

## **Meeting of the Cabinet - 14<sup>th</sup> 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 19<sup>th</sup> 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 19<sup>th</sup> 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 27<sup>th</sup> 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 19<sup>th</sup> 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.



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## **Appendices**

None

## **List of Background Documents**

None