
Meeting of the Cabinet - 15th December 2021

Report of the Director of Regeneration and Enterprise

The Brierley Hill Plan – Approval of Issues and Options Report for consultation

Purpose

1. To present the Brierley Hill Plan (Issues and Options Report) consultation document for approval and to seek authority to publicly consult on the document in line with the legal requirements, and the measures set out within the Council's adopted Statement of Community Involvement (SCI) 2020.

Recommendations

2. It is recommended that Cabinet: -
 - a) Approves the Brierley Hill Plan (Issues and Options Report) as set out in Appendix 1, for a seven-week consultation period, from Monday 10th January 2022 to Monday 28th February 2022, to be carried out in line with the Council's adopted Statement of Community Involvement 2020
 - b) Authorises the Director of Regeneration and Enterprise to make any non-substantive changes considered necessary to the document, and any associated consultation documents, prior to their publication

Background

3. The Brierley Hill Plan (BHP) is a review of the extant Brierley Hill Area Action Plan (AAP). The AAP was adopted in 2011. The BHP is a key document that will provide the framework to guide future planning decisions in Brierley Hill, as the (Tier One) Strategic Centre of the borough, up to 2039, and will enable the targets and strategic policies of the Black Country Plan (BCP) to be translated into site allocations and local planning policies within the BHP plan area: *within the (draft) BCP, the Black Country's Strategic Centres, including Brierley Hill, are purposefully devoid of site allocations, to enable the Black Country Local Planning Authorities to progress and adopt local plans for their respective Strategic Centres.*

4. The Brierley Hill AAP needs to be reviewed for the following reasons:
- a) The Brierley Hill AAP was adopted in 2011 and the government require plans to be kept up-to-date every 5 years
 - b) The BHP needs to focus the strategic targets set out in the Black Country Plan (BCP) into site allocations and enabling local planning policies
 - c) The policies and allocations of the existing AAP did not deliver the anticipated growth targets (up to 2026) as set out in the Black Country Core Strategy (BCCS), for example no additional office floorspace has been provided against a target figure of an additional 220,000 m², and only 235 new dwellings have been developed against a target of 2,940
 - d) A need for the BHP to address a changed strategic planning and regeneration framework,
 - e) In particular to take on board the opportunities presented by:-
 - I. The programmed Midland Metro route which runs through the plan area, with a number of stops proposed
 - II. The Enterprise Zone (DY5 EZ) within the plan area
 - III. The projects associated with the Future High Streets and Heritage Action Zone bids
 - IV. The challenge of Climate Change and adapting to a Low Carbon Future
5. The Issues and Options Report is the first stage of the plan making process that needs to be carried out. It presents a series of planning issues affecting the future shape and growth of Brierley Hill up to the end of the plan period in 2039, followed by a number of options which these issues could be successfully resolved and/or needs met. It does not propose specific policies and site allocations as these will be set out in the next stage of the plan: the draft plan stage, which currently is programmed to be consulted upon in Autumn/Winter 2022.
6. The BHP is currently programmed to be adopted approximately 6 months after the adoption of the Black Country Plan: the planned date for the adoption of the BHP being Winter 2024. Once adopted, the Brierley Hill Plan will supersede the Brierley Hill AAP, and, along with the Black Country Plan, will form part of the Local Plan for Dudley.
7. The main issues highlighted within the Brierley Hill Plan (Issues and Options Report) are considered to be:-
- The overall place making vision for Brierley Hill, with a particular emphasis on the delivery of sustainable new development, the area having a thriving and resilient community with enhanced health and well-being, diversifying the use of the centres, and being a more accessible and greener location
 - The plan area boundary and whether it should be extended from the boundary defined in the existing AAP to include adjoining areas: the Chapel Street Housing Estate, Saltwells Wood, Northmoor Industrial Estate and The Delph (Nine Locks) Conservation Area
 - The town centre boundary as a location for main town centre uses, such as retail, and whether it should be contracted from that shown in the existing AAP, which is the same as the plan area boundary, to focus on Brierley Hill High Street, the Merry Hill Centre, the intervening land between these centres and The Waterfront

