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**Meeting of the Cabinet - 15<sup>th</sup> February 2024**

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

**Dudley MBC response to the Sandwell Local Plan consultation, Telford and Wrekin Local Plan consultation and South Staffordshire Council Duty to Cooperate letter response**

**Purpose of report**

1. To provide an update on recent Local Plan consultations undertaken by other Local Planning Authorities and Duty to Cooperate correspondence received from South Staffordshire Council. To note the officer responses submitted to date. The resulting recommendation is required to ensure that the Council fulfils its legal obligations under the Duty to Cooperate and that the interests of Dudley Borough are being fully considered in the plan-making activities of other local authorities.

**Recommendation**

2. It is recommended that Cabinet: -
  - Notes the summary of the Local Plan consultations, including the key issues arising for Dudley MBC.
  - Notes the officer response to the Sandwell Local Plan consultation, as set out in Appendix One (officer response sent due to deadline of 18<sup>th</sup> December 2023).
  - Notes the officer response to the Telford and Wrekin Local Plan consultation, as set out in Appendix Two (officer response sent due to deadline of 31<sup>st</sup> January 2024).
  - Notes the officer response to the South Staffordshire Duty to Cooperate letter, as set out in Appendix Three (officer response sent due to deadline of 24<sup>th</sup> November 2023).

## **Background**

3. Dudley MBC has been consulted as a statutory consultee by Sandwell MBC on the draft Sandwell Local Plan (SLP) and Telford and Wrekin Council on the draft Telford and Wrekin Local Plan (TWLP). A summary of the Local Plans and their relevant consultation stages is provided below, including commentary on the key issues arising for Dudley MBC. The full responses are included as Appendix One and Two to this report. Dudley MBC received a Duty to Cooperate letter from South Staffordshire Council on the 24<sup>th</sup> October 2023, requesting a response in relation to several strategic cross-boundary matters including housing, employment, gypsy and traveller requirements as well as other issues. The full response is included as Appendix Three to this report.
4. It is important for Dudley MBC to respond to the consultations and correspondence to ensure any implications for Dudley Borough are addressed, particularly in respect of strategic cross-boundary matters. It will help ensure alignment between individual Local Plans and promotes positive outcomes in terms of identifying opportunities for cross boundary benefits (such as infrastructure links). Dudley MBC has a legal duty to address strategic cross boundary matters under the Duty to Cooperate.
5. The Duty to Cooperate was introduced by the Localism Act 2011 and is set out in section 33A of the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities and county councils in England and prescribed public bodies (as defined in Regulations) to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters. The resulting recommendation is required to ensure that the Council fulfils its legal obligations under the Duty to Cooperate and that the interests of Dudley Borough are being fully considered in the plan-making activities of other local authorities.
6. Sandwell Local Plan  
*Summary*

Sandwell MBC recently consulted (November-December 2023) on its Regulation 18 Draft Local Plan (SLP) which sets out a range of development allocations and planning policies to guide decisions on development proposals and planning applications for the period up to 2041. Once it has been adopted it will replace the current local planning policy framework for Sandwell borough which includes the Black Country Core Strategy (2011); the Sandwell Site Allocations and Delivery

Development Plan Document (2012); the West Bromwich Area Action Plan (2012); the Tipton Area Action Plan (2008); and the Smethwick Area Action Plan (2008).

7. The consultation concluded on the 18<sup>th</sup> December 2023 and an officer-only response was submitted due to the consultation deadline (full response in Appendix One). Sandwell MBC is undertaking a review of its adopted Local Plan because all local authorities are required to have an up-to-date Local Plan. Local Plans should be reviewed at least every five years in line with national legislation and guidance.
8. The consultation was the second stage of the new Local Plan production and the SLP represented a full draft plan consisting of detailed planning policies and allocations (Regulation 18 stage). It followed on from the first stage of the SLP production which was an 'Issues and Options' document that was subject to consultation earlier in 2023 (also a Regulation 18 stage)<sup>1</sup>. Dudley MBC responded to this Issues and Options consultation (see Cabinet Report of 16<sup>th</sup> March 2023). At the current Regulation 18 draft plan stage there is no requirement to explicitly support or object to the Local Plan based on the 'tests of soundness' for Local Plans (within the National Planning Policy Framework) or legal compliance matters only. This is required at the 'Publication/Pre-Submission' or Regulation 19 consultation stage. Consultation comments will be used to inform the next iteration of the SLP which is due to be the Regulation 19 stage, currently scheduled for Summer 2024.
9. The SLP covers the whole range of strategic matters required from a Local Plan, including housing and employment requirements alongside other key matters such as the environment and transport. Non-strategic matters are also covered by a series of development management policies.
10. *Key Issues for Dudley MBC*

