strategy and Policies

Policy Heading	Strategic/ Non-Strategic
Policy DLP1 Development Strategy	Strategic
Policy DLP2 Growth Network: Regeneration Corridors and Centres	Strategic
Policy DLP3 Areas outside the Growth Network	Strategic
Policy DLP4 Achieving well designed places	Strategic
Policy DLP5 Cultural Facilities, Tourism, Heritage and the Visitor Economy	Strategic
Policy DLP6 Infrastructure Provision	Strategic
Policy DLP7 Broadband and Telecommunications	Strategic
Policy DLP8 Health and Wellbeing	Strategic
Policy DLP9 Healthcare Infrastructure	Strategic
Policy DLP10 Delivering Sustainable Housing Growth	Strategic
Policy DLP11 Housing Density, Type and Accessibility	Strategic
Policy DLP12 Delivering Affordable, Wheelchair Accessible and Self-Build/Custom-Building Housing	Strategic
Policy DLP13 Supported Accommodation	Strategic
Policy DLP14 Housing Development, Extensions and Alterations to Existing Dwellings	Non-Strategic
Policy DLP15 Accommodation for Gypsies and Travellers and Travelling Showpeople	Strategic
Policy DLP16 Education Facilities	Strategic
Policy DLP17 Houses in Multiple Occupation	Non-Strategic
Policy DLP18 Economic growth and Job creation	Strategic
Policy DLP19 Strategic Employment Areas	Strategic
Policy DLP20 Local Employment Areas	Strategic
Policy DLP21 Other Employment Areas	Strategic

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Policy Heading	Strategic/ Non-Strategic
Policy DLP22 Balancing Employment land and Housing, and Protecting the Viability and Integrity of Existing Industrial Business Uses	Strategic
Policy DLP23 Social Value	Strategic
Policy DLP24 Dudley Borough Centres	Strategic
Policy DLP25 Local and District Centres and Local Services	Strategic
Policy DLP26 Small Scale Local Facilities	Non-Strategic
Policy DLP27 Edge-of-centre and Out-of-centre Development	Non-Strategic
Policy DLP28 Residential Developments in Centres	Non-Strategic
Policy DLP29 Hot Food Takeaways	Non-Strategic
Policy DLP30 Shop Front Security	Non-Strategic
Policy DLP31 Nature Conservation	Strategic
Policy DLP32 Nature Recovery Network and Biodiversity Net Gain	Strategic
Policy DLP33 Provision, retention and protection of trees, woodlands, Ancient Woodland and Veteran trees	Non-Strategic
Policy DLP34 Provision, retention and protection of Hedgerows	Non-Strategic
Policy DLP35 Geodiversity and the Black Country UNESCO Global Geopark	Strategic
Policy DLP36 Canals	Non-Strategic
Policy DLP37 Open Space and Retention	Strategic
Policy DLP38 Playing Fields and Sports Facilities	Strategic
Policy DLP39 Design Quality	Strategic
Policy DLP40 Landscape Design	Strategic
Policy DLP41 Increasing Efficiency and Resilience	Strategic
Policy DLP42 Energy Infrastructure	Strategic
Policy DLP43 Managing Heat Risk	Strategic
Policy DLP44 Air Quality	Strategic
Policy DLP45 Flood Risk	Strategic
Policy DLP46 Sustainable Drainage and Surface Water Management (SuDS)	Strategic

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Policy Heading	Strategic/ Non-Strategic
Policy DLP47 Renewable and Low Carbon Energy and BREEAM Standards	Strategic
Policy DLP48 Water Quality and Groundwater Source Protection Zones	Strategic
Policy DLP49 Green Belt	Strategic
Policy DLP50 Agricultural and Rural Workers dwellings in the Green Belt	Non-Strategic
Policy DLP51 Dudley Borough's Green Infrastructure Network	Strategic
Policy DLP52 The Borough's Geology	Strategic
Policy DLP53 Parks	Non-Strategic
Policy DLP54 River Stour and its Tributaries	Non-Strategic
Policy DLP55 Historic Character and Local Distinctiveness of Dudley	Strategic
Policy DLP56 Conservation Areas	Non-Strategic
Policy DLP57 Listed Buildings	Non-Strategic
Policy DLP58 Buildings or Structures of Local Historic and/or Architectural Importance	Non-Strategic
Policy DLP59 Areas of High Historic Townscape Value (AHHTV)	Non-Strategic
Policy DLP60 Areas of High Historic Landscape Value (AHHLV)	Non-Strategic
Policy DLP61 Registered Parks and Gardens and Designed Landscapes of High Historic Value (DLHHV)	Non-Strategic
Policy DLP62 Heritage Assets of archaeological interest, Scheduled Monuments and Archaeological Priority Areas (APA)	Non-Strategic
Policy DLP63 Public Open Space within New Large Housing Developments	Non-Strategic
Policy DLP64 Children's Play Areas	Non-Strategic
Policy DLP65 Allotments and Community Gardens	Non-Strategic
Policy DLP66 Burial Land including Cemeteries and Crematoriums	Non-Strategic
Policy DLP67 The Transport Network	Strategic
Policy DLP68 The Key Route Network	Strategic

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<b>Policy Heading</b>	<b>Strategic/ Non-Strategic</b>
Policy DLP69 Transport Impacts of New Development	Non-Strategic
Policy DLP70 The Movement of Freight	Strategic
Policy DLP71 Active Travel	Strategic
Policy DLP72 Demand for Travel and Travel Choices	Strategic
Policy DLP73 Parking Management	Non-Strategic
Policy DLP74 Planning for Low Emission Vehicles	Non-Strategic
Policy DLP75 Waste Infrastructure – Future Requirements	Strategic
Policy DLP76 Waste Sites	Strategic
Policy DLP77 Preferred Areas for New Waste Facilities	Strategic
Policy DLP78 Locational Considerations for New Waste Facilities	Strategic
Policy DLP79 Resource Management and New Development	Non-Strategic
Policy DLP80 Mineral Production – Requirements	Strategic
Policy DLP81 Minerals Safeguarding	Strategic
Policy DLP82 Managing the Effects of Mineral Development	Strategic
Policy DLP83 Access for All	Non-Strategic
Policy DLP84 Incompatible Land Uses	Non-Strategic
Policy DLP85 Contaminated Land	Non-Strategic
Policy DLP86 Unstable Land	Non-Strategic
Policy DLP87 Noise Pollution	Non-Strategic
Policy DLP88 Light Pollution	Non-Strategic
Policy DLP89 Control of Advertisements	Non-Strategic

### Dudley Local Plan Part Two – Centres and Site Allocations

<b>Policy Heading</b>	<b>Strategic/Non-Strategic</b>
Policy DLPBH1 Development in Brierley Hill Strategic Centre and Town Centre Core	Non-Strategic
Policy DLPBH2 Brierley Hill Design – Landmarks, Views, Vistas and Gateways	Non-Strategic
Policy DLPBH3 Public Realm in Brierley Hill	Non-Strategic
Policy DLPBH4 Green Infrastructure in Brierley Hill	Non-Strategic

## DRAFT DUDLEY LOCAL PLAN

Policy Heading	Strategic/Non-Strategic
Policy DLPBH5 Conservation and Enhancement of Local Character and Distinctiveness in Brierley Hill	Non-Strategic
Policy DLPBH6 Brierley Hill High Street and Delph Nine Locks Conservation Areas	Non-Strategic
Policy DLPBH7 Sustainable Transport and Active Travel in Brierley Hill Strategic Centre	Non-Strategic
Policy DLPBH8 Residential Growth in Brierley Hill	Non-Strategic
Policy DLPBH9 Office and Employment Uses in Brierley Hill	Non-Strategic
Policy DLPBHPS1 (Priority Site) Land at Waterfront Way and Level Street	Strategic
Policy DLPBHPS2 (Priority Site) The Embankment / Daniels Land	Strategic
Policy DLPBHOS1 Brierley Hill Strategic Centre Opportunity Site: Brierley Hill Civic Core	Strategic
Policy DLPBHOS2 Brierley Hill Strategic Centre Opportunity Site: The Waterfront East Entertainment Zone	Strategic
Policy DLPBHOS3 Brierley Hill Strategic Centre Opportunity Site: The Venture Way Health and Education Zone	Strategic
Policy DLPD1 Development in Dudley Town Centre and Town Centre Core Area	Non-Strategic
Policy DLPD2 Areas outside the Town Centre Boundary	Non-Strategic
Policy DLPD3 Dudley Town Design – Landmarks, Views, Vistas and Gateways	Non-Strategic
Policy DLPD4 Public Realm in Dudley Town	Non-Strategic
Policy DLPD5 Conservation and Enhancement of Local Character and Distinctiveness in Dudley	Non-Strategic
Policy DLPD6 Dudley Town Centre Conservation Area	Non-Strategic
Policy DLPD7 Caste Hill Conservation Area	Non-Strategic
Policy DLPD8 Sustainable Transport and Active Travel in Dudley Town Centre	Non-Strategic
Policy DLPDPS1 (Priority Site) Land at King Street/Flood Street	Strategic