- The need to accommodate new housing within the plan area, in the region of 3000 new homes, and the potential housing growth areas where sites could be allocated principally for new housing development: Archill, north of Level Street; Harts Hill; Waterfront West /Waterfront Way; Moor Street/Bell Street; East of Venture Way; The Embankment; Canal Walk South
 - The need to identify areas for the retention of employment uses, including safeguarding The Waterfront as primarily an office park, but allowing for a variety of uses at ground floor level, including restaurants and small-scale retail uses
 - Identifying potential areas primarily for leisure and community uses: the Brierley Hill Civic Core; Merry Hill Family Leisure Zone; The Waterfront East Entertainment Zone; The Venture Way Health and Education Zone
 - As well as the planting of 5000 new trees over the plan period within the plan area, identifying potential areas as focus for greening initiatives and public realm enhancement interventions: Pedmore Road and the entrance to Saltwells National Nature Reserve; Brierley Hill High Street; a green corridor to Fens Pool Special Area of Conservation.
8. It is proposed that consultation period on the Issues and Options Report will run for a seven - week period from Monday 10th January 2022 to Monday 28th February 2022.
9. As well as consulting on the Issues and Options Report, it is also intended to consult on the (first stage) Sustainability Appraisal (attached at Appendix 2). This document forms an important part of the supporting evidence to the local plan review and helps the Council assess the possible impacts of the plan and its policies, and consequently how impacts can be addressed or mitigated against.
10. There will be several ways in which it is intended we will engage with statutory consultees, the Brierley Hill community, stakeholders and other interested parties, including through means of a summary document (attached at Appendix 3) and an on-line form and questionnaire (attached at Appendix 4).
11. Once the consultation period has closed, all of the responses received will be used to inform the policies and site allocations to be included in the BHP as the plan progresses through its stages towards adoption. Each response will be redacted to remove personal information under the General Data Protection Regulations (GDPR). Responses will then be tabulated, grouping them as necessary and responded to in a Consultation Statement which will be published with the next stage of the plan, and then updated as the plan progresses through future consultation stages.

Finance

12. Plan preparation and the implementation of the consultation exercise is being met through mainstream budgets and resources dedicated to the production of Development Plan documents and other such statutory planning documents.



Law

13. It is necessary to ensure that the preparation and progression of the Brierley Hill Plan 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.
14. Section 111 Local Government Act 1974 provides the Council with powers to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions. Section 1 Localism Act 2011 provides the Council is powers of general competence.

Risk Management

15. Failure to have a development plan for Brierley Hill Strategic Centre that is based on sound evidence and successfully translates the BCP strategic growth targets into land use allocations could result in insufficient land being provided 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 and borough. 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 risk intervention from central government and may compromise our ability to make decisions locally.

Equality Impact

16. Preparation of the Brierley Hill Plan includes the carrying out of an integrated Sustainability Appraisal at each formal stage, and at later stages an Equality Impact Assessment. The BHP seeks to ensure that sufficient homes, shops and employment, social and recreational facilities are planned and provided for in that time to meet the needs of the Brierley Hill community, as well as the wider borough community, given Brierley Hill's role as a Strategic Centre. This will include meeting the needs of children and young people by seeking to provide sufficient facilities for them, as well as having a positive effect for future generations.

Human Resources/Organisational Development

17. The proposals contained in this report will not directly impact on either the Council's current Human Resources or required future resources. Any work arising from this decision will be from existing internal resources which provide the necessary flexibility in the effective delivery of the Council's Services under changing external circumstances, or through the use of external consultants should this be required.



Commercial/Procurement

18. Any procurement required will comply with DMBC's Contract Standing Orders (which are fully compliant with Public Sector and OJEU procurement rules and guidelines) and all funders' requirements. There are no direct commercial implications associated with this report.

Council Priorities

19. The Brierley Hill Plan is intended to accord with the following Council priorities in particular in:
- Supporting the priority to 'Support stronger and safe communities' by making provision for growth in housing and other land uses informed by public consultation so that communities can live in healthy, attractive, safe and accessible places that build a strong sense of belonging and cohesion.
 - Supporting the priority to 'Create a cleaner and greener place' by making provision for a comprehensive network of integrated green infrastructure, including by significantly increasing the number of trees within the plan area, and safeguarding and facilitating nature recovery.
 - Supporting the priority to 'Grow the economy and create jobs' by making provision for land use allocations including employment and residential uses, with a particular emphasis on making the effective use of the opportunities provided by the Midland Metro, thereby encouraging economic growth and investment.
20. The West Midlands Combined Authority declared a climate change emergency in July 2019 and committed to net zero carbon emissions by 2041. This means that the Black Country will be working towards meeting these targets through the strategic policies and timescales set out within the Black Country Plan, and the non-strategic policies set out within the Brierley Hill Plan.

Helen BMartin

Helen Martin
Director of Regeneration and Enterprise

Contact Officer: Carl Mellor
Telephone: 01384 814157
Email: carl.mellor@dudley.gov.uk

Appendices (All appendices can be viewed on the Council's [Committee Management Information System](#))

Appendix 1: Draft Brierley Hill Plan (Issues and Options Report) consultation document

Appendix 2: Draft (Stage 1) Sustainability Appraisal

Appendix 3: Draft Brierley Hill Plan (Issues and Options Report) summary document

Appendix 4: Draft Brierley Hill Plan Issues and Options Report questionnaire