The SLP proposes a development strategy which is focused on the urban area, prioritising the use of previously developed land. Greenfield sites within the urban area are included as appropriate. The SLP does not propose the release of any Green Belt land for development. Future development is focused on the borough's identified Regeneration Areas and the Strategic Centre of West Bromwich. The Regeneration Area of Dudley Port and Tipton relates to the draft Dudley Local Plan Regeneration Corridor 4 (the Regeneration Area of the Wednesbury to

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<sup>1</sup> References to Regulation 18 and 19 stages are taken from the Town and Country Planning (Local Planning) (England) Regulations, 2012 (as amended) which govern the processes for the stages of Local Plan production, including the nature of the consultation, who should be consulted and the availability of documents for consultation.

Tipton Metro Corridor is also of relevance). The SLP includes references to the Metro interchange, Metro extension and transport hub improvements at Dudley Port railway station as part of the Regeneration Areas. References are made to key visitor attraction assets nearby in Dudley and the importance of improved links to them. Reference is made to the regeneration of Owen Street District Centre (Tipton Town Centre) following an award of £20million Levelling Up Fund. In terms of the implications for Dudley MBC, the consistency of the regeneration areas/corridors and references to key projects and assets is welcomed. In terms of the regeneration of Owen Street District Centre, any proposals should be of a scale and nature which does not detract from the functions of nearby Dudley town centre.

11. The SLP identifies a housing requirement of 29,773 dwellings up to 2041, with an overall supply figure of around 11,167 dwellings, leaving a shortfall of 18,606 dwellings. The SLP identifies that it will be reliant upon contributions from relevant local authorities to address the housing supply shortfall. The SLP and its supporting evidence base outlines that these discussions are ongoing, including in relation to the apportionment of contributions previously agreed to the Black Country overall e.g., from Shropshire. This to fulfil the Councils' legal obligations under the Duty to Cooperate and ensure compliance with current national planning policy.
12. There are several proposed housing allocations identified in proximity of the Dudley boundary including at Tipton/Coseley, Cradley Heath and Brandhall Golf Course. Two other large allocations are also proposed in proximity to the borough; Edwin Richards Quarry near Rowley Regis (626 dwellings) and Lion Farm, Oldbury (200 dwellings, 2.3ha employment land).
13. In respect of the implications for Dudley MBC, it will be important to encourage Sandwell MBC to meet its own housing needs within its own boundaries as far as possible to reduce its housing supply shortfall and the reliance upon contributions from relevant local authorities. It is recommended that consideration should be given to whether the town centres within the borough could achieve higher densities, akin to West Bromwich Strategic Centre. Dudley MBC has also identified a housing supply shortfall and therefore discussions will be ongoing in relation to how previously agreed contributions from other local authorities to the Black Country overall are disaggregated to Dudley, Sandwell, Walsall and Wolverhampton. In relation to the proposed housing allocations, these will need to take account of any cross-boundary infrastructure implications. Consideration should also be given any impacts upon the amenity and character of the wider area. It is reiterated that Dudley MBC is unable to contribute to the housing supply shortfall of Sandwell.

14. The SLP identifies an employment land requirement of 185ha and an employment land supply of 42ha (2020-2041, including completions from 2020-2022). This results in a shortfall of 143ha in the employment land supply. The response from Dudley MBC recommends that the most up to date Economic Development Needs Assessment should be used (which slightly updates the employment land requirement for Sandwell MBC to 186ha, or 212ha if the replacement of employment land losses is included). The SLP notes that the shortfall will be addressed through the Black Country Functional Economic Market Area (FEMA) with unmet needs being exported, as far as possible, to authorities that have a strong existing or potential functional economic relationship with Sandwell. This work is ongoing under the Duty to Cooperate.
15. There is one proposed employment land allocation located nearby the Dudley borough boundary (in proximity of the Ionic Business Park in Dudley) which is at Coneygre Business Park (7.22ha).
16. The SLP applies a similar approach to the draft Dudley Local Plan in respect of the protection of existing employment areas, identifying these as Strategic Employment Areas (SEAs) and Local Employment Areas (LEAs) as well as 'Other Employment Areas'. The proposed designations of these employment areas are largely consistent in terms of cross-boundary sites with Dudley including Brymill Industrial Estate (adjacent to Budden Road, Coseley LEA in Dudley); The Angle Ring Company Ltd (adjacent to Budden Road, Coseley LEA in Dudley); Bloomfield Park (adjacent to Budden Road, Coseley and Birmingham New Road LEAs in Dudley); Providence Street, Cradley Heath (adjacent to Westminster Industrial Estate LEA in Dudley); Cakemore Industrial Estate (adjacent to Cakemore Road LEA in Dudley); Station Road Industrial Estate (adjacent to Nimmings Road LEA in Dudley); and Coneygre Industrial Estate (adjacent to Ionic Business Park SEA in Dudley).
17. In respect of the implications for Dudley MBC, it is acknowledged that Sandwell, along with Dudley, Wolverhampton and Walsall are bound within the Black Country FEMA, with strong economic interdependencies between each of the Black Country Authorities (BCAs) as well as having strong economic transactions with Birmingham and South Staffordshire and moderate economic transactions with Wyre Forest, Bromsgrove, Solihull, Tamworth, Cannock Chase and Lichfield districts. Dudley MBC has also identified an employment land supply shortfall within the draft Dudley Local Plan. It will therefore be important for Dudley MBC and Sandwell MBC to continue to work together on addressing these shortfalls as part of the Black Country FEMA, under the Duty to Cooperate. It is recommended that Sandwell MBC acknowledges

additional sources of supply including that from the West Midlands Strategic Rail Freight Interchange<sup>2</sup> in South Staffordshire and windfall supply. These would serve to reduce the employment land shortfall for Sandwell further. It is clarified that Dudley MBC is unable to contribute to the employment land supply shortfall of Sandwell.

18. Any cross-boundary implications of the proposed employment allocation in proximity of Dudley borough will need to be considered, particularly for highways matters (site is close to the A4123 which is being improved to facilitate active travel and bus route enhancements).
19. In respect of gypsy, traveller and travelling showpeople provision, the SLP identifies the requirements for pitches and plots over the plan period. There is an identified shortfall, which the SLP proposes will be addressed via the development management process i.e., planning applications for new sites or site extensions. One allocation is proposed nearby the Dudley borough boundary at Brierley Lane, Coseley (for 10 traveller pitches) representing an extension an existing traveller site. In terms of the implications for Dudley MBC, clarification is sought on the size of the existing site. The proposed response notes that any impacts upon cross boundary infrastructure and the amenity and character of the wider area should be considered as part of detailed proposals for the extension.
20. The SLP sets out a series of policies in relation to 'Centres', including identifying a hierarchy of centres, development management policies for considering the most appropriate location for main town centre uses, and proposals for the Strategic Centre of West Bromwich. These are largely consistent with the draft Dudley Local Plan policies and utilise the shared evidence base produced across the Black Country. In terms of the implications for Dudley MBC, it is helpful to have a consistent policy approach given the proximity of various centres within Dudley and Sandwell boroughs and the potential for development proposals to have cross boundary impacts. It is recommended that consideration should be given to any potential impacts upon higher order centres within Dudley borough arising from redevelopment schemes within Sandwell.
21. In relation to this, it is noted that for the town centre of Blackheath there appear to be no significant proposals for growth identified. Some redevelopment site opportunities are identified, but these are not significant in scale and are for mainly residential use. For the town centre of Cradley Heath, similarly there are no significant proposals for growth identified, with mostly residential redevelopment site opportunities

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<sup>2</sup> West Midlands Strategic Rail Freight Interchange, Employment Issues Response Paper - Whose need will the SFRI serve? (Stantec; prepared on behalf of the Black Country Local Planning Authorities, February 2021)

identified. The proposed response notes that any specific proposals for the Owen Street District Centre (Tipton Town Centre) should be at a scale appropriate to the District Centre so as not to detract from the function of higher order centres within the vicinity, including Dudley Town Centre.

22. The SLP sets out a series of policies in relation to transport matters, including those related to key transport infrastructure projects (such as the Dudley Port Integrated Transport Hub, which will link into the Metro extension for Brierley Hill-Wednesbury), safeguarding of the Key Route Network, freight and logistics, cycling and walking and parking management. These are largely consistent with the draft Dudley Local Plan policies. In terms of the implications for Dudley MBC, it is helpful to have a consistent policy approach given the cross-boundary transport connections between the two authorities. It is recommended that support is provided for continued joint working on evidence base (including transport modelling and car parking studies) and specific transport improvement projects, particularly those related to active travel.
23. The SLP sets out a series of policies in relation to waste and minerals matters including strategic waste capacity requirements, the safeguarding of existing waste and minerals infrastructure sites, identification of preferred areas for new waste facilities, and development management policies for considering new waste and mineral proposals. These are largely consistent with the draft Dudley Local Plan policies. In terms of the implications for Dudley MBC, it is helpful to have a consistent policy approach given the cross-boundary relationships with waste and minerals processing. Continued discussions under the Duty to Cooperate to address strategic waste matters are welcomed, including on flows of waste from Dudley to Sandwell (notably to Edwin Richards Landfill). A query is raised in relation to the status of a potential 'Preferred Area for New Waste Facilities' at Bloomfield Road/Buddens Road to ensure cross boundary consistency in allocations (this should be a cross-boundary allocation across Dudley and Sandwell).
24. The SLP contains several policies which provide support for the protection and enhancement of key cross boundary environmental assets, or relevant assets within Dudley borough including the UNESCO Global Geopark, Bumble Hole and Warrens Park and Fens Pool Special Area of Conservation. Cross-boundary flood risk issues arising from the River Stour are also referenced. This provides a consistent approach with the draft Dudley Local Plan policies. In specific relation to nature conservation, it is suggested that consideration is given to the potential for cross boundary opportunities for the delivery of Biodiversity Net Gain sites at Saltwells Local Nature Reserve and Mousesweet Brook Local

Nature Reserve.

25. The SLP contains several policies in relation to the historic environment. It is noted that these policies are not fully consistent with the draft Dudley Local Plan policies, which is particularly relevant in relation to development allocations that are in proximity of Dudley borough. Reference is not made to specific designations that can be of a cross-boundary nature e.g., Areas of High Historic Townscape and Landscape value. In terms of the implications for Dudley MBC, it is recommended that the SLP updates the policy approach to reflect these designations to ensure historic environment matters are addressed consistently on a cross-boundary basis.
26. There is a Mixed-Use Allocation identified at Lion Farm, Oldbury (proposed allocation for 200 homes and 2.3ha of employment land). In terms of the implications for Dudley MBC, queries are raised regarding the potential loss of existing sports pitches which have the potential to serve cross boundary needs. It is also queried what type of employment uses are proposed as previous concerns were raised with the prospect of large-scale retail development at this location. Any cumulative impacts with the nearby Edwin Richards Quarry allocation (for 626 homes) on cross-boundary infrastructure including highways will also need to be considered.
27. Overall, it is important for Dudley MBC to continue to engage with Sandwell MBC on the preparation of the SLP to fulfil its legal obligations under the Duty to Cooperate; to ensure alignment between neighbouring Local Plans; and generate positive outcomes in terms of cross boundary matters. This is reflected in the response with Dudley MBC welcoming continued engagement with Sandwell MBC as the Local Plan progresses.
28. *Submitted response- summary*
  - The full proposed response from Dudley MBC to the SLP is provided at Appendix One. The key points from this response are:
  - Support for continued joint working and engagement under the Duty to Cooperate on strategic matters is a common theme throughout the responses (including use of the shared evidence base which has been prepared to date).
  - Support for the proposed 'Development Strategy' which is urban focused, prioritising the use of previously developed land. Focus of development on identified 'Regeneration Areas' and West



Bromwich Strategic Centre. Principle of this is supported and it is noted that the Regeneration Area of Dudley Port and Tipton relates to the draft Dudley Local Plan Regeneration Corridor 4. Support for references for key relevant projects in this area including the Metro interchange, Metro extension and transport hub improvements at Dudley Port railway station. Support for references to key visitor attraction assets nearby in Dudley and the importance of improved links to them. Support for the principle of regenerating Owen Street District Centre (Tipton Town Centre) following award of £20million Levelling Up Fund, but this should be of a scale and nature which does not detract from the functions of nearby Dudley town centre.

- Support for continued joint working under the Duty to Cooperate on identifying how the unmet housing and employment land needs of the borough will be addressed via the shared Housing Market Area (HMA) and Functional Economic Market Area (FEMA). This will also need to include consideration of how the unmet housing and employment land needs of Dudley borough will be met given the shared HMAs and FEMAs. Updates in terms of the latest position arising from these ongoing discussions will need to be reflected in the next versions of our local plans and be set out in Statements of Common Ground.
  
- Sandwell's housing need is 29,773 homes and there is a supply of 11,167 homes identified for the plan period (up to 2041). Support for Sandwell MBC in seeking to meet its own needs for housing land supply as far as possible and maximising the effective use of land within the urban areas. Note the housing supply shortfall is significant (representing around two thirds of Sandwell's minimum housing needs) and that the urban capacity housing supply should be kept under review to try and identify any additional sources of land. Recommend consideration should be given to whether town centres within the borough could achieve higher densities, akin to West Bromwich Strategic Centre. Noted that Sandwell is not proposing to release any Green Belt land to meet its housing needs. Several housing allocations are proposed nearby the Dudley borough boundary (at Coseley/Tipton/Cradley Heath areas, Brandhall Golf Course) and there are some larger sites located further from the boundary but still in relative proximity (Edwin Richards Quarry for 626 dwellings near Rowley Regis and Lion Farm, Oldbury for 200 dwellings and 2.3ha of employment land). These allocations need to take account of any cross-boundary infrastructure implications. Consideration should also be given any impacts upon the amenity and character of the wider area. Specific comments are provided in terms of education and highways

matters. Request that Dudley MBC is consulted on future detailed plans for these allocations as part of the Local Plan and planning application processes.

- In respect of gypsy, traveller and travelling showpeople provision Sandwell has a shortfall in meeting its identified needs which the Council proposes to address via the planning application process going forward. Support provided for the overall policy approach and use of shared evidence base. It is noted that an allocation for 10 gypsy and traveller pitches is proposed near to the Dudley boundary (at Brierley Lane, Coseley) representing an extension an existing traveller site. Clarification is sought on the size of the existing site. Any impacts upon cross boundary infrastructure and the amenity and character of the wider area should be considered.
- The employment land need is for at least 185ha and the employment land supply is 29ha (note, Dudley MBC has sought clarification on the employment land needs figure using the most up to date evidence base). Support for overall policy approach to employment land provision, including the identification of consistent cross boundary designated employment areas (existing employment areas to be protected for continued employment use). Support for continued engagement under the Duty to Cooperate to address the unmet employment land needs of Sandwell and Dudley as part of the same FEMA. The most up to date evidence on employment land needs (shared evidence base produced for all the Black Country local authorities) should be used to identify the employment land requirements within the Sandwell Local Plan policies. It is noted that there is one employment site allocation nearby the Dudley borough boundary at Coneygre Business Park (7.22ha). Detailed proposals for the site should take into account cross boundary impacts particularly for highways matters (site is close to the A4123 which is being improved to facilitate active travel and bus route enhancements).
- Support for the policy approach to 'Centres' which is largely consistent with the draft Dudley Local Plan policies and support for the use of shared evidence base. Consideration should be given to any potential impacts upon higher order centres within Dudley borough arising from redevelopment schemes within Sandwell, namely at Owen Street District Centre (Tipton Town Centre).
- Support for policy approach to transport matters including continued joint working on relevant supporting evidence such as transport modelling (to ensure consistency in addressing any

cross-boundary matters). Support for references to key cross-boundary projects including those related to the Metro extension and active travel improvements.