## DRAFT DUDLEY LOCAL PLAN

Policy Heading	Strategic/Non-Strategic
Policy DLPDPS2 (Priority Site) Land at Trindle Road/ Hall Street/ Birdcage Walk (Portersfield)	Strategic
Policy DLPOS1 Dudley Town Centre Opportunity Site: Tower Street/Castle Street	Strategic
Policy DLPDOS2 Dudley Town Centre Opportunity Site: Trident Centre/Upper High Street	Strategic
Policy DLPDOS3 Dudley Town Centre Opportunity Site: Upper High Street/King Street	Strategic
Policy DLPDOS4 Dudley Town Centre Opportunity Site: Abberley Street/King Street	Strategic
Policy DLPS1 Development in Stourbridge Town Centre and Town Centre Core Area	Non-Strategic
Policy DLPS2 Stourbridge Wharf	Non-Strategic
Policy DLPS3 Urban Character and Appearance in Stourbridge	Non-Strategic
Policy DLPS4 Stourbridge Town Design – Landmarks, Views, Vistas and Gateways	Non-Strategic
Policy DLPS5 Public Realm in Stourbridge	Non-Strategic
Policy DLPS6 Conservation and Enhancement of Local Character and Distinctiveness in Stourbridge	Non-Strategic
Policy DLPS7 Stourbridge Ring Road	Non-Strategic
Policy DLPS8 Pedestrian Access and Cycling in Stourbridge	Non-Strategic
Policy DLPSOS1 Stourbridge Town Centre Opportunity Site: North of Birmingham Street	Strategic
Policy DLPSOS2 Stourbridge Town Centre Opportunity Site: Mill Race Lane	Strategic
Policy DLPSOS3 Stourbridge Town Centre Opportunity Site: Rye Market	Strategic
Policy DLPH1 Development in Halesowen Town Centre and Town Centre Core Area	Non-Strategic
Policy DLPH2 Education in Halesowen	Non-Strategic
Policy DLPH3 Urban Character and Appearance in Halesowen	Non-Strategic

## DRAFT DUDLEY LOCAL PLAN

Policy Heading	Strategic/Non-Strategic
Policy DLPH4 Halesowen Town Design – Landmark, Views, Vistas and Gateways	Non-Strategic
Policy DLPH5 Public Realm in Halesowen	Non-Strategic
Policy DLPH6 Landscape and Public Realm/Open Space Network in Halesowen	Non-Strategic
Policy DLPH7 Conservation and Enhancement of Local Character and Distinctiveness in Halesowen	Non-Strategic
Policy DLPH8 Access and Movement in Halesowen	Non-Strategic
Policy DLPHOS1 Halesowen Town Centre Opportunity Site: Trinity Point	Strategic
Policy DLPHOS2 Halesowen Town Centre Opportunity Site: Link House and Pioneer House	Strategic
Policy DLPHOS3 Halesowen Town Centre Opportunity Site: Little Cornbow	Strategic
Policy DLPHOS4 Halesowen Town Centre Opportunity Site: Fountain House	Strategic
Policy DLPHOS5 Halesowen Town Centre Opportunity Site: Pool Road Car Park	Strategic
Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Strategic
Policy DLPLGS1 Corbett Meadow Local Green Space	Strategic



**Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan**

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Black Country Core Strategy	CSP1 - The Growth Network	Policy DLP2: Growth Network: Regeneration Corridors and Centres
Black Country Core Strategy	CSP2 – Development Outside the Growth Network	Policy DLP3: Areas outside the Growth Network
Black Country Core Strategy	CSP3 – Environmental Infrastructure	Policy DLP 31: Nature Conservation Policy DLP 32: Nature Recovery Network and Biodiversity Net Gain
Black Country Core Strategy	CPS4 – Place Making	Policy DLP4: Achieving Well designed places.
Black Country Core Strategy	CPS5 – Transport Strategy	Policy DLP 67: The Transport Network Policy DLP 68: The Key Route Network
Black Country Core Strategy	DEL1 – Infrastructure Provision	Policy DLP6: Infrastructure Provision
Black Country Core Strategy	DEL2 – Managing the Balance between Employment Land and Housing	Policy DLP21: Other Employment Areas

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
		Policy DLP 22: Balancing Employment Land and Housing and Protecting the Viability Integrity of existing Industrial and Business uses.
Black Country Core Strategy	HOU1 – Delivering Sustainable Housing Growth	Policy DLP10: Delivering Sustainable Housing Growth
Black Country Core Strategy	HOU2 – Housing Density, Type and Accessibility	Policy DLP11: Housing Density, Type and Accessibility
Black Country Core Strategy	HOU3 – Delivering Affordable Housing	Policy DLP 12: Delivering Affordable, Wheelchair Accessible and Self-build/ Custom-Build Housing
Black Country Core Strategy	HOU4 – Accommodation for Gypsies, Travellers and Travelling Show people	Policy DLP 15: Accommodation for Gypsies and Travellers and Travelling Show people
Black Country Core Strategy	HOU5 – Education and Health Care Facilities	Policy DLP 16: Education Facilities Policy DLP9: Healthcare Infrastructure
Black Country Core Strategy	EMP1 – Providing for Economic Growth	Policy DLP18: Economic growth and job creation
Black Country Core Strategy	EMP2 – Actual and Potential Strategic Employment Land	Policy DLP19: Strategic Employment Areas

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Black Country Core Strategy	EMP3 – Local Quality Employment Areas	Policy DLP20: Local Employment Areas
Black Country Core Strategy	EMP4 – Maintaining a Supply of Readily Available Employment Land	Policy DLP 21: Other Employment Areas
Black Country Core Strategy	EMP5 – Improving Access to the Labour Market	Policy DLP 23: Social Value
Black Country Core Strategy	EMP6 – Cultural Facilities and Visitor Economy	Policy DLP5: Cultural Facilities, Tourism, Heritage, and the Visitor Economy
Black Country Core Strategy	CEN1 – The Importance of the Black Country Centres for the Regeneration Strategy	Policy DLP24: Dudley Borough Centres
Black Country Core Strategy	CEN2 – Hierarchy of Centres	Policy DLP24: Dudley Borough Centres
Black Country Core Strategy	CEN3 – Growth in the Strategic Centres	Policy DLP24: Dudley Borough Centres Policy DLP BH1: Development within the Brierley Hill Strategic Centre and Town Centre Core
Black Country Core Strategy	CEN4 – Regeneration of Town Centres	Policy DLP 24: Dudley Borough Centres

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Black Country Core Strategy	CEN5 – District and Local Centres	Policy DLP 25: Local and District Centres and Local
Black Country Core Strategy	CEN6 – Meeting Local Needs for Shopping and Services	Policy DLP 26: Small Scale Local Facilities
Black Country Core Strategy	CEN7 – Controlling Out-of-Centre Development	Policy DLP 27: Edge of Centre and Out of Centre Development
Black Country Core Strategy	CEN8 – Car Parking in Centres	Policy DLP 73: Parking Management
Black Country Core Strategy	TRAN1 – Priorities for the Development of the Transport Network	Policy DLP 67: The Transport Network
Black Country Core Strategy	TRAN2 – Managing Transport Impacts of New Development	Policy DLP 69: Transport Impacts of New Development
Black Country Core Strategy	TRAN3 – The Efficient Movement of Freight	Policy DLP 70: The Movement of Freight
Black Country Core Strategy	TRAN4 – Creating Coherent Networks for Cycling and for Walking	Policy DLP 71: Active Travel
Black Country Core Strategy	TRAN5 – Influencing the Demand for Travel and Travel Choices	Policy DLP 72: Demand for Travel and Travel Choices

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<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Black Country Core Strategy	ENV1 – Nature Conservation	Policy DLP 31: Nature Conservation
Black Country Core Strategy	ENV2 – Historic Character and Local Distinctiveness	Policy DLP 55: Historic Character and Local Distinctiveness of Dudley
Black Country Core Strategy	ENV3 – Design Quality	Policy DLP 39 Design Quality
Black Country Core Strategy	ENV4 – Canals	Policy DLP 36: Canals
Black Country Core Strategy	ENV5 – Flood Risk, Sustainable Drainage Systems and Urban Heat Island	Policy DLP 45: Flood Risk Policy DLP 46: Sustainable drainage and surface water management (SuDs)
Black Country Core Strategy	ENV6 – Open Space, Sport and Recreation	Policy DLP 37: Open Space and Recreation Policy DLP38: Playing Fields and Sports Facilities

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Black Country Core Strategy	ENV7 – Renewable Energy	Policy DLP 47: Renewable and Low Carbon Energy and BREEAM Standards
Black Country Core Strategy	ENV8 – Air Quality	Policy DLP 44: Air Quality
Black Country Core Strategy	WM1 – Sustainable Waste and Resource Management	Policy DLP 75: Waste Infrastructure
Black Country Core Strategy	WM2 – Protecting and Enhancing Existing Waste Management Capacity	Policy DLP 76: Waste Sites
Black Country Core Strategy	WM3 – Strategic Waste Management Proposals	Policy DLP 75: Waste Infrastructure Policy DLP 77: Preferred Areas for New Waste Facilities
Black Country Core Strategy	WM4 – Locational Considerations for New Waste Management Facilities	Policy DLP 78: Locational Considerations for New Waste Facilities

