

Meeting of the Cabinet

**Monday, 14th November, 2022 at 5.00pm
in Committee Room 2
at the Council House, Priory Road, Dudley**

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

1. Apologies for absence
2. To receive any declarations of interest under the Members' Code of Conduct
3. To confirm and sign the minutes of the meeting held on 27th October, 2022 as a correct record (Pages 5 - 9)
4. Black Country Plan (Pages 10 - 15)
5. To consider any questions from Members to the Leader where two clear days' notice has been given to the Monitoring Officer (Cabinet Procedure Rule 2.5)
6. Resolution to exclude the public and press

Chair to move:

“That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information under Part I of Schedule 12A to the Local Government Act 1972, as amended, for the reasons stated on the agenda.”

Under the provisions of Part I of Schedule 12A to the Local Government Act 1972, the Monitoring Officer has decided that there will be no advance disclosure of the following report because the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

**Agenda - Private Session
(Meeting not open to the public and press)**

7. Energy from Waste Contract - Operations and Maintenance Contract Award (Pages 16 - 28)

(Exempt Information relates to the financial or business affairs of any particular person (including the authority holding that information))

Distribution:

Members of the Cabinet:

Councillor P Harley (Leader)

Councillor S Clark – (Deputy Leader)

Councillors I Bevan, R Buttery, S Keasey, N Neale, S Phipps, R Clinton, S Saleem and L Taylor-Childs

Opposition Group Members nominated to attend meetings of the Cabinet:

All Shadow Cabinet Members are invited to attend Cabinet meetings (to speak but not vote)



Chief Executive

Dated: 4th November, 2022

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Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below).

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General

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Minutes of the Cabinet

**Thursday, 27th October, 2022 at 6.00 pm
in Committee Room 2 at the Council House, Dudley**

Present:

Cabinet Members

Councillor P Harley (Leader)
Councillor S Clark (Deputy Leader)
Councillors R Clinton, S Keasey, N Neale, S Phipps, S Saleem and
L Taylor-Childs.

Opposition Group Members Nominated to attend the Cabinet

Councillors S Ali, A Aston, C Barnett, C Bayton, J Foster, S Ridney and
P Sahota.

Officers

K O'Keefe (Chief Executive), I Newman (Director of Finance and Legal),
P Astley (Assistant Team Manager – Access and Prevention), P Mountford
(Head of Economic Growth and Skills) and S Griffiths (Democratic Services
Manager).

B Heran (Deputy Chief Executive), K Jones (Director of Housing and
Communities) and M Spittle (Head of Access and Prevention) attended via
Microsoft Teams.

45 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors I Bevan,
R Buttery, K Casey, P Lowe and Q Zada.

46 **Declarations of Interest**

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

47 **Minutes**

Resolved

That the minutes of the meeting held on 22nd September, 2022 be approved as a correct record and signed.

48 **Capital Programme Monitoring**

A joint report of the Chief Executive and the Director of Finance and Legal was submitted on progress with the implementation of and amendments to the Capital Programme.

Resolved

That the Council be recommended:

- (1) To note the progress with the 2022/23 Capital Programme as set out in Appendices A and B to the report submitted.
- (2) To approve the use of Disabled Facilities Grant to fund Housing Assistance Repairs, as set out in paragraph 5 of the report submitted.
- (3) To add the capital budget for the new Storage Area Network, as proposed in the Medium-Term Financial Strategy, to the Capital Programme subject to the approval of the revenue funding by Full Council in March 2023, as set out in paragraph 6 of the report submitted.

- (4) To include the capital budget for fire suppression works at the Energy from Waste facility in the Capital Programme as set out in paragraph 7 of the report submitted.
 - (5) To include the expenditure for play equipment at Netherton Park in the capital programme, subject to the grant application being successful, as set out in paragraph 8 of the report submitted.
 - (6) To approve the expenditure for the Woodside Day Centre project, to be funded from the Adult Personal Social Care budget and that this be given its own line in the Capital Programme, as set out in paragraph 9 of the report submitted.
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49 **Review of Housing Finance**

A joint report of the Director of Housing and Communities and the Director of Finance and Legal was submitted on the latest revenue outturn for the Housing Revenue Account for 2022/23.

Resolved

That the latest Housing Revenue Account outturn forecast for 2022/23, as set out in paragraph 6 and Appendix 1 of the report submitted, be noted.

50 **UK Shared Prosperity Fund**

A report of the Director of Regeneration and Enterprise was submitted on discussions with West Midlands Combined Authority concerning the UK Shared Prosperity Fund. Approval was sought to enter into any subsequent funding agreements with the West Midlands Combined Authority.

The Head of Economic Growth and Skills responded to questions from Councillor C Bayton concerning ongoing work to develop spending plans for Dudley and discussions to address the gaps caused by changes to guidelines and eligibility criteria as outlined in paragraph 17 of the report.

Resolved

- (1) That the positive progress being made with West Midlands Combined Authority regarding the prioritisation of UK Shared Prosperity Fund activity within Dudley and the wider West Midlands, including the notional funding allocations being proposed at both a West Midlands level and local authority level, be acknowledged.
 - (2) That the proposed high-level priorities and interventions for UK Shared Prosperity Fund activity in Dudley for the three-year period April 2022/23 to 31st March 2024/25, be approved.
 - (3) That authority be delegated to the Director of Regeneration and Enterprise to accept any UK Shared Prosperity Fund funding allocated to the Council by the West Midlands Combined Authority and to enter into any subsequent funding agreements with the West Midlands Combined Authority.
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51 Nature Conservation Sites – Designation of Corbett Meadow

A report of the Director of Regeneration and Enterprise was submitted on the proposed upgrade of Corbett Meadow, Amblecote (Corbett Hospital Grounds) to a Site of Importance for Nature Conservation (SINC).

Resolved

That the proposed upgrade of Corbett Meadow Site of Local Importance for Nature Conservation (SLINC) to a Site of Importance for Nature Conservation (SINC), with boundary amendments as detailed in the report submitted, be approved.

52 Issues Arising from Scrutiny Committees

No additional issues were raised at this meeting.

53 **Questions to the Leader under Cabinet Procedure Rule 2.5**

No questions had been submitted under this agenda item.

The meeting ended at 6.08pm

LEADER OF THE COUNCIL

Meeting of the Cabinet - 14th November 2022

Report of the Director of Regeneration and Enterprise

Black Country Plan

Purpose of report

1. This report seeks to provide the Cabinet with an update on the Black Country Plan following the resolution of all four Black Country Local Authorities at the Association of Black Country Authorities (ABCA) on 19th October, 2022 to cease to produce a joint local plan.

Recommendations

2. It is recommended that Cabinet:-
 - Notes the withdrawal from the preparation of a Joint Local Plan (Black Country Plan) of all four Black Country Authorities as per the resolution of ABCA on 19th October 2022.
 - Approves the commencement of work on both the development of a new Borough Local Plan and associated Local Development Scheme.
 - Notes additional costs will be associated with delivering a Borough local plan, (currently estimated to be £500,000 for the 3-year period covering financial years 2023/24 – 2025/26 inclusive) and that this will be considered as part of the Medium-Term Financial Strategy process.

Background

3. The Draft Black Country Plan 2039 (formerly known as the Black Country Core Strategy) is the key document that will provide the framework to guide future planning decisions in Dudley as well as the wider Black Country. The review of the Plan was based on national policy and guidance, an assessment of local housing and employment needs, as well as meeting objectives that have been defined through an Issues and Options consultation in 2017.

4. The development plan for Dudley currently comprises of the Black Country Core Strategy (BCCS) adopted in 2011, the Dudley Borough Development Strategy (2017) and the Brierley Hill, Dudley, Halesowen and Stourbridge Area Action Plans (AAPs).
5. National planning policy states that development plans should be updated every five years and should identify requirements for 15 years from the date of adoption. The BCP, once adopted, would supersede the current Black Country Core Strategy and some policies contained within the Dudley Borough Development Strategy and the AAPs and roll forward the housing and employment land use requirements to 2039.
6. Preparation of the BCP commenced in 2016, followed by the publication of the Issues and Options consultation in 2017. This marked the first stage of the process and set out the scope of the local plan review and presented its key issues along with several options. A report setting out the Issues and Options consultation responses was considered by Cabinet at its meeting on 27th June 2018.
7. A further consultation on the Draft BCP (Regulation 18) was carried out in summer 2021 following approval by all four Black Country cabinets in July 2021. There was significant interest in the Draft Plan consultation from Black Country communities. The Black Country authorities received a huge response to the consultation and over 20,000 respondents and several petitions commented on the Plan. For Dudley a significant level of objections to some site allocations in the Plan were received, particularly those located in the green belt and areas of green space in the urban area.
8. In progressing towards the Publication Plan (Regulation 19) a number of sites were removed from the proposed Dudley site allocations as a result of landowners' decision to withdraw sites or on the basis of further evidence base work.
9. In addition, two strategic green belt allocations (Land South of Holbeache Lane/Wolverhampton Road, Kingswinford and Land at Swindon Road, Wall Heath (The Triangle)) received a significant level of objection at the Regulation 18 stage. Approximately 10,000 representations for each site were received based on infrastructure implications, environmental matters and loss of a significant area of green space and green belt.