- Support for policy approach to waste and minerals and the use of shared evidence base. Welcome continued discussions under the Duty to Cooperate to address strategic waste matters, including flow of waste from Dudley to Sandwell (notably to Edwin Richards Landfill). Query raised in relation to the status of a potential 'Preferred Area for New Waste Facilities' at Bloomfield Road/Buddens Road to ensure cross boundary consistency in allocations (this should be a cross-boundary allocation across Dudley and Sandwell).
- Support for policies that include reference to key cross boundary environmental assets, or relevant assets within Dudley borough including the UNESCO Global Geopark, Bumble Hole and Warrens Park and Fens Pool Special Area of Conservation. Support for reference to shared evidence base/strategies. Suggest consideration is given to the potential for cross boundary opportunities for the delivery of Biodiversity Net Gain sites at Saltwells Local Nature Reserve and Mousesweet Brook Local Nature Reserve.
- In respect of the policy approach to the historic environment, concerns are raised in respect of the consistent application of the Black Country evidence base for the historic environment. Recommend that the Sandwell Local Plan policies are updated to reflect specific designations so there is a consistent cross boundary approach (particularly relevant to development allocations which are in proximity of Dudley borough).
- Support for recognition of cross-boundary flood risk issues arising from the River Stour.
- Specific queries in relation to the Mixed-Use Allocation at Lion Farm, Oldbury (proposed allocation for 200 homes and 2.3ha of employment land). Concerns raised regarding the potential loss of existing sports pitches which most likely serve cross boundary needs; clarification sought on whether these are to be retained as part of the allocation. Query what type of employment uses are proposed as previous concerns were raised with the prospect of large-scale retail development. Any cumulative impacts with the

nearby Edwin Richards Quarry allocation (for 626 homes) on cross-boundary infrastructure including highways should be considered.

### **Telford and Wrekin Council Regulation 18 Local Plan Consultation**

- 29 Telford and Wrekin Council recently consulted on its Regulation 18 Draft Local Plan (TWLP) which sets out a range of development allocations and planning policies to guide decisions on development proposals and planning applications for the period up to 2040.
- 30 The consultation concluded on the 31<sup>st</sup> January 2024 and an officer-only response was submitted due to the consultation deadline (full response in Appendix Two). Telford and Wrekin Council are undertaking a review of its adopted Local Plan because all local authorities are required to have an up-to-date Local Plan. Local Plans should be reviewed at least every five years in line with national legislation and guidance.
- 31 The consultation was the second stage of the new Local Plan production and the TWLP represented a full draft plan consisting of detailed planning policies and allocations (Regulation 18 stage). It followed on from the first stage of the TWLP production which was an 'Issues and Options' document that was subject to consultation earlier from October 2020 – January 2021. At the current Regulation 18 draft plan stage there is no requirement to explicitly support or object to the Local Plan based on the 'tests of soundness' for Local Plans (within the National Planning Policy Framework) or legal compliance matters only. This is required at the 'Publication/Pre-Submission' or Regulation 19 consultation stage. Consultation comments will be used to inform the next iteration of the TWLP which is due to be the Regulation 19 stage, currently scheduled for Summer-Autumn 2024.
- 32 The TWLP covers the whole range of strategic matters required from a Local Plan, including housing and employment requirements alongside other key matters such as the environment and transport. Non-strategic matters are also covered by a series of development management policies.
- 33 Key issues for Dudley MBC:  
The TWLP proposes 20,100 dwellings over the Plan period of 2020 – 2040, which is equivalent to 1,010 dwellings per annum. The method used to calculate the housing requirement is detailed in the Housing Requirement Technical Paper and appears to be based on demographic projections rather than the usual method of calculating housing need (the Standard Method). If the Standard Method were used to calculate housing need it would result in a requirement of 475 dwellings per annum.

