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Dear XX

### **Dudley MBC Response to South Staffordshire District Council – Duty to Cooperate update**

Thank you for your letter received 24<sup>th</sup> October 2023, which provides an update on your local plan preparation and seeks the views of Dudley MBC on certain aspects.

As you will be aware, Dudley MBC published its Reg 18 Draft Plan for consultation on 10 November until 22 December 2023.

We wrote to you on 11 December 2023, to advise you of our latest position with regards to our housing, employment land supply as well as our position on our Gypsy and Traveller accommodation provision.

This letter, along with our published evidence base, confirms Dudley's position as follows:

#### **Housing Land Provision**

Dudley's housing need over its plan period is 11,954. The Draft Dudley Local Plan and its supporting evidence, including the updated Strategic Housing Land Availability Assessment<sup>1</sup> (SHLAA) 2022- 2023, the Urban Capacity Report 2023<sup>2</sup> and DLP Options to Preferred Strategy<sup>3</sup> indicates that Dudley Borough can accommodate the majority of its housing need within its urban area, leaving a shortfall of 1,078 homes.

As detailed in the Duty to Cooperate (DtC) evidence published alongside the Draft DLP<sup>4</sup>, it is considered that the housing shortfall gap is likely to decrease, based upon contributions received to date through the work on the former Black Country Plan and recent contributions proposed in the Telford & Wrekin Local Plan which was published for consultation in October 2023. We envisage the shortfall in Dudley's housing supply will be clarified as DtC discussions progress at the Regulation 19 stage of the Dudley Local Plan.

#### **Employment Land Provision**

The most recent Black Country Employment Land Needs Assessment (EDNA) 2023<sup>5</sup> provides an overall target figure for the Black Country area from 2020 to 2041 of 470

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<sup>1</sup> <https://www.dudley.gov.uk/media/yv0l0ar2/dudley-strategic-housing-land-availability-assessment-2022-2023.pdf>

<sup>2</sup> <https://www.dudley.gov.uk/media/jdedxemy/final-urban-capacity-review.pdf>

<sup>3</sup> [https://www.dudley.gov.uk/media/c4jbnmy4/dlp\\_options-to-preferred-strategy-oct-23.pdf](https://www.dudley.gov.uk/media/c4jbnmy4/dlp_options-to-preferred-strategy-oct-23.pdf)

<sup>4</sup> <https://www.dudley.gov.uk/media/grwjizme/dudley-draft-plan-consultation-statement-oct-2023.pdf>

<sup>5</sup> <https://www.dudley.gov.uk/media/scfdohle/black-country-employment-land-needs-assessment-edna-2023.pdf>

hectares (ha) or 22.38ha per annum, which increases to 533ha when taking into account the need for the replacement of employment land losses. The target figure for Dudley specifically is 72ha or 3.42ha per annum to 2041. Due to the loss of existing employment land in Dudley as a result of planned redevelopment to alternative uses, the overall employment land requirement increases from 72ha to 98ha (an increase of 26ha). The Draft DLP proposes 25ha of additional employment land (including completions for 2020-2022) leaving a shortfall of 47ha. This figure increases to 73ha overall when taking into account replacement of losses of employment land. This shortfall has the potential to be reduced further by large and small site windfall supply, which is currently estimated to total 78ha for the plan period across the Black Country.

Dudley forms part of the Black Country FEMA and has a functional economic relationship with a number of neighbouring local authorities including your own authority. As you will be aware, there have been offers of employment land from neighbouring local authorities including Shropshire and your own authority (including the West Midlands Interchange) to be tested through their local plan reviews. Of these contributions, 14ha can be directly attributed to Dudley Borough at this stage (from the West Midlands Interchange) leaving Dudley with a shortfall of approx. 33ha (or 59ha including replacement of employment land losses). As noted above and in the supporting EDNA evidence base, there is the potential for windfall supply and other local authority contributions that are currently attributed to the Black Country FEMA overall to reduce this shortfall further, but these are unlikely to fully address the gap in supply.

### Gypsy and Traveller Accommodation

The Black Country Gypsy and Traveller Accommodation Assessment Study (2022)<sup>6</sup> provides an assessment of needs for Dudley in accordance with national guidance and identified the likely future local need for Gypsy and Traveller and Travelling Showpeople accommodation. An update of Dudley's needs to 2041 is published alongside the DLP<sup>7</sup>.

