



Dudley Council Local Plan Publication Version (Regulation 19)
consultation – October 2024
Response from Stratford-on-Avon District Council
(in consultation with Warwick District Council)

Introduction

Dudley Metropolitan Borough Council (DMBC) has invited representations regarding their current Publication consultation on the Dudley Local Plan. The consultation has been prepared under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations and is the final consultation document before the plan is submitted to the Secretary of State for examination. Comments made at this stage are formal representations which should specifically relate to the soundness of the plan, its legal compliance and its compliance with the Duty to Co-operate. The four specific soundness tests set out in para 35 of the 2023 NPPF are:

- a) **Positively prepared** - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is 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;
- b) **Justified** - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

In addition to these four tests, the Plan needs to fulfil the following legal obligations:

- a) **Legal Compliance** - meeting the legal requirements made under various planning laws; and
- b) **Duty to Cooperate (DtC)** - meeting the legal duty to cooperate with neighbouring authorities on key strategic issues.

The consultation commenced on 18th October and ends on 29th November 2024. The consultation documentation can be viewed [online](#).

Whilst this response is from Stratford-on-Avon District Council (SDC), SDC and Warwick District Council (WDC) are working together on preparing a joint South Warwickshire Local Plan (SWLP) and are currently working towards the Preferred Options stage (Regulation 18). Considering this arrangement, SDC has collaborated with WDC in preparing this response.

Context and background

Whilst Dudley and SDC/WDC do not share an administrative boundary, Stratford-on-Avon District is part of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) which includes Dudley and the wider West Midlands conurbation and the surrounding authorities. Stratford-on-Avon District is one of two authorities in the GBBCHMA that also sits within the Coventry and Warwickshire HMA, with the other being North Warwickshire Borough Council. Warwick District Council, our partner authority in the South Warwickshire Local Plan, is not within the GBBCHMA.

DMBC consulted SDC in October 2023 on the Regulation 18 version of the Dudley Local Plan. As with the preparation of this response, SDC consulted WDC and SDC responded to DMBC in January 2024.

Strategic Growth Study

The latest GBBCHMA Strategic Growth Study was prepared in 2018 and quantified the shortfall across the GBBCHMA as it stood at the time and proposed spatial housing growth options which could help address this shortfall. The overall scale of the shortfall has not been collectively quantified beyond 2031 since the 2018 Study. Stratford District Council is one of several authorities seeking a new study to refresh the 2018 Study, re-evaluating the housing shortfall in light of more recent evidence and policy.

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The Plan itself is split into two parts: Part One: Spatial Strategy and Policies and Part Two: Centres and Site Allocations.

Dudley and the Duty to Co-operate

Para 3.30-3.35 of the Local Plan notes that Dudley Council has been working collaboratively with neighbouring authorities on cross-boundary issues for a number of years and will continue to do so. Para 3.33 refers specifically to Statements of Common Ground (SoCG), stating that draft SoCGs have been produced to support the current Local Plan stage on key Duty to Cooperate issues. These are to be formalised prior to Submission of the Plan. SDC look forward to working with DMBC on a SoCG in due course, whether this be a bilateral statement between the two authorities or through a joint GBBCHMA SoCG.

It is noted that a separate [Duty to Co-operate Statement](#) (dated October 2024) has been prepared to support the Publication stage version of the plan. Appendix 4 records Dudley MBC's correspondence with Stratford DC at Dudley's Regulation 18 stage¹.

Development Strategy for Dudley and unmet need

Policy DLP1 – Development Strategy of the Dudley Local Plan sets out the Spatial Strategy for Dudley. By way of headlines of relevance to Stratford District and South Warwickshire, an extract of policy DLP1 is included below which states that Dudley will:

1. a. **Deliver at least 10,470 net new homes**
- b. **Deliver at least 22.6ha of allocated employment land...**
3. **...full housing and employment land requirements will be met... through reliance on neighbouring and other local authorities who have a functional link with Dudley via the Duty to Cooperate. Those development needs that cannot be accommodated within the Dudley administrative area will be exported to sustainable locations in neighbouring local authority areas.**

Dudley's Local Housing Need stands at 11,169 homes using the current Standard Method. The Local Plan's proposal to deliver at least 10,470 new homes (94% of their Local Housing Need) leaves a shortfall of 699 homes. With regards to employment land, the shortfall is more significant, with evidence stating a need of 72ha, leaving a shortfall of 50ha. Para 5.11 states that DMBC will continue to work with neighbouring and other local authorities through the plan preparation process to address the shortfall in the most sustainable way.

In line with national policy, there is a requirement for any housing or employment unmet need to be provided for across the relevant Housing Market Area, Functional Economic Market Area (FEMA) or

¹ It should be noted that the date of the Reg 18 letter is incorrect and the table in Appendix 4 should be altered to read 11 December 2023.

other areas with which Dudley has a strong physical or functional relationship. A number of local authorities have made offers of housing and employment land contributions to assist in addressing the wider GBBCHMA shortfall or specifically the shortfall of the Black Country Authorities (who were previously working together on a joint Black Country Plan), however it is acknowledged that these contributions need to be formally confirmed as part of the Local Plan process and examination of each authority's Local Plan. The Duty to Cooperate Statement at para 4.11 also states that the four Black Country Authorities have been working on an approach to determine how the contributions from outside the HMA could be apportioned between those authorities with a shortfall of housing supply, with the suggested approach being to use migration data and the functional relationship between the exporting area and the authority where the shortfall exists.