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<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Black Country Core Strategy	WM5 – Resource Management and New Development	Policy DLP 79: Resource Management and New Development
Black Country Core Strategy	MIN1 – Managing and Safeguarding Mineral Resources	Policy DLP 80: Minerals Production – Requirements Policy DLP 81: Minerals Safeguarding
Black Country Core Strategy	MIN2 – Production of Aggregate Materials	Policy DLP80: Mineral Production – Requirements
Black Country Core Strategy	MIN3 – Maintaining Supplies of Brick Clay	Policy not taken forward/replaced. Brick Clay supplies within Dudley Borough now exhausted, therefore no longer applicable.
Black Country Core Strategy	MIN4 – Exploitation of Other Mineral Resources	Policy DLP 81: Mineral Safeguarding Policy DLP 82: Managing the effects of Mineral Development
Black Country Core Strategy	MIN5 – New Proposals for Mineral Development	Policy DLP 82: Managing the effects of Mineral Development,

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Borough Development Strategy	Policy S1 – Presumption in favour of Sustainable Development	Not being taken Forward covered in the NPPF
Dudley Borough Development Strategy	Policy S2 – Planning for a Healthy Borough	Policy DLP 8 : Health and Wellbeing Policy DLP 9: Healthcare Infrastructure
Dudley Borough Development Strategy	Policy S3 – Renewable Energy	Policy DLP 47: Renewable and Low Carbon Energy and BREEAM Standards
Dudley Borough Development Strategy	Policy S4 – Flood Risk	Policy DLP 45: Flood Risk
Dudley Borough Development Strategy	Policy S5 – Minimising Flood risk and Sustainable Drainage Systems (SuDs)	Policy DLP 46: Sustainable drainage and surface water management (SuDs)
Dudley Borough Development Strategy	Policy S6 – Urban Design	Policy DLP 39: Design Quality
Dudley Borough Development Strategy	Policy S7 – Landscape Design	Policy DLP 40: Landscape Design
Dudley Borough Development Strategy	Policy S8 – Local Character and Distinctiveness	Policy DLP 55: Historic Character and Local Distinctiveness of Dudley
Dudley Borough Development Strategy	Policy S9 – Conservation Areas	Policy DLP 56: Conservation Areas



## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Borough Development Strategy	Policy S10 – Listed Buildings	Policy DLP 57: Listed Buildings
Dudley Borough Development Strategy	Policy S11 – Buildings of Special or Local Historic Importance	Policy DLP 58: Buildings or Structures of Local Historical and/ or Architectural Importance
Dudley Borough Development Strategy	Policy S12 – Areas of High Historic Townscape Value	Policy DLP 59: Areas of High Historic Townscape Value
Dudley Borough Development Strategy	Policy S13 – Areas of High Historic Landscape Value	Policy DLP 60: Areas of High Historic Landscape Value
Dudley Borough Development Strategy	Policy S14 – Designed Landscapes of High Historic Value and Registered Parks and Gardens	Policy DLP 61: Registered Parks and Gardens and Designed Landscapes of High Historic Value (DLHHV)
Dudley Borough Development Strategy	Policy S15 – Heritage Assets of Archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA)	Policy DLP 62: Heritage Assets of Archaeological Interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA)
Dudley Borough Development Strategy	Policy S16 – Transport Infrastructure Improvements	Policy DLP 67: The Transport Network
Dudley Borough Development Strategy	Policy S17 – Access & Impact of Development on the Transport Network	Policy DLP 69: Transport Impacts of New Development

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Borough Development Strategy	Policy S18 – Cycling	Policy DLP 71: Active Travel
Dudley Borough Development Strategy	Policy S19 – Dudley Borough’s Green Network	Policy DLP 51: Dudley Borough’s Green Infrastructure Network
Dudley Borough Development Strategy	Policy S20 – The Boroughs Geology	Policy DLP 52: The Borough’s Geology
Dudley Borough Development Strategy	Policy S21 – Nature Conservation Enhancement, Mitigation and Compensation	Policy DLP 31: Nature Conservation Policy DLP 32: Nature Recovery Network and Biodiversity Net Gain
Dudley Borough Development Strategy	Policy S22 – Mature Trees and Woodland	Policy DLP: 33: Provision, retention and protection of trees, woodlands and ancient woodland
Dudley Borough Development Strategy	Policy S23 – Green Belt	Policy DLP 49: Green Belt
Dudley Borough Development Strategy	Policy S24 – Agricultural and Rural Workers Dwellings	Policy DLP 50: Agricultural and Rural Workers dwellings in the Green Belt

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Borough Development Strategy	Policy S25 – Canals	Policy DLP 36: Canals
Dudley Borough Development Strategy	Policy S26 – Residential Canal Moorings	Policy DLP 36: Canals
Dudley Borough Development Strategy	Policy S27 – River Stour and its Tributaries	Policy DLP 54: River Stour and its Tributaries
Dudley Borough Development Strategy	Policy S28 – Sports Facilities and Stadiums	Policy DLP 38: Playing Fields and Sports Facilities
Dudley Borough Development Strategy	Policy S29 – Public Open Space	Policy DLP 37: Open Space and Recreation
Dudley Borough Development Strategy	Policy S30 – Public Open Space within Large Housing Developments	Policy DLP 63: Public Open Space within New Large Housing Developments
Dudley Borough Development Strategy	Policy S31 – Childrens Play Areas	Policy DLP 64: Children’s Play Areas

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Borough Development Strategy	Policy S32 – Parks	Policy DLP 53: Parks
Dudley Borough Development Strategy	Policy S33 – Playing Fields	Policy DLP 38: Playing Fields and Sports Facilities
Dudley Borough Development Strategy	Policy S34 – Allotments	Policy DLP 65: Allotments and Community Gardens
Dudley Borough Development Strategy	Policy S35 – Burial Land, Cemeteries and Crematoriums	Policy DLP 66: Burial Land including Cemeteries and Crematoriums
Dudley Borough Development Strategy	Policy S36 – Public Houses	Policy DLP 25: Local and District Centres and Local Services
Dudley Borough Development Strategy	Policy L1 – Housing Development, Extensions and alterations to existing Dwellings	Policy DLP 14: Housing Development, Extensions and alterations to existing dwellings
Dudley Borough Development Strategy	Policy L2 – Supported Accommodation	Policy DLP13: Supported Accommodation

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Borough Development Strategy	Policy L3 – Affordable Housing in New Developments	Policy DLP 12: Delivering Affordable, Wheelchair Accessible and Self-build/ Custom-Build Housing
Dudley Borough Development Strategy	Policy L4 - Type tenure and locations of affordable housing in New Developments	Policy DLP 12: Delivering Affordable, Wheelchair Accessible and Self-build/ Custom-Build Housing
Dudley Borough Development Strategy	Policy L5 – Accommodation for Gypsies, Travellers and Travelling Showpeople	Policy DLP 15: Accommodations for Gypsies and Travellers and Travelling Show People
Dudley Borough Development Strategy	Policy L6 – Strategic High Quality Employment Areas	Policy DLP 19: Strategic Employment Areas
Dudley Borough Development Strategy	Policy L7 – Local Quality Employment Areas	Policy DLP 20: Local Employment Areas
Dudley Borough Development Strategy	Policy L8 – Protecting the Viability and Integrity of Industrial and Business uses	Policy DLP 22: Balancing Employment Land and Housing, and Protecting the Viability and Integrity of existing Industrial and Business uses

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Borough Development Strategy	Policy L9 – Protected Frontages (District and Local Centres)	Due to the changes in Use Class Order no longer relevant – part incorporated into Policy DLP 24: Dudley Borough Centres
Dudley Borough Development Strategy	Policy L10 – Living over Shops	Policy DLP 28: Residential in Centre
Dudley Borough Development Strategy	Policy L11 – Parking in Town Centres	Policy DLP73: Parking Management
Dudley Borough Development Strategy	Policy L12 –Shop Front Security	Policy DLP 30: Shop Front Security
Dudley Borough Development Strategy	Policy D1 – Access for All	Policy DLP 83: Access for all
Dudley Borough Development Strategy	Policy D2 – Incompatible Land Uses	Policy DLP 84: Incompatible Land Uses
Dudley Borough Development Strategy	Policy D3 – Contaminated Land	Policy DLP 85: Contaminated Land

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Borough Development Strategy	Policy D4 – Unstable Land	Policy DLP 86: Unstable Land
Dudley Borough Development Strategy	Policy D5 – Noise Pollution	Policy DLP 87: Noise Pollution
Dudley Borough Development Strategy	Policy D6 – Light Pollution	Policy DLP 88: Light Pollution
Dudley Borough Development Strategy	Policy D7 – Hazardous Installations and Hazardous Substances	Not being taken forward as covered by national policy
Dudley Borough Development Strategy	Policy D8 – Telecommunications Installations	Not being taken forward as covered by national policy
Dudley Borough Development Strategy	Policy D9 – Hot Food Takeaways	Policy DLP 29: Hot Food Takeaways

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Borough Development Strategy	Policy D10 – Taxis (Hackney Carriages) and Private Hire Vehicles	Not being taken forward
Dudley Borough Development Strategy	Policy D11 – Hand Car Washes	Not being taken forward
Dudley Borough Development Strategy	Policy D12 – Advertisement Control	Policy DLP 89: Control of Advertisements
Stourbridge Area Action Plan	Policy A – Encouraging Sustainable Development	Not taking forward as covered by the NPPF
Stourbridge Area Action Plan	Policy 1 – Urban Design	Policy DLP S4: Stourbridge Town Design
Stourbridge Area Action Plan	Policy 2 – Public Realm Improvements	Policy DLP S5: Public Realm in Stourbridge
Stourbridge Area Action Plan	Policy 3 – Stourbridge Ring Road	Policy DLP S7: Stourbridge Ring Road
Stourbridge Area Action Plan	Policy 4 – Pedestrian Access	Policy DLP S8: Pedestrian Access and Cycling



## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Stourbridge Area Action Plan	Policy 5 – Cycling	Policy DLP S8: Pedestrian Access and Cycling
Stourbridge Area Action Plan	Policy 6 – Access for all	Policy DLP 83: Access for all
Stourbridge Area Action Plan	Policy 7 – Primary Shopping Area and Protected Frontage	Policy DLP 24: Dudley Borough Centres Policy DLP S1: Development in Stourbridge Town Centre and Town Centre Core Area  Given Changes to Use Class order Protected Frontages are not being taken forward
Stourbridge Area Action Plan	Policy 8 – The Town Centre	Policy DLP S1: Development in Stourbridge Town Centre and Town Centre Core Area
Stourbridge Area Action Plan	Policy 9 – Hot Food Takeaways (A5 Uses)	Policy DLP 29: Hot Food Takeaways
Stourbridge Area Action Plan	Policy 10 – Housing Mix and Tenure	Policy DLP 11: Housing Density, Type and Accessibility
Stourbridge Area Action Plan	Policy 11 – Extra Care Housing	Policy DLP 13: Supported Accommodation

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Stourbridge Area Action Plan	Policy 12 – New Housing near to Business uses	Policy DLP 22: Balancing Employment Land and Housing, and Protecting the Viability and Integrity of existing Industrial and Business uses
Stourbridge Area Action Plan	Policy 13 – Mixed use Developments	Policy DLP 22: Balancing Employment Land and Housing, and Protecting the Viability and Integrity of existing Industrial and Business Uses Policy DLP 28: Residential Developments in Centre
Stourbridge Area Action Plan	Policy 14 – The River Stour	Policy DLP 54: River Stour and its Tributaries
Stourbridge Area Action Plan	Policy 15 – Nature Conservation	Policy DLP 31: Nature Conservation
Stourbridge Area Action Plan	Policy 16 – Stourbridge Branch Canal	Policy DLP 36: Canals
Stourbridge Area Action Plan	Policy 17 – Public Open Space	Policy DLP 37: Open Space and Recreation
Stourbridge Area Action Plan	Policy 18 – Urban Heat Island	Policy DLP 43: Managing Heat Risk

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Stourbridge Area Action Plan	Policy 19 – Sustainable Urban Drainage Systems and Flood Risk	Policy DLP 45: Flood Risk Policy DLP 46: Sustainable drainage and surface water management (SuDs)
Stourbridge Area Action Plan	Policy 20 – Stourbridge Wharf	Policy DLPS2: Stourbridge Wharf
Stourbridge Area Action Plan	Policy 21 – Conservation and Enhancement of local character and distinctiveness	Policy DLP S6: Conservation and Enhancement of Local Character and Distinctiveness in Stourbridge
Stourbridge Area Action Plan	Policy 22 – Areas of High Historic Townscape Value	Policy DLP 59: Areas of High Historic Townscape Value
Stourbridge Area Action Plan	Policy 23 – Areas of High Historic Landscape Value	Policy DLP 60: Areas of High Historic Landscape Value
Stourbridge Area Action Plan	Policy 24 – Archaeological Priority Areas	Policy DLP 62: Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA)
Stourbridge Area Action Plan	Opportunity Site S1: Crown Lane	Not being taken forward as site is developed

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Stourbridge Area Action Plan	Opportunity Site S2: Market Street	Most of the site is being developed. The remainder is being taken forward as housing allocation: DLP S H5: 36-42 Market Street
Stourbridge Area Action Plan	Opportunity Site S3: Angel Passage	Not being taken forward as site is developed
Stourbridge Area Action Plan	Opportunity Site S4: Scotts Road	Not being taken forward, majority of the site has permission/ built out
Stourbridge Area Action Plan	Opportunity Site S5: Hagley Road	Not being taken forward as site is developed
Stourbridge Area Action Plan	Opportunity Site S6: North of Birmingham Street (Cox Hire)	Opportunity site DLP S OS1: North of Birmingham Street
Stourbridge Area Action Plan	Opportunity Site S7: Mill Race Lane	Opportunity site DLP S OS2: Mill Race Lane
Stourbridge Area Action Plan	Opportunity Site S8: Bradley Road (East) (Former Rolling Mills Site)	Housing allocation: DLP S H2: Bradley Road (East)
Stourbridge Area Action Plan	Opportunity Site S9: Bradley Road (West)	Housing allocation: DLP S H3: Bradley Road (West)

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Stourbridge Area Action Plan	Opportunity Site S10: Foster and Rastrick Site	Not being taken forward as majority of the site is developed
Stourbridge Area Action Plan	Opportunity Site S11: Lowndes Road	Not being taken forward as majority of the site has permission/ built out
Stourbridge Area Action Plan	Opportunity Site S12: Old Wharf Road	Not being taken forward as majority of the site has permission/ built out
Brierley Hill Area Action Plan	Policy 1 – Brierley Hill High Street Local Shopping Area	Policy DLP24: Dudley Borough Centres Policy DLP BH1 : Development within the Brierley Hill Town Centre Boundary
Brierley Hill Area Action Plan	Policy 2 – Brierley Hill High Street Conservation Area	Policy DLP BH6: Brierley Hill High Street and Delph Nine Locks Conservation Areas
Brierley Hill Area Action Plan	Policy 3 – Development Opportunity Block BR1: The Moor Centre	Housing site – DLP BH H001
Brierley Hill Area Action Plan	Policy 4 – Development Opportunity Block BR2A	Removed
Brierley Hill Area Action Plan	Policy 5 – Development Opportunity Block BR2B	Removed

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Brierley Hill Area Action Plan	Policy 6 – Development Opportunity Block BR9	Removed
Brierley Hill Area Action Plan	Policy 7 – Development Opportunity Block BR20	Removed
Brierley Hill Area Action Plan	Policy 8 – Marsh Park	Policy DLP 37: Open Space and Recreation
Brierley Hill Area Action Plan	Policy 9 – Brierley Place	Policy DLP 39: Design Quality Policy DLP BH3: Public Realm in Brierley Hill
Brierley Hill Area Action Plan	Policy 10 – Development Opportunity Block BR12	Removed
Brierley Hill Area Action Plan	Policy 11 – Development Opportunity Block BR10	Removed
Brierley Hill Area Action Plan	Policy 12 – Development Opportunity Blocks BR11 and BR15A	Removed
Brierley Hill Area Action Plan	Policy 12 – Development Opportunity Blocks BR15C and BR15F	Removed
Brierley Hill Area Action Plan	Policy 13 – Development Opportunity Blocks BR16A, BR16B and BR16C	BR16A - Removed

## DRAFT DUDLEY LOCAL PLAN

Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan		
Local Plan document	Superseded Policy	Replacement Policy / wording
		BR16B carried forward as a housing allocation DLP BH H004  BR16C has been removed as an allocation
Brierley Hill Area Action Plan	Policy 15 - Ancillary Uses in Lower Brierley	Not being taken forward as no longer relevant
Brierley Hill Area Action Plan	Policy 16 – Merry Hill Place	Policy DLP 39: Design Quality Policy DLP BH3: Public Realm in Brierley Hill
Brierley Hill Area Action Plan	Policy 17 – Level Street Square	Policy DLP 39: Design Quality Policy DLP BH3: Public Realm in Brierley Hill
Brierley Hill Area Action Plan	Policy 18 – Development Opportunity Block BR14	Removed
Brierley Hill Area Action Plan	Policy 19 – Development Opportunity Blocks BR15D, BR15G and BR16D	BR15D has been removed as an allocation  BR15G and BR16D has been carried forward as part of a housing allocation DLP BH H002
Brierley Hill Area Action Plan	Policy 20 – Development Opportunity Blocks C2, C3, C4 and C5	C3 is carried forward into housing allocation DLP BH H002

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
		C2, C4 and C5 – Removed
Brierley Hill Area Action Plan	Policy 21 – Ancillary Uses in Canal Walk Central	Not being taken forward as no longer relevant
Brierley Hill Area Action Plan	Policy 22 – Development Opportunity Blocks R4, R5 and R6	Removed
Brierley Hill Area Action Plan	Policy 23 - Development Opportunity Block R3	Removed
Brierley Hill Area Action Plan	Policy 24 - Development Opportunity Block R10	Removed
Brierley Hill Area Action Plan	Policy 25 - Development Opportunity Block P1	P1 has been removed as an allocation
Brierley Hill Area Action Plan	Policy 26 - Development Opportunity Block P4	P4 carried forward as part of housing allocation DLP BH PS1
Brierley Hill Area Action Plan	Policy 27 - Development Opportunity Blocks BR13A, BR13D, BR13E	BR13A has been removed as an allocation



## DRAFT DUDLEY LOCAL PLAN

Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan		
Local Plan document	Superseded Policy	Replacement Policy / wording
		BR13D has been carried forward and split between two housing allocations DLP BH H003 and DLP BH H002  BR13E – Removed
Brierley Hill Area Action Plan	Policy 28 - Development Opportunity Block BR13B	Carried forward as housing allocation DLP BH H004
Brierley Hill Area Action Plan	Policy 29 - Development Opportunity Block CW1	Removed
Brierley Hill Area Action Plan	Policy 30 – Ancillary Uses in Canal Walk South	Not being taken forward as no longer relevant
Brierley Hill Area Action Plan	Policy 31 - Development Opportunity Block BS1	Removed
Brierley Hill Area Action Plan	Policy 32 – Round Oak Place	Policy DLP 39: Design Quality Policy DLP BH3: Public Realm in Brierley Hill
Brierley Hill Area Action Plan	Policy 33 - Development Opportunity Blocks W1, W2, W3 and W4	Removed

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Brierley Hill Area Action Plan	Policy 34 - Development Opportunity Block W5	Carried forward as part of allocation DLP BH PS1
Brierley Hill Area Action Plan	Policy 35 – Ancillary Uses in Archill	Not being taken forward as no longer relevant
Brierley Hill Area Action Plan	Policy 36 - Development Opportunity Blocks WW1, WW2 and WW3	Removed
Brierley Hill Area Action Plan	Policy 37 – Station Square	Policy DLP 39: Design Quality Policy DLP BH3: Public Realm in Brierley Hill
Brierley Hill Area Action Plan	Policy 38 – Development Opportunity Block W7	Removed
Brierley Hill Area Action Plan	Policy 39 - Development Opportunity Blocks W8 and W10	Removed
Brierley Hill Area Action Plan	Policy 40 - Development Opportunity Block W11	Removed
Brierley Hill Area Action Plan	Policy 41 - Development Opportunity Blocks H1, H2, H3, H4 and H7	Removed
Brierley Hill Area Action Plan	Policy 42 - Development Opportunity Block H11	Removed

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Brierley Hill Area Action Plan	Policy 43 – Ancillary Uses in Harts Hill	Not being taken forward as no longer relevant
Brierley Hill Area Action Plan	Policy 44 – Established Areas	No longer relevant to carry forward
Brierley Hill Area Action Plan	Policy 45 – The Primary Shopping Area	Policy DLP 24: Dudley Borough Centres
Brierley Hill Area Action Plan	Policy 46 – Edge of Centre and Out of Centre Development	Policy DLP 27: Edge of Centre and Out of Centre Development
Brierley Hill Area Action Plan	Policy 47 – Hot Food Take-aways	Policy DLP 29: Hot Food Takeaways
Brierley Hill Area Action Plan	Policy 48 - Offices	Policy DLP BH9: Office and Employment Uses in Brierley Hill
Brierley Hill Area Action Plan	Policy 49 – Living in Brierley Hill Town Centre	Policy DLP 28: Residential Developments in Centre
Brierley Hill Area Action Plan	Policy 50 – Rapid Transit	No longer needed to carry forward
Brierley Hill Area Action Plan	Policy 51 – Rapid Transit/ Bus Infrastructure Improvements	Policy DLP 67: The Transport Network

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Brierley Hill Area Action Plan	Policy 52 – Car Parking Standards	Policy DLP 73: Parking Management
Brierley Hill Area Action Plan	Policy 53 – Multi-Storey and Under-Croft Car Parking	Policy DLP 73: Parking Management
Brierley Hill Area Action Plan	Policy 54 – Primary Public Spaces	Policy DLP BH3: Public Realm in Brierley Hill
Brierley Hill Area Action Plan	Policy 55 – Primary Thoroughfares	Policy DLP BH3: Public Realm in Brierley Hill
Brierley Hill Area Action Plan	Policy 56 – Secondary Thoroughfares and Secondary Public Spaces	Policy DLP BH3: Public Realm in Brierley Hill
Brierley Hill Area Action Plan	Policy 57 - Development Blocks: Mass, Enclosure and Building Line	Policy DLP 39: Design Quality
Brierley Hill Area Action Plan	Policy 58 – Active Frontages	Policy DLP 4: Achieving Well Designed Places
Brierley Hill Area Action Plan	Policy 59 – Conservation and Enhancement of Local Character and Distinctiveness in Brierley Hill	Policy DLP BH5: Conservation and Enhancement of Local Character and Distinctiveness in Brierley Hill
Brierley Hill Area Action Plan	Policy 60 – Canals	Policy DLP 36: Canals

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Brierley Hill Area Action Plan	Policy 61 – Archaeological Priority Areas	Policy DLP 62: Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA)
Brierley Hill Area Action Plan	Policy 62 – Wildlife Corridors	Policy DLP BH4: Green Infrastructure in Brierley Hill  Policy DLP 31: Nature Conservation
Brierley Hill Area Action Plan	Policy 63 – Sites of Local Importance for Nature Conservation	Policy DLP 31: Nature Conservation
Brierley Hill Area Action Plan	Policy 64 – The Local Environment	Policy DLP BH4: Green Infrastructure in Brierley Hill  Policy DLP 31: Nature Conservation
Brierley Hill Area Action Plan	Policy 65 – An Orderly and Comprehensive Approach to Development	Not taking forward
Brierley Hill Area Action Plan	Policy 66 – Phasing of Comparison Retail Allocations	Not taking forward
Brierley Hill Area Action Plan	Policy 67 – Securing Infrastructure & Planning obligations	Policy DLP6: Infrastructure Provision

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Halesowen Area Action Plan	Policy A – Encouraging Sustainable Development	Not taken forward as covered in the NPPF
Halesowen Area Action Plan	Policy 1 – Retail Floorspace	Policy DLP H1: Development in Halesowen Town Centre and Town Centre Core Area Policy DLP 24: Dudley Borough Centres
Halesowen Area Action Plan	Policy 2 – Primary Frontages	Given the Changes in the use class order Primary Frontages are not being taken forward
Halesowen Area Action Plan	Policy 3 – Secondary Frontages	Given the Changes in the use class order Secondary Frontages are not being taken forward
Halesowen Area Action Plan	Policy 4 – Land Uses outside Halesowen’s Primary Shopping Area	Policy DLP H1: Development in Halesowen Town Centre and Town Centre Core Area Policy DLP 24: Dudley Borough Centres
Halesowen Area Action Plan	Policy 5 – Education in Halesowen	Policy DLP H2: Education in Halesowen
Halesowen Area Action Plan	Policy 6 – Proposed Development and the River Stour	Policy DLP 54: River Stour and its Tributaries

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Halesowen Area Action Plan	Policy 7 – Surface Water	Policy DLP 45: Flood Risk Policy DLP 46: Sustainable drainage and surface water management (SuDs)
Halesowen Area Action Plan	Policy 8 - Development Opportunity Site 1: Pool Road Car Park	Not being taken forward
Halesowen Area Action Plan	Policy 9 - Development Opportunity Site 2: Trinity Point and High Street Car Park	Opportunity Site: DLP H OS1
Halesowen Area Action Plan	Policy 10 – Development Opportunity Site 3: Link House and Pioneer House	Opportunity Site DLP H OS2
Halesowen Area Action Plan	Policy 11 – Development Opportunity Site 4: Little Cornbow	Opportunity Site DLP H OS3
Halesowen Area Action Plan	Policy 12 – Development Opportunity Site 5: Fountain House	Opportunity Site DLP H OS4
Halesowen Area Action Plan	Policy 13 – Landscape Public Realm Network	Policy DLP H6: Landscape and Public Realm/ Open Space Network in Halesowen
Halesowen Area Action Plan	Policy 14 – Open Space Network	Policy DLP H6: Landscape and Public Realm/ Open Space Network in Halesowen

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Halesowen Area Action Plan	Policy 15 – Public Realm	Policy DLP H5: Public Realm in Halesowen
Halesowen Area Action Plan	Policy 16 – Landscape: Survey, analysis and design principles	Policy DLP 40: Landscape Design
Halesowen Area Action Plan	Policy 17 – Green Network	Policy DLP 51: Dudley Borough’s Green Infrastructure Network
Halesowen Area Action Plan	Policy 18 – Greening the Streets	Policy DLP 40: Landscape Design Policy DLP H6: Landscape and Public Realm/ Open Space Network in Halesowen
Halesowen Area Action Plan	Policy 19 – Conservation and Enhancement of Local Character and Distinctiveness in Halesowen	Policy DLP H7: Conservation and Enhancement of Local Character and Distinctiveness in Halesowen
Halesowen Area Action Plan	Policy 20 – Areas of High Historic Townscape value (AHHTV)	Policy DLP 59: Areas of High Historic Townscape Value (AHHTV)
Halesowen Area Action Plan	Policy 21 – Areas of High Historic Landscape Value (AHHLV)	Policy DLP 60: Areas of High Historic Landscape Value (AHHLV)
Halesowen Area Action Plan	Policy 22 – Designed Landscapes of High Historic Value (DLHHV)	Policy DLP 61: Registered Parks and Gardens and Designed Landscapes of High Historic Value (DLHHV)



## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Halesowen Area Action Plan	Policy 23 – Archaeological Priority Areas (APA)	Policy DLP 62: Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA)
Halesowen Area Action Plan	Policy 24 – Managing and Developing the Highway Network in the Town Centre	Not required to be taken forward
Halesowen Area Action Plan	Policy 25 – Public Transport	Policy DLP 72: Demand for Travel and Travel Choices
Halesowen Area Action Plan	Policy 26 – Access and Movement	Policy DLP H8: Access and Movement in Halesowen
Halesowen Area Action Plan	Policy 27 – Walking & Cycling	Policy DLP 71: Active Travel
Halesowen Area Action Plan	Policy 28 – Car Parking	Policy DLP 73: Parking Management
Halesowen Area Action Plan	Policy 29 – Design Quality	Policy DLP 39: Design Quality
Halesowen Area Action Plan	Policy 30 – Sustainable Urban Design	Policy DLP 39: Design Quality

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Halesowen Area Action Plan	Policy 31 – Urban Character and Appearance	Policy DLP H3: Urban Character and Appearance
Halesowen Area Action Plan	Policy 32 – Layout and Form	Policy DLP 39: Design Quality
Halesowen Area Action Plan	Policy 33 – Mixed use	Policy DLP 24: Dudley Borough Centres Policy DLP 28: Residential Developments in Centres Policy DLP H1: Development in Halesowen Town Centre and Town Centre Core Area
Halesowen Area Action Plan	Policy 34 – Views, vistas and landmarks	Policy DLP H4: Halesowen Town Centre and Town Centre Core Area
Dudley Area Action Plan	Policy 1 – Sustainable Development	Not Taken forward as covering by the NPPF
Dudley Area Action Plan	Policy 2 – Design Quality	Policy DLP 39: Design Quality Policy D3: Dudley Town Design - Landscape, Views, Vistas and Gateways
Dudley Area Action Plan	Policy 3 – Urban Structure and Built Form	Policy DLP 38: Design Quality

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
		Policy DLP D5: Conservation and Enhancement of Local Character and Distinctiveness in Dudley
Dudley Area Action Plan	Policy 4 – Sense of Place and Connectivity	Policy DLP D3: Dudley Town Design - including Landmark, Views, Vistas and Gateways Policy DLP 38: Design Quality
Dudley Area Action Plan	Policy 5 – Landmarks, views and vistas and Gateways	Policy DLP D3: Dudley Town Design - including Landmark, Views, Vistas and Gateways
Dudley Area Action Plan	Policy 6 – Sustainable Urban Drainage Systems (SuDs) and Flood Risk	Policy DLP 45: Flood Risk Policy DLP 46: Sustainable drainage and surface water management (SuDs)
Dudley Area Action Plan	Policy 7 – Development Opportunity Site 1: King Street/ Flood Street	Priority Site: DLP D PS1: Land at King Street/ Flood Street, Dudley
Dudley Area Action Plan	Policy 8 – Development Opportunity Site 2: Trindle Road/ Halls Street/ Birdcage Walk	Priority Site: DLP D PS2: Trindle Road/ Hall Street/ Birdcage Walk (Portersfield)
Dudley Area Action Plan	Policy 9 – Development Opportunity Site 3: Tower Street/Castle Street	Opportunity Site: DLP D OS1: Tower Street/ Castle Street
Dudley Area Action Plan	Policy 10 – Development Opportunity Site 4: Trident Centre/ Upper High Street	Opportunity Site: DLP D OS2: Trident Centre/ Upper High Street

## DRAFT DUDLEY LOCAL PLAN

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<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Area Action Plan	Policy 11 – Development Opportunity Site 5: Upper High Street/ King Street	Opportunity Site: DLP D OS3: Upper High Street/ King Street
Dudley Area Action Plan	Policy 12 – Development Opportunity Site 6: Abberley Street/ King Street	Opportunity Site: DLP D OS4: Abberley Street/ King Street
Dudley Area Action Plan	Policy 13 – Development Opportunity Site 7: Castle Hill/ Tipton Road	Not being taken forward as site is developed
Dudley Area Action Plan	Policy 14 – Housing Allocations	New Housing Allocations
Dudley Area Action Plan	Policy 15 – Retail Floorspace	Policy DLP 24: Dudley Borough Centres Policy DLP D1: Development in Dudley Town Centre and Town Centre Core Area
Dudley Area Action Plan	Policy 16 – Primary Frontages	Given the Changes in the use class order Primary Frontages are not being taken forward
Dudley Area Action Plan	Policy 17: Land uses outside Dudley’s Primary Shopping Area	Policy DLP 24: Dudley Borough Centres Policy DLP D1: Development in Dudley Town Centre and Town Centre Core Area

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Area Action Plan	Policy 18 – Housing within the Dudley Area Action Plan Boundary	Policy DLP 28: Residential Developments in Centre
Dudley Area Action Plan	Policy 19 – Education	Policy DLP 16: Education Facilities
Dudley Area Action Plan	Policy 20 – Leisure and Tourism	Policy DLP D1: Development in Dudley Town Centre and Town Centre Core Area Policy DLP 2: Areas outside the Town Centre Boundary
Dudley Area Action Plan	Policy 21 – Conservation and Enhancement of Local Character and Distinctiveness in Dudley	Policy DLP D5: Conservation and Enhancement of Local Character and Distinctiveness in Dudley
Dudley Area Action Plan	Policy 22 – Dudley Town Centre Conservation Area	Policy DLP D6: Dudley Town Centre Conservation Area
Dudley Area Action Plan	Policy 23 – Castle Hill Conservation Area	Policy DLP D7: Castle Hill Conservation Area
Dudley Area Action Plan	Policy 24 – Archaeological Priority Areas	Policy DLP 62: Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA)

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Policies and Allocations to be superseded by the Dudley Local Plan</b>		
<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Area Action Plan	Policy 25 – Access and Movement	Policy DLP 67: The Transport Network Policy DLP 71: Active Travel Policy DLP 72: Demand for Travel and Travel Choices
Dudley Area Action Plan	Policy 26 – Managing and Developing the Highway Network in the Town Centre	Policy DLP 65: The Transport Network Policy DLP67: Transport Impacts of New Development
Dudley Area Action Plan	Policy 27 – Public Transport	Policy DLP D8: Sustainable Transport in Dudley Town Centre
Dudley Area Action Plan	Policy 28 – Walking and Cycling	Policy DLP D8: Sustainable Transport in Dudley Town Centre
Dudley Area Action Plan	Policy 29 – Car Parking	Policy DLP 73: Parking Management
Dudley Area Action Plan	Policy 30 – Landscape, Survey, Analysis and Design Principles	Policy DLP 40: Landscape Design
Dudley Area Action Plan	Policy 31 – Public Open Space	Policy DLP 37: Open Space and Recreation

## DRAFT DUDLEY LOCAL PLAN

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<b>Local Plan document</b>	<b>Superseded Policy</b>	<b>Replacement Policy / wording</b>
Dudley Area Action Plan	Policy 32 – Public Realm	Policy DLP D4: Public Realm in Dudley Town
Dudley Area Action Plan	Policy 33 – Nature Conservation	Policy DLP 31: Nature Conservation

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Allocations to be superseded by the Dudley Local Plan</b>				
<b>Local Plan Document</b>	<b>Designation / Site Reference</b>	<b>Site Name</b>	<b>Description of Change</b>	<b>Reason for Change</b>
Dudley Borough Development Strategy	H10.4	Stallings Lane/ Oak Lane	Allocated for 148 units (previously 140)	DLP H 030 - Unit number based on approved application
Dudley Borough Development Strategy	H10.2	Land to the east of Gibbons Lane	Removed	Site has been built out
Dudley Borough Development Strategy	H10.6	Tansey Green Road/ Stallings Lane	Removed	Site has been built out and is within a strategic employment area
Dudley Borough Development Strategy	H10.7	Corbyns Hall Lane	Removed	Removed due to landowner engagement exercise
Dudley Borough Development Strategy	H10.5	Stallings Lane Kingswinford	Removed	Allocated as local employment area
Dudley Borough Development Strategy	H11A.1	Dudley Guest Hospital Site	Removed	Site has been built out



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<b>Appendix 2 – Adopted Dudley Local Plan Allocations to be superseded by the Dudley Local Plan</b>				
<b>Local Plan Document</b>	<b>Designation / Site Reference</b>	<b>Site Name</b>	<b>Description of Change</b>	<b>Reason for Change</b>
Dudley Borough Development Strategy	H11A.4	Middlepark Road, Russells Hall	Removed	Site is being built out
Dudley Borough Development Strategy	H11A.14	Maple Road/ Limes Road, Dudley	Removed	Site is being built out
Dudley Borough Development Strategy	H11A.17	Claughton House, Blowers Green Road, Dudley	Allocated for 63 units (Previously 36 units)	DLP H 025 – yield increased based on approved application on the site
Dudley Borough Development Strategy	H11A.18	200 Prospect Row	Removed	Removed due landowner engagement
Dudley Borough Development Strategy	H11A.19	Land at Bull Street Dudley	Allocated for 80 units	DLP G 018 - Unit number based on approved application
Dudley Borough Development Strategy	H11A.21	280 Stourbridge Road, Dudley	Removed	Under capacity

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Dudley Borough Development Strategy	H11A.22	The Woodlands, Dixons Green Road, Dudley	Removed	Site is below threshold
Dudley Borough Development Strategy	H11A.25	Shaw Road/ New Road Dudley	Allocated - No change	DLP H 020
Dudley Borough Development Strategy	H11A.12	Angel Street, Vauxhall Street, dock Lane, Turner Street, Dudley	Allocated	Allocated for 111 units
Dudley Borough Development Strategy	H11A.16	Pensnett Road, Dudley	Removed	Removed due to landowner engagement exercise
Dudley Borough Development Strategy	H11A.23	Shaw Road, Dudley	Removed	Removed following land owner engagement exercise