10. Currently none of the technical evidence currently supports the removal of the sites and notwithstanding the empirical local concerns the transport evidence suggests that the transport network is not affected to a significantly adverse degree by the addition of the two strategic sites in Dudley. The Council proposed to remove these sites from the next stage of the Plan preparation process solely on the basis of the weight of public consultation undertaken in 2021.
11. The three Black Country Authorities (Sandwell, Walsall and Wolverhampton) were unable to agree to this proposal, given that there was no planning related reason for the omission of the two sites. It was felt omitting the sites solely on this basis is contrary to the local plan making system and that the Black Country Plan would be found to be unsound at Regulation 19 Stage and by an Inspector at an Examination in Public (EiP).
12. A decision was made at the meeting of the Leaders of Association of Black Country Authorities (ABCA) on the 19th October, to withdraw all four authorities from the joint plan process (Black Country Plan). This was on the basis that the authorities were unable to reach an agreement on a joint approach to planning for the future development needs of the Black Country within the framework of the Black Country Plan. Instead, each of the four authorities would progress with the preparation of their own individual local plans. A joint statement was published on the Black Country Plan website on 19th October 2022.
13. Following this decision, the four Black Country authorities will seek formal Cabinet approval to pursue their own local plan. The Black Country Plan 2039 work programme will end, and each authority will transition to a process focused on Local Plans. The issues of housing and employment land need will now be addressed through individual Local Plans for each of the authorities. The Councils will continue to co-operate with each other and with other key bodies, as part of their duty to co-operate requirements, as they prepare their Local Plans.
14. Subject to Cabinet agreement a further report setting out the scope and timescales for the Dudley borough-wide local plan will be submitted to Cabinet for consideration. The Local Development Scheme will also be updated to reflect the revised Local Plan timetable and the scope of the Plan.
15. It is proposed that a Project Board be established to help guide the process of producing the Plan.

Finance

16. If it is agreed to commence work on a Borough Local Plan, officers will need to revisit the Local Development Scheme (LDS) and review some of the existing evidence base before commencing work on a Plan. Producing our own Plan will require additional financial resources amounting up to £500,000 over the period 2023- 2026 and these costs will need to be reflected in the Medium-Term Financial Strategy.

Law

17. It is necessary to ensure that the Borough local plan review is undertaken in accordance with various legal provisions as set out in the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework NPPF (and associated guidance) 2021.

Risk Management

18. Failure to have a development plan that is based on sound evidence could result in the borough having insufficient land to meet the need for housing, employment and other land uses that are necessary to support the economic and environmental well-being of the area. It could also result in development being placed in inappropriate locations, leading to an inefficient use of resources, traffic congestion and other harm. Having a development plan in place is also essential to defend the Council's position in planning appeals. Without an up to date development plan, the Council risks intervention from central government and may compromise our ability to make decisions locally.

Equality Impact

19. There are no Equality Impact Implications arising directly from this report. However, an Equality Impact Assessment will be undertaken at all stages of the Local Plan Review process and will accompany all proposed consultation stages.

Human Resources/Organisational Development

20. It is considered that there are no additional human resources or organisational development implications resulting from this report. Work on the local plan is carried out by the Planning Policy Team in the Regeneration & Enterprise Directorate with assistance from officers in other Departments where necessary.

Commercial/Procurement

21. Preparation of the Borough local plan will involve the commissioning evidence-based work from external consultants. All procurement will be carried in accordance with Dudley MBC's procurement procedures.

Environment/Climate Change

22. Climate change, environmental and sustainability matters form a core element of any development plan. The Council is required to assess the environmental impacts of any Plan which it produces. Accordingly, each stage of the Plan review process will be accompanied by a Sustainability Appraisal and a Habitats Regulation Assessment.

By establishing a Borough Local Plan, the policies within the Plan will work towards addressing Climate Change and net zero carbon emissions by 2041.

Council Priorities and Projects

23. A Borough Local Plan will:
 - Support the priority '*Dudley Borough the Destination of Choice*' through Local Plan preparation by making provision for growth in housing and other land uses, which maximise the use of brownfield land and meets the needs of local communities. informed by public consultation so they can live in healthy places that build a strong sense of belonging and cohesion.
 - Supports the priority '*Dudley the Safe and Healthy Borough*' through the Local Plan preparation which will make provision of a comprehensive network of green infrastructure and an integrated and well-connected multifunctional open space network delivering opportunities for sport and recreation whilst establishing and supporting a strong natural environment.
 - Supports the priority '*Dudley the Borough of Ambition and Enterprise*' through the Local Plan preparation which makes provision for land use allocations including employment, centres and residential use, thereby encouraging economic growth, enhancing the district and its local centres and providing certainty for investment.
 - Support provision for future housing need by allocating land for new housing and policies for different tenures and affordable housing provision.
 - Make provision for land use allocations and policies ensuring growth is done in sustainably and with the balanced infrastructure provision.



Director of Regeneration and Enterprise

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Appendices

None

List of Background Documents

None