



Walsall Council

Economy, Environment & Communities

Draft Dudley Local Plan Consultation

Thank you for the opportunity to comment on the Plan. On 30 November 2023, Walsall's planning committee agreed a response, and authorised the Executive Director for Economy, Environment & Communities, in consultation with the Portfolio Holder for Regeneration, to submit this. The committee also authorised the Head of Planning and Building Control to amend the response as necessary.

Because of the limited time available between the consultation notification and the deadline for preparing reports, it was not possible for the report to planning committee to address all the issues in the draft plan that might be of relevance to Walsall. Our final response as amended by the Head of Planning and Building Control however is as set out below



Appendix: Response agreed by Walsall Council Planning Committee on 30 November 2023 as amended by Head of Planning and Building Control

It is recognised that the Dudley local plan is a draft plan at regulation 18 stage, primarily as a result of it being based on the proposals in the draft Black Country Plan (BCP) and the consultations carried out for that plan. It also contains draft policies. The plan is intended to replace all previous development plan documents covering Dudley Borough including the Black Country Core Strategy, the Dudley Borough Development Strategy, and area action plans for Brierley Hill, Dudley, Halesowen and Stourbridge.

A reduction in the supply of land for housing is proposed compared with the BCP. This is as a result of the intention not to allocate land that is currently in the green belt within Dudley. The BCP proposals for Dudley included the provision of housing slightly in excess of local need to contribute towards the needs of Sandwell, and to a lesser extent Wolverhampton. The draft Dudley local plan, however, proposes to supply less than enough to meet local needs, which means that this shortfall will need to be exported to neighbouring authorities.

As was the case with the BCP, the Dudley local plan also significantly under-supplies sufficient employment land to meet the borough's needs, although the proposed supply is slightly higher than that in the BCP.

A direct comparison with the BCP is not straightforward because the two plans were intended to cover different time periods, and the need for both housing and employment has changed since the preparation of the BCP as a result of the way in which need is calculated, as well as the different time periods for the two documents. The Dudley local plan however appears to under-state the extent of the proposed housing supply shortfall.

The BCP proposed that 13,235 net additional homes would be provided in Dudley over the period 2020-39. The local need under the national standard method was 636 homes per year (2021 basis). This meant that 1,151 homes would have been available to meet needs arising elsewhere in the Black Country.

The Dudley local plan proposes 10,876 homes over the period 2023-41. Need in Dudley over this period is 11,954 homes (664 homes per year). The plan states that this will result in 1,078 homes having to be provided in other authority areas. The reduction in supply compared with the BCP is effectively this 'export' figure added to the number that are no longer proposed to meet need arising elsewhere in the Black Country, i.e. 1,078 plus 1,151 or 2,229 homes.

We recognise the local concerns have resulted in Dudley being unwilling to consider the use of green belt to help meet the need for housing. However, the resulting under-supply will place additional pressures on the housing supply in other authority areas and make it more difficult to demonstrate to authorities outside the Black Country that



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authorities within the Black Country have sought to maximise their supply before seeking to export some of it.

We understand the draft plan was written in the context of the proposed amendments to the NPPF that were published in December 2022. Amongst other amendments, it was proposed to delete the reference in paragraph 35 to local plans being “informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.”

The final version of the NPPF published in December 2023 does not make this deletion. The Levelling Up and Regeneration Act proposes to delete the duty to co-operate, but this deletion is subject to a commencement order and the government has stated that the duty is to be replaced by an alignment test to be set out in policy rather than legislation.

It remains the case at present therefore, that the Dudley plan should seek to meet both Dudley’s own needs and contribute to meeting the needs of neighbouring areas. The draft BCP has already demonstrated that it is practical for Dudley to accommodate some unmet housing need from neighbouring authorities.

The Dudley local plan proposes 25ha of additional employment land compared with the 22ha proposed in the BCP. Both these figures are well below the net need of 72ha. This means that 47ha of employment land to serve Dudley will need to be ‘exported’. The supply of suitable land for employment development in Dudley is physically constrained, so we have no concerns on this topic.

The Dudley local plan contains a large number of policies about other topics. Most of these are site-specific or are about development management and are similar to those proposed in the BCP. As such, they raise no direct concerns for Walsall.

We note that the sustainability appraisal examines three options for housing and two for employment. Housing options 1 and 2 are rejected on the grounds that they would not sufficiently meet housing needs in the borough. Paragraph 3.4.1 of the SA report states that option 3 is selected, as it would address housing need through a balanced spatial approach. However, table 3.1 states that this option would require a contribution from duty to co-operate partners towards the potential shortfall, to enable the total housing need for the borough to be met. Under option 3, the plan itself would not address the total housing need and delivery of the requisite number of homes would rely on the plans of other local authorities. We would, therefore, advise that you review the conclusion reached with regards to option 3.

We look forward to continuing to work with you as you progress your plan, both as an individual planning authority and on a sub-regional and regional basis.