Regarding employment land, policy DLP18 'Economic growth and job creation' states that Dudley Council will seek to deliver at least 72 hectares of new employment land between 2020 to 2041 through the allocation of new sites, the redevelopment/intensification of existing sites and through the Duty to Cooperate process – by the development of employment sites outside of the borough which have an evidenced functional link to Dudley Borough. Figure 9.2 illustrates the extent of the Black Country FEMA (Functional Economic Market Area) and extends to show the surrounding authorities with strong or moderate transactions with the Black Country. Neither Stratford nor Warwick Districts fall into these categories. It is therefore understood that Stratford District and Warwick District are not candidate authorities to assist with meeting Dudley's shortfall in employment land due to the lack of an evidenced functional link.

Moving to housing supply, notwithstanding the offers of contributions from some authorities, there is currently a lack of detail as to how the shortfall of 699 homes against the published Local Housing Need figure will be addressed through the Local Plan. There is no strategy for apportioning any unmet housing need to neighbouring local authority areas, or any indication as to how the sustainable locations to accommodate this will be identified.

Green Belt

Policy DLP49 concerns Dudley's Green Belt. The policy states that a strong Green Belt will be maintained. Para 13.4 clarifies that the Plan is not proposing to review any of the Borough's Green Belt boundaries or allocate any development sites within the Green Belt in accordance with the preferred spatial strategy.

Response from Stratford-on-Avon District Council

Dudley MBC's Publication Local Plan shows a shortfall of housing supply and a more significant shortfall in employment land against the evidenced need. It is clear from the evidence that neither Stratford or Warwick districts have strong or moderate employment or labour market linkages with Dudley and the wider Black Country FEMA, and therefore Stratford district would not be a candidate for assisting with meeting unmet employment land needs. Therefore, the comments focus on Dudley's proposed strategy for meeting housing needs.

The South Warwickshire Local Plan is at an early stage of preparation and as such it is not yet known whether the needs of South Warwickshire can be met within the two districts, particularly in light of the potential significant increase in Local Housing Need arising from the proposed changes to the Standard Method, as proposed in the draft NPPF (July 2024). Therefore, at this stage, Stratford cannot make a commitment to assisting Dudley with meeting any of its unmet need. Whilst we are committed to continuing to work with our partner authorities across the GBBCHMA on an update to the 2018 Growth Study and an evidenced method to apportion any unmet need across the authorities, it would be premature to put forward any contributions that have not been derived from this joint work. However, we would take the opportunity to highlight as we have in our previous responses to you, that in the event that there may be a request/need for South Warwickshire to

accommodate any unmet housing need, then this would need to be considered in light of any necessary supporting infrastructure requirements and how this would be funded. SDC has a particular concern regarding how any infrastructure costs that cannot be directly attributed to a specific development will be met, noting previous infrastructure deficiencies from development in the district. In relation to a site which is meeting unmet need from another authority, there should be an arrangement between the exporting and receiving authorities to address any funding shortfall.

The specific wording of proposed policy DLP1, point 3 states that full housing and employment land requirements will be met through identified sites and *“through reliance on neighbouring and other local authorities who have a functional link with Dudley via the Duty to Cooperate”*. It then goes on to state that *“Those development needs that cannot be accommodated within the Dudley administrative area will be exported to sustainable locations in neighbouring local authority areas”*. As discussed above, neither Stratford or Warwick districts share a boundary with Dudley Borough and therefore are not neighbouring authorities. Whilst acknowledging that Dudley MBC and Stratford DC are both members of the GBBC Housing Market Area, it is noted that there is no specific reference to a functional link or historic migration pattern between Dudley and South Warwickshire in the Publication Local Plan or its accompanying evidence base.

Given that the proposed plan period for the Dudley Local Plan extends to 2041, which is beyond the 2031 horizon of the 2018 Growth Study, the planned update to the sub-regional work is required to provide an updated picture covering the entire plan period. There is no mechanism within the Publication Version of the Dudley Local Plan as drafted to respond to the planned work of the GBBCMA regarding quantifying and apportioning the shortfall in homes across the Housing Market Area through the proposed Growth Study refresh. It is therefore currently unclear how this strategic work could influence the Dudley Local Plan and be effective in assisting with meeting the identified housing shortfall.

Regarding Dudley’s Green Belt, we would reiterate the comments we made at the Regulation 18 stage of the Local Plan. Given that the identified housing shortfall (and employment shortfall) could have been accommodated within Dudley’s 1,770ha² of Green Belt through fairly moderate release of land, it is disappointing to see that this option has not been explored further in the Publication Local Plan. There is very limited commentary within the Local Plan itself explaining the rationale behind this decision. It is noted that the supporting evidence base document [‘Spatial Strategy Development’](#) (October 2024) touches on this matter, stating at para 4.16 that *“Dudley’s housing and employment shortfalls are not considered significant”*, and that therefore it is *“considered that exceptional circumstances [to justify a review of Green Belt boundaries] have not been triggered”*. The West Midlands Green Belt is extensive and all members of the GBBCMA have land designated as Green Belt within their authority areas. Therefore, by protecting Dudley’s Green Belt, but suggesting that Dudley’s unmet needs are exported to surrounding authorities, Green Belt in other local authority areas could become under pressure for release. As the July 2024 draft NPPF proposed extensive changes to national policy regarding Green Belt and the triggers for a review of boundaries, the anticipated revised version of the NPPF may require that Dudley’s proposed approach is revisited.

Conclusion

Based on the observations above, Stratford on Avon District Council (with Warwick District Council) consider that the Publication Version of the Dudley Local Plan as drafted raises questions regarding the approach to meeting housing need and the expectations of neighbouring local authorities to assist. We acