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Shropshire Council
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Date: 21 December 2023
My
Ref:

Dear Sir

Regulation 18 Draft Dudley Local Plan Consultation

1. Introduction

- 1.1. Thank you for inviting Shropshire Council to respond to the consultation on your Regulation 18 - draft Dudley Local Plan.
- 1.2. This response continues the positive Duty to Cooperate (DtC) engagement between our two Local Planning Authorities (LPA's). This engagement includes both the draft Shropshire Local Plan, currently being Examined, and our previous joint engagement with the Association of Black Country Authorities (ABCA) in the preparation of the draft Black Country Local Plan (now discontinued) and now through your preparation of the draft Dudley Local Plan.
- 1.3. The views expressed about your draft Local Plan and your evidence base are the professional opinions of officers representing this Authority. Our views identify strategic cross-boundary matters for our two LPAs and recognise the significance of these matters for the West Midlands region.
- 1.4. We welcome the continuation of our DtC engagement, including the matters within this response, following the conclusion of your current consultation.

2. Development Needs

- 2.1. We consider that your draft Spatial Strategy and draft Policy DLP1 clearly identify your preferred strategy and your proposed scales of growth supported by Table 5.1 and your justification in paragraphs 5.4 to 5.13. Your statement in draft Policy DLP1(1) that you seek 'to deliver sustainable economic and housing growth to meet strategic planning targets' is significant and would appear to prioritise the



delivery of an 'economic' spatial strategy with an appropriate balance of housing growth. We also acknowledge the clear statement of both your housing and employment land positions set out in paragraph 5.12 and acknowledge that this will assist to improve the effectiveness of their DtC process.

- 2.2. We recognise your housing need comprises 11,954 dwellings and that 10,876 dwellings may be provided within your Borough, leaving an unmet housing need of 1,078 dwellings. Your employment land need comprises 72 hectares (rising to 98ha to replace your employment land losses), but only 25 hectares may be provided within your Borough. This leaves a more significant unmet employment land need of 47 hectares, or 73 hectares after replacing employment land losses.
- 2.3. Your unmet development needs are a cross boundary strategic matter for the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) and the Black Country FEMA. It is noted this strategic issue has been discussed extensively with LPAs in the GBBCHMA and with other closely related authorities like Shropshire Council. As part of our Local Plan process our Council agreed with ABCA to contribute 1,500 dwellings and 30 hectares of employment land towards the unmet needs in the Black Country. This agreement did not determine how these contributions would be apportioned between the four Black Country Authorities, and it is assumed this process will be undertaken through DtC conversations between the Black Country Authorities through ABCA. It should be noted the Shropshire Local Plan remains at Examination.
- 2.4. It is expected that through the process of plan preparation in the West Midlands region, and in particular by Authorities in the GBBCHMA, that further contributions to unmet needs in your Borough and to the other Black Country LPAs will be considered.

3. Unmet Development Needs

- 3.1. We have considered the implications of your land availability on your capacity to meet your development needs and the contributions from LPA in the GBBCHMA, the BCFEMA and from closely related authorities who have engaged in your DtC process.
- 3.2. We recognise that you cannot currently show how your unmet development needs will be met in full and that further measures may be necessary to meet these unmet needs. We acknowledge your draft Local Plan articulates your Development Strategy and how you will manage your Green Belt in Strategic



Priorities 2 and 3 and in draft Policies DLP1, DLP3, DLP15, DLP37, DLP49 and DLP50.

- 3.3. It is recognised that a decision to review Green Belt boundaries is for individual LPAs to make. However, based upon the evidence of unmet need it is suggested there is potential for your Authority to review Green Belt boundaries in order to fully explore all development opportunity in your Borough, and thus reducing the level of identified unmet need.
- 3.4. It is recognised the provisions of the new NPPF (published on 19th December) will need to be considered in this context. In your evidence base you identify that the:
 - a. Black Country Green Belt Study (BCGBS) (September 2019) identifies in paragraph 2.32 a significant conclusion in the Black Country Urban Capacity Study (BCUCS) (May 2018) that your urban capacity evidence provides the exceptional circumstances to trigger a Green Belt Review in the Black Country to meet housing and employment land needs;
 - b. BCGBS sets out the method and findings of your Green Belt Review but it is not sufficiently explicit about your findings on exceptional circumstances to trigger the release of Green Belt land for development or for safeguarding for future growth in your Borough;
 - c. Dudley Local Plan – Options to the Preferred Strategy states in paragraph 3.7 that: **“Whilst further clarity is required on the current status of Local Plans for Lichfield, South Staffordshire, Cannock Chase, Telford & Wrekin and Bromsgrove as the work on Local Plans further progress, the potential contributions that could be apportioned towards Dudley’s unmet need will make some significant headway in addressing the borough’s unmet housing needs. It is for this reason that it is considered that ‘exceptional circumstances’ have not [been] triggered to justify the need to consider a review of the borough’s Green Belt.”** This statement refers only to your unmet housing need and a similar statement has **not** been made about your more significant unmet employment land need.
 - d. In relation to your unmet development needs, it is not currently possible for you to show how you can achieve your intention in draft Policy DLP1 to ‘export’ these unmet needs to other LPAs;
- 3.5. We consider that your approach may already be largely compliant with national policy on Green Belts but some further steps may help to justify the soundness of your draft Local Plan and to help show whether your preferred strategy is appropriate for your Borough. We acknowledge that you:



- a. have evaluated the urban capacity of your Borough as part of more extensive assessments across the Black Country area. You have clearly identified your unmet development needs to support ABCA to engage effectively in the DtC process. These measures are consistent with paragraph 141 of the NPPF but you should recognise that your intention to 'export' unmet need might:
 - i. result in pressure to release Green Belt land in other locations, which in the view of this Council would be a far less sustainable option for meeting unmet needs; and
 - ii. be balanced by a release of Green Belt land within the Black Country area.
- b. are considering the sustainability of directing development into your urban area, into the wider Black Country area, into neighbouring urban authorities and have looked for further opportunities within and beyond the Metropolitan Green Belt to meet your unmet needs as required by NPPF, paragraph 142.

3.6. This advice seeks to help your Authority show how your draft Local Plan provides an appropriate strategy for your Borough. We believe this will help to evidence your compliance with the tests of soundness for plan making in national policy.

4. Next Steps

4.1. We trust these officer comments are of assistance. Shropshire Council welcomes further DtC discussions with Dudley Council, including the matters raised within this response, following the conclusion of your current consultation.

Kind Regards

Edward West
Planning Policy and Strategy Manager
Shropshire Council