- 34 The TWLP states that the housing need for Telford and Wrekin is 930 dwellings per annum, resulting in a proposed contribution of 80 dwellings per annum towards part of the Black Country's unmet housing need – or 1,600 dwellings over the Plan period.
- 35 In respect of the implications for Dudley MBC, the proposed contribution to the Black Country's housing need is welcomed. However, the supporting Technical Paper lacks clarity regarding why the proposed housing requirement figure is significantly in excess of that generated by the Standard Method. Further clarification on why an alternative approach to the Standard Method has been used, and details on the sites proposed to meet the needs of the Black Country has been requested.
- 36 The TWLP identifies a total supply of 167ha of employment land over the Plan period, of which 90.5ha will be new employment land. Thirteen sites have been identified in the TWLP to meet the requirement for new employment land.
- 37 Telford and Wrekin lies outside of the Black Country's functioning economic area (FEMA) and it is therefore considered that the employment land shortfall identified in Dudley by the Dudley Local Plan will be better met by land closer to the Borough. Given that Black Country does not form part of the FEMA for Telford and Wrekin, the TWLP does not indicate that any part of its employment land supply would contribute to the needs of the Black Country.
- 38 In respect of gypsy, traveller and travelling showpeople provision, the TWLP identifies the requirements for pitches and plots over the plan period. There is an identified shortfall of pitches, however the TWLP does not identify how it proposes to meet the shortfall and the supporting information appears to detail two different figures for the shortfall of pitches. In terms of the implications for Dudley MBC, clarification is sought on the exact overall shortfall of gypsy and traveller pitches and how the pitch requirement will be met.
- 39 The SLP sets out a series of policies in relation to waste and minerals matters. Dudley has not identified any strategic issues in relation to waste and minerals between ourselves and Telford and Wrekin at this time, but this position will be kept under review. Dudley will continue to engage and work with Telford and Wrekin Council on any relevant strategic waste issues via the West Midlands Resource Technical Advisory Board (WMRTAB) and strategic minerals issues through the West Midlands Aggregates Working Group (WMAWG) under the Duty to Cooperate.

40 Overall, Dudley largely supports the TWLP and the proposed contribution to partly meeting the Black Country housing needs. It is important for Dudley MBC to continue to engage with Telford and Wrekin on the preparation of the TWLP to fulfil its legal obligations under the Duty to Cooperate. This is reflected in the response with Dudley MBC welcoming continued engagement with Telford and Wrekin as the Local Plan progresses.

41 The full proposed response from Dudley MBC to the TWLP is provided at Appendix Two.

### **South Staffordshire Duty to Co-operate (DtC) Correspondence**

42 South Staffordshire District Council (SSDC) previously consulted on its Regulation 19 Publication Plan between November – December 2022. The 2022 Publication Plan provided for an additional 4,000 dwellings to meet the needs of the Great Birmingham & Black Country HMA (GBBCHMA), along with an additional potential employment land contribution of 36.6ha towards the unmet needs of the Black Country authorities and a further additional minimum contribution of 67ha of land to the Black Country for the West Midlands Interchange Development Consent Order. The Publication Plan acknowledged that South Staffordshire had a shortfall in its Gypsy and Traveller pitch provision of approximately 84 pitches during its plan period and had requested potential contributions to its unmet need through Duty to Co-operate with neighbouring local authorities, including Dudley Council.

43 Following the publication of the proposed draft changes to the National Planning Policy Framework (NPPF) in December 2022, SSDC paused work on its local plan in January 2023, requesting clarity from Government over its proposed reforms to national planning policy. At the time it was understood that Government would publish revised planning guidance in Spring 2023. Due to delays to the publication of the NPPF, SSDC has re-commenced work on its plan and is in the process of revisiting its evidence base with a view to reconsulting on their Reg 19 Plan in Spring 2024. It is likely that some aspects of the previous Reg 19 Plan will change, including its spatial and housing strategy, its Plan period timeframe and potential contributions to meet the unmet housing and employment needs arising in the HMA and the Black Country Functional Economic Market Area (FEMA).