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<b>Local Plan Document</b>	<b>Designation / Site Reference</b>	<b>Site Name</b>	<b>Description of Change</b>	<b>Reason for Change</b>
Dudley Borough Development Strategy	H11A.24	Prospect Row	Removed	Removed due to landowner engagement exercise
Dudley Borough Development Strategy	H11B.1	Land off Leys Road, Brockmoor	Allocated	DLP H 001
Dudley Borough Development Strategy	H11B.4	Land to the north of High Street, Wollaston	Removed	Planning commitment and works commenced on site
Dudley Borough Development Strategy	H11B.6	Stourbridge College, Longlands Campus	Removed	Site has been built out
Dudley Borough Development Strategy	H11B.16	Old Wharf Road, Stourbridge	Allocated – Split into two different allocations	DLP H002 (Land at Old Wharf Road) DLP S H6 (Titan Works)

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Dudley Borough Development Strategy	H11B.17	Albion Works, off Moor Street, Brierley Hill	Removed	Removed due to landowner engagement exercise
Dudley Borough Development Strategy	H11B.20	Former Brickworks, north of Brettell Lane, Brierley Hill	Allocated – no Change	DLP H 012
Dudley Borough Development Strategy	H11B.22	Quantum Works, Enville Street, Stourbridge	Allocated – No change	DLP H 010
Dudley Borough Development Strategy	H11B.25	Moor Street, Brierley Hill	Allocated – No change	DLP H054
Dudley Borough Development Strategy	H11B.26	Ridge Hill, Wordsley	Allocated – no change	DLP H022

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Dudley Borough Development Strategy	H11B.27	Land North of Enville Street	Part removed, part allocated	DLP SH1
Dudley Borough Development Strategy	H11B.28	North of Moor Street	Removed	Prior notification received
Dudley Borough Development Strategy	H11B.7	Land off Delph Lane, Brierley Hill	Removed	Not suitable for residential due to restricted access and loss of trees
Dudley Borough Development Strategy	H11B.11	South of King William Street, Amblecote	Removed	Site previously allocated for housing but removed due to landowner engagement exercise
Dudley Borough Development Strategy	H11B.12	Land off Platts Road/ Dial Lane, Amblecote	Removed	Site previously allocated for housing but removed due to landowner engagement exercise

## DRAFT DUDLEY LOCAL PLAN

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Dudley Borough Development Strategy	H11B.18	Corner of Leys Road and Moor Street	Allocated	DLP H 011 – No change
Dudley Borough Development Strategy	H11B.19	South of Brettell Lane, Brierley Hill	Removed	Site previously allocated for housing but removed due to landowner engagement exercise
Dudley Borough Development Strategy	H11B.21	North Street Industrial Estate	Allocated – no change	DLP H033
Dudley Borough Development Strategy	H11B.24	Plant Street/ Mill Street/ Bridge Street, Wordsley	Allocated – non change	DLP H010
Dudley Borough Development Strategy	H13.1	Land south of Cakemore Road, Blackheath	Removed	Site is built out

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<b>Local Plan Document</b>	<b>Designation / Site Reference</b>	<b>Site Name</b>	<b>Description of Change</b>	<b>Reason for Change</b>
Dudley Borough Development Strategy	H13.2	Attwood Street Lye	Removed	Site is built out
Dudley Borough Development Strategy	H13.4	Belmont Road, Lye	Removed	Below site threshold
Dudley Borough Development Strategy	H13.5	Caledonia Sewage Works	Allocated – No change	DLP H004
Dudley Borough Development Strategy	H13.6	Former Holt Farm Primary School, Holt Road	Removed	Site has been built out
Dudley Borough Development Strategy	H13.10	116-120 Colley Gate, Cradley	Removed	Below site threshold

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<b>Local Plan Document</b>	<b>Designation / Site Reference</b>	<b>Site Name</b>	<b>Description of Change</b>	<b>Reason for Change</b>
Dudley Borough Development Strategy	H13.13	East of Park Lane, Lye	Removed	Below site threshold
Dudley Borough Development Strategy	H13.17	Land off Thorns Road, Lye (Eaton Works)	Allocated – No Change	DLP H 017
Dudley Borough Development Strategy	H13.20	Stewarts Road,	Removed	Site has been built out
Dudley Borough Development Strategy	H13.21	Springfield Works, Pearson Steet, Lye	Allocated – no Change	DLP H 009
Dudley Borough Development Strategy	H13.22	Foredraft Street, Cradley	Allocated – no change	DLP H 029



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Dudley Borough Development Strategy	H13.29	Land off Malt Mill Lane, Shell Corner	Allocated – No change	DLP H003
Dudley Borough Development Strategy	H13.30	Land off Homer Hill Road, Cradley	Removed	Site has been built out
Dudley Borough Development Strategy	H13.31	St Marks House, Brook Street, Lye	Allocated – no change	DLP H 019
Dudley Borough Development Strategy	H13.11	Victoria Road, Shell Corner	Removed	Removed due to landowner engagement exercise
Dudley Borough Development Strategy	H13.12	Lyde Green/ Cradley Road, Cradley	Allocated – No change	DLP H015

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Local Plan Document	Designation / Site Reference	Site Name	Description of Change	Reason for Change
Dudley Borough Development Strategy	H13.14	East of Balds Lane, Lye	Allocated – no change	DLP H013
Dudley Borough Development Strategy	H13.15	Bott Lane/ Dudley Road, Lye	Removed	Landowner/occupiers wish to remain at the site
Dudley Borough Development Strategy	H13.16	Land off Engine Lane, Lye (South of railway)	Removed	Landowners/occupiers wish to remain at the site and concerns from ESH
Dudley Borough Development Strategy	H13.19	North of Providence Street/ South of the Railway line, Lye	Removed	Removed due to landowner engagement exercise
Dudley Borough Development Strategy	H13.23	Rufford Road, Stourbridge	Allocated – No change	DLP H 014

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<b>Local Plan Document</b>	<b>Designation / Site Reference</b>	<b>Site Name</b>	<b>Description of Change</b>	<b>Reason for Change</b>
Dudley Borough Development Strategy	H13.24	Land east of Dudley Road, north of the railway line, Lye including Bromley Street	Site allocated as Local Employment Area	This site is now subsumed as a Local Employment Area- Old Forge Trading Estate
Dudley Borough Development Strategy	H13.25	South of Stourbridge Road, Lye	Removed	Site removed as allocation as there was no indication that the site would be brought forward for housing development.
Dudley Borough Development Strategy	H13.26	West of Engine Lane, north of the railway, Lye	Removed	Removed due to landowner engagement exercise
Dudley Borough Development Strategy	H13.27	East of Engine Lane, south of the railway, Lye	Removed	Removed due to landowner engagement exercise
Dudley Borough Development Strategy	H13.28	Clinic Drive, Lye	Allocated – no change	DLP H 005

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Dudley Borough Development Strategy	H14.4	Mucklow Headquarters, Mucklow Hill, Halesowen	Allocated – No change	DLP H 028
Dudley Borough Development Strategy	H14.5	Land off Lodgefield Road, Halesowen	Removed	Removed due to landowner engagement exercise
Dudley Borough Development Strategy	H14.3	Shelah Road/ Hayseech Road	Removed	Site removed due to dismissed appeal for residential development
Dudley Borough Development Strategy	H16.1	Land off Birmingham New Road/ Sedgley Road West (former Bean Road Factory)	Allocated – no change	DLP H031
Dudley Borough Development Strategy	H16.2	Land off Darkhouse Lane, Coseley	Removed	Site built out

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Dudley Borough Development Strategy	H16.6	Mons Hill, Wrens Hill Road, Dudley	Removed	Site has been built out
Dudley Borough Development Strategy	H16.9	Land off Peartree Lane/ Old Meeting Road, Coseley	Allocated -no change	DLP H044
Dudley Borough Development Strategy	H16.11	Highfields Road, Coseley	Allocated – no change	DLP H008
Dudley Borough Development Strategy	H16.12	Davies Avenue, Coseley	Removed	Site has been built out
Dudley Borough Development Strategy	H16.13	Mount Pleasant Street, Coseley	Removed	Site has been built out

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Local Plan Document	Designation / Site Reference	Site Name	Description of Change	Reason for Change
Dudley Borough Development Strategy	NETH.H14	Saltwells Road	Removed	Site has been built out
Dudley Borough Development Strategy	NETH.H8	St Peters Rd/ Northfield Rd/ Canalside, Netherton	Part allocated	Part built out and part DLP H045
Dudley Borough Development Strategy	NETH.H13	Corner of Halesowen Rd/ Saltwells Rd, Netherton	Allocated – No change	DLP H 016
Dudley Borough Development Strategy	NETH.H15	South of Northfield Road	Removed	Site previously allocated for housing but removed due to landowner engagement exercise
Dudley Borough Development Strategy	UG.H1	Sovereign Works off Deepdale Lane, Upper Gornal	Removed	Site previously allocated for housing but removed due to landowner engagement exercise

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Dudley Borough Development Strategy	HO.9	Turley Street, Woodsetton	Removed	Site has been built out
Dudley Borough Development Strategy	HO.10	Ruiton Street/ Cornwall Road, Lower Gornal	Allocated – No change	DLP H 006
Dudley Borough Development Strategy	HO.11	High Oak/ Swan Street, Pensnett	removed	Built out for alternate use
Dudley Borough Development Strategy	HO.12	Summit Place, Gornal Wood	Removed	Under 50 units
Dudley Borough Development Strategy	HO.15	Land off Quarry Road, Mushroom Green	Removed	Site has been built out

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Dudley Borough Development Strategy	HO.17	Bourne Street, Coseley	Allocated – no change	DLP H007
Dudley Borough Development Strategy	HO.19	Holloway Street, Lower Gornal	Removed	Site has been built out
Dudley Borough Development Strategy	HO.20	Majors Fold, Lower Gornal	Allocated – No Change	DLP H 021
Dudley Borough Development Strategy	HO.21	Cradley Road, Netherton	Removed	Below threshold
Dudley Borough Development Strategy	HO.22	Hockley Lane, Netherton	Removed	Site has been built out



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<b>Local Plan Document</b>	<b>Designation / Site Reference</b>	<b>Site Name</b>	<b>Description of Change</b>	<b>Reason for Change</b>
Dudley Borough Development Strategy	HO.23	The Portway, Kingswinford	Removed	Site has been built out
Dudley Borough Development Strategy	HO.13	Gibbons Refractories, Coopers Bank Road	Removed	Removed due to landowner engagement exercise
Dudley Borough Development Strategy	HO.14	Rose Hill, Quarry Bank	Removed	Site has been built out
Dudley Borough Development Strategy	E10.1	Pensnett Trading Estate	No change	
Dudley Borough Development Strategy	E10.2	Gibbons Industrial Park	Allocated	Local Quality Employment Area

## DRAFT DUDLEY LOCAL PLAN

Appendix 2 – Adopted Dudley Local Plan Allocations to be superseded by the Dudley Local Plan				
Local Plan Document	Designation / Site Reference	Site Name	Description of Change	Reason for Change
Dudley Borough Development Strategy	E10.3	Ham Lane	No change	
Dudley Borough Development Strategy	E10.4	Oak Lane	No change	
Dudley Borough Development Strategy	H10.5	Stallings Lane Kingswinford	No change	
Dudley Borough Development Strategy	ES10.1	Dreadnought Road	Allocated	Site now built out and allocated as Local Quality Employment Area
Dudley Borough Development Strategy	E11A.1	Peartree Lane/ Narrowboat Way/ Navigation Drive/ Yorks Park	No change	

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Dudley Borough Development Strategy	E11A.2	Ionic Business Park	No change	
Dudley Borough Development Strategy	E11A.4	Thornleigh Industrial Estate	No change	
Dudley Borough Development Strategy	E11A.6	New Road, Dudley	No change	
Dudley Borough Development Strategy	E11A.7	Wallows Industrial Estate, Brierley Hill	No change	
Dudley Borough Development Strategy	E11A.8	Birmingham New Road	No change	

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Dudley Borough Development Strategy	H11A.23	Shaw Road	Removed	Removed as an allocation due to BEAR scoring
Dudley Borough Development Strategy	H11A.12	Angel St, Vauxhall St, Dock Lane, Turner St, Dudley	Part Allocated	Part allocated for housing DLP H032 – part of the site unallocated due to Landowner engagement exercise
Dudley Borough Development Strategy	ES11A.1	Castlegate Way	Removed	Other appropriate uses on the site
Dudley Borough Development Strategy	ES11A.2	Castlegate Drive	Removed	Other appropriate uses on the site
Dudley Borough Development Strategy	ES11A.3	Hulbert Drive	No change	Employment Opportunity sites

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Dudley Borough Development Strategy	ES11A.5	Midtherm, New Road, Dudley	Allocated	Part of wider High Quality Employment Area
Dudley Borough Development Strategy	ES11A.7	Brewins Way, Dudley	Allocated	Built out and allocated as Local Quality Employment area
Dudley Borough Development Strategy	ES11A.8	Hillcrest Business Park, New Road, Dudley	No change	
Dudley Borough Development Strategy	E11B.1	Two Woods Trading Estate	No change	
Dudley Borough Development Strategy	E11B.3	Silver End	No change	

## DRAFT DUDLEY LOCAL PLAN

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Local Plan Document	Designation / Site Reference	Site Name	Description of Change	Reason for Change
Dudley Borough Development Strategy	E11B.5	Moor Street Industrial Estate	Removed	Removed as an allocation due to BEAR scoring
Dudley Borough Development Strategy	E11B.6	Cookley Wharf/ Premier Partnership Industrial Estate off Leys Road	Allocated – No change	
Dudley Borough Development Strategy	E11B.7	Bevan Road, Industrial Estate, off Leys Road	Allocated – No change	
Dudley Borough Development Strategy	E11B.8	Ruskin Mill, Amblecote	Allocated – No change	
Dudley Borough Development Strategy	E11B.9	Mill Race Lane Trading Estate	Allocated	Removed as a Local Quality Employment Site and allocated in the Stourbridge Section as an Opportunity Site

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Dudley Borough Development Strategy	ES11B.2	Moor Street site and Freight Terminal	Allocated – No change	
Dudley Borough Development Strategy	E13.1	Fairfield Park Industrial Estate, off Fairfield Road	Allocated – No change	
Dudley Borough Development Strategy	E13.2	Nimmings Road/ Station Road, Blackheath	Allocated – No change	
Dudley Borough Development Strategy	E13.3	Vernon Trading Estate and Acorn Park, Shell Corner	Allocated – No change	
Dudley Borough Development Strategy	E13.4	Maypole Fields, Quarry Bank	Allocated – No change	

## DRAFT DUDLEY LOCAL PLAN

<b>Appendix 2 – Adopted Dudley Local Plan Allocations to be superseded by the Dudley Local Plan</b>				
<b>Local Plan Document</b>	<b>Designation / Site Reference</b>	<b>Site Name</b>	<b>Description of Change</b>	<b>Reason for Change</b>
Dudley Borough Development Strategy	E13.6	The Hayes	Allocated – No change	
Dudley Borough Development Strategy	E13.12	Stambermill	Allocated – No change	
Dudley Borough Development Strategy	E13.14	Gainsborough Trading Estate, Rufford Road, Stourbridge	Allocated – No change	
Dudley Borough Development Strategy	ES13.1	Land south of Cakemore Road, Blackheath	Allocated	Built out and allocated as Local Quality Employment Area
Dudley Borough Development Strategy	ES13.2	Station Road, Blackheath	Reallocated	Site has been subsumed within Local Employment Area.



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<b>Local Plan Document</b>	<b>Designation / Site Reference</b>	<b>Site Name</b>	<b>Description of Change</b>	<b>Reason for Change</b>
Dudley Borough Development Strategy	ES13.3	Land off Timmis Road, Lye	Allocated – No change	
Dudley Borough Development Strategy	ES13.5	Folkes Road Lye	Reallocated to Local Employment Area	This site has been subsumed into wider Local Employment Area-
Dudley Borough Development Strategy	E14.1	Coombswood Estate, Halesowen Industrial Park, Forge Trading Estate	Allocated – No change	
Dudley Borough Development Strategy	E14.2	Shenstone and Belfont Trading Estate	Allocated – No change	
Dudley Borough Development Strategy	E14.3/H14.3	Shelah Road/ Hayseech Road	Allocated	Site meets the High Quality Employment Area scoring

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<b>Local Plan Document</b>	<b>Designation / Site Reference</b>	<b>Site Name</b>	<b>Description of Change</b>	<b>Reason for Change</b>
Dudley Borough Development Strategy	ES14.3	Steelpark Road	Allocated – No change	
Dudley Borough Development Strategy	ES14.1	Heywood Forge off Mucklow Hill, Halesowen	Allocated	Site has been built out and allocated as High Quality Employment Area
Dudley Borough Development Strategy	E16.1	Bean Road, Coseley	Allocated – No change	
Dudley Borough Development Strategy	E16.2	Bloomfield Road/ Budden Road	Allocated	Previously Local Employment Area in Dudley Borough Development Strategy, now part Local Employment Area and part High Quality Employment Area.
Dudley Borough Development Strategy	E16.3	Darkhouse Lane, Webb Street and Foundry Street	Allocated – No change	

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<b>Local Plan Document</b>	<b>Designation / Site Reference</b>	<b>Site Name</b>	<b>Description of Change</b>	<b>Reason for Change</b>
Dudley Borough Development Strategy	NETH.E1	Washington Centre, Netherton	Allocated	Part of the site is allocated, and Local Quality Employment Area and part allocated for housing (DLP H034 and H023)
Dudley Borough Development Strategy	NETH.E9	Westminster Industrial Estate, Cradley Rd	Allocated – No change	
Dudley Borough Development Strategy	NETH.E6	Northfield Rd, Netherton	Removed	Removed as an allocation due to BEAR scoring
Dudley Borough Development Strategy	NETH.ES9	Cradley Road, Netherton	No Change	
Dudley Borough Development Strategy	UG.E1	Dormston Trading Estate, Jew's Lane Gornal	Part Allocated	This site has been split into two sites, Dormston Trading Estate is allocated as Local Quality Employment Area Jews Lane has been removed from allocation.

Appendix Three – Dudley Priority Geological Conservation Zones