Based on the PPTS 2015 'travel for all' definition the total need identified for the borough 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. Using the ethnic definition, the 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.

As advised in previous DtC correspondence to South Staffordshire District Council, Dudley Council would be undertaking a review of sites for potential Gypsy and Traveller Accommodation. Despite assessing several sites, including the Council owned sites, as set out in our site assessment report<sup>8</sup>, no deliverable site options were put forward for Dudley borough through either the BCP two "call for sites" or the

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<sup>6</sup> [https://www.dudley.gov.uk/media/zykp232y/black\\_country\\_gtaa\\_april\\_2022\\_.pdf](https://www.dudley.gov.uk/media/zykp232y/black_country_gtaa_april_2022_.pdf)

<sup>7</sup> <https://www.dudley.gov.uk/media/biaaizsn/dudley-gypsy-and-traveller-accommodation-needs-figures-to-2041.pdf>

<sup>8</sup> <https://www.dudley.gov.uk/media/rhwnhkte/dmbc-site-assessment-report-appendices-1-4-oct-2023.pdf>

subsequent DLP 'call for sites' process. It is therefore likely that the Council will have a shortfall in meeting the need for the Plan period.

If it is not possible to identify and allocate further sites to meet the remaining need for 32/20 pitches (depending on the definition used) up to 2041, the remaining need will be met within the "broad location" of the Dudley urban area, through the planning application process. In addition, the Council will seek to address this shortfall through DtC discussions to determine whether some of the unmet needs can be accommodated within neighbouring authorities.

In response to the specific questions raised in your letter dated 24 October, we set out the following:

## **Housing**

We note that your letter states that no decisions have been made on the Plan's strategy and we understand that the Council also intends to undertake a second Regulation 19 consultation in April 2024.

Following the recent publication of the NPPF (19 December 2023), it is our view that there is no requirement for a local authority to review its Green Belt boundaries should it choose not to when undertaking a Local Plan review. However, a local authority may choose to review boundaries where exceptional circumstances exist. Given the guidance set out in the recent NPPF we welcome the on-going engagement with South Staffordshire to determine the housing strategy approach that will be undertaken as part of its Regulation 19 Plan and the subsequent consultation.

## **Employment**

It is noted that the Council is updating its EDNA to support its forthcoming consultation in Spring 2024. The current evidence to support the Regulation 18 Dudley Local Plan (Employment Land Supply Paper, 2023) takes account of the previously agreed employment land supply contributions from South Staffordshire towards the Black Country employment land requirements, including the 36.6ha of surplus employment land and a minimum of 67ha at the West Midlands Strategic Rail Freight Interchange.

We understand the 36.6ha of surplus employment land was identified as a result of the Council's most recent EDNA and may therefore be subject to review following the updated EDNA. We would therefore welcome further engagement on the EDNA update as it progresses. We are supportive of the updated EDNA continuing to recognise the strong economic functional links between our authorities.

The minimum 67ha contribution from the WMSRFI is supported by an existing evidence base (West Midlands Strategic Rail Freight Interchange Employment Issues Response Paper – Whose need will the SRFI serve? Stantec, 2021) which we understand would not be the subject of a review via the updated EDNA evidence base. We would welcome confirmation of this. In addition, we welcome the approach to continue to work the West Midlands local authorities to assist in the preparation of the update to the West Midlands Strategic Employment Sites Study 2021.

## **Gypsy and Travellers**

As set out above, in preparing the Dudley Local Plan we have undertaken an assessment of a number of sites for potential Gypsy and Traveller pitch provision, including a review of council owned sites as set out in our site assessment report <https://www.dudley.gov.uk/media/rhwnhkte/dmbc-site-assessment-report-appendices-1-4-oct-2023.pdf>

As advised in previous Duty to Cooperate correspondence, we have identified one site for the provision of a Gypsy and Traveller transit site which has since secured permanent planning permission. We are currently working with colleagues elsewhere in the Council to consider the potential to improve capacity for existing site(s).

At this stage of the Draft Plan, we have not been able to allocate any further provision and are likely to have a shortfall in our pitch provision.

### **Other issues**

We note that you will be re-engaging with Dudley Council on the following matters:

- Transport
- Infrastructure
- Natural Environment

We look forward to continued Duty to Co-operate discussions regarding cross boundary matters as both our local plan progress.

Yours faithfully