44 SSDC wrote to DtC Partners to request their views on the following areas:

### **Housing**

- South Staffordshire Local Plan had proposed Green Belt release to accommodate an additional 4,000 dwellings to contribute to the unmet needs arising in the GB&BCHMA. At the time the Council's evidence base indicated that, at the strategic level, the exceptional circumstances for releasing Green Belt heavily relied upon the Council's housing need and the significant unmet need arising from the wider housing market.
- The proposed changes to the NPPF published in December 2022, para 142 proposed that "*Green belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need of housing over the plan period*". Given this statement, SSDC are seeking views on what Dudley Council's position would be if SSDC was to review its housing strategy to no longer review Green Belt boundaries to accommodate housing needs of the District and the GB&BCHMA if the proposed changes to the NPPF were to be enacted.
- Following the recent publication of the NPPF (19 December 2023), it is Dudley Council's 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**

- The Publication Plan proposed sufficient employment land would be released to deliver 99ha of land including a potential contribution of 36.6ha to the Black Country's unmet needs. In addition, a further contribution of 67ha arising from the West Midlands Interchange. Due to the delay in the South Staffordshire Local Plan preparation, the Council will need to update its Economic Development Needs Assessment (EDNA) to reflect the extended plan period and its delayed adoption date. South Staffordshire has confirmed that it will continue to engage with its DtC partners and work with the West Midlands Development Needs Group to assist in the preparation of the update to the West Midlands Strategic Employment Sites Study 2021.
- Dudley's proposed response is to note that the Council is updating its EDNA to support its forthcoming consultation in Spring 2024 and that 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. 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.

- Dudley is seeking clarification that the 67ha contribution from the WMSRFI is supported by an existing evidence base and would not be the subject of a review via the updated EDNA evidence base.
- We welcome the approach set out by SSDC to continue to work with the West Midlands local authorities to assist in the preparation of the update to the West Midlands Strategic Employment Sites Study 2021.

### **Gypsy and Traveller Provision**

- SSDC has re-confirmed that it has shortfall in its Gypsy and Traveller pitch provision and is seeking to address its unmet need through cross-boundary discussions with adjacent neighbours and other authorities in the housing market area.
- SSDC has requested Dudley Council confirm its position with regards to its own pitch provision as part of the work it has undertaken on its own Local Plan.
- Dudley's proposed response is to confirm that in preparation of the Dudley Local Plan we have undertaken an assessment of a number of sites for potential Gypsy and Traveller pitch provision. As advised in previous Duty to Cooperate correspondence, we have identified one site for the provision of a permanent Gypsy and Traveller transit site which has since secured permanent planning permission. That whilst we are reviewing the potential to improve capacity for some an existing site 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 own pitch provision.

A copy of the response to South Staffordshire DC is attached to Appendix Three.

### **Finance**

- 45 There are no direct financial implications arising from this report. Resources used for reviewing the Local Plans and providing responses are met from existing budgets and staff resources.



## **Law**

46 The Council has a legal obligation to engage under the Duty to Cooperate, as per section 33A of the Planning and Compulsory Purchase Act 2004. By responding to these consultations, the Council is ensuring it is fulfilling its legal duties.

## **Risk Management**

47 There are not considered to be any material risks from this report.

## **Equality Impact**

48 There are no equality impacts arising directly from this report.

## **Human Resources/Organisational Development**

49 There are no HR/OD impacts resulting from the report as any requirements will be managed from within existing resource in line with the timescales outlined.

## **Commercial/Procurement**

50 There are not considered to be any commercial/procurement implications because of this report.

## **Environment/Climate Change**

51 By engaging with neighbouring local authorities on their Local Plans the Council is able to put forward matters relevant to the Councils work to address Climate Change and achieve our Net Zero target by 2041, including the promotion of sustainable and active travel.

## **Council Priorities and Projects**

52 Responding to Local Plan consultations will assist with current wider Council Priorities including:

- People have access to a range of housing offers that are affordable, accessible and attractive, meeting the needs of our diverse communities
- Business, residents and visitors benefit from improved highways and travel connectivity through multi-modal offer

- Levelling up inequalities is ensuring all borough towns and neighbourhood have good access to services, retail and leisure opportunities
- People have a safe and welcoming indoor and outdoor environment which promotes healthy, physical and active lifestyles
- 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



## **Director of Regeneration and Enterprise**

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## **Appendices**

Appendix One - copy of the full officer-level submitted response to the Sandwell Local Plan

Appendix Two- copy of the full officer-level submitted response to the Telford and Wrekin Local Plan

Appendix Three- copy of the full officer-level submitted response to the South Staffordshire Duty to Cooperate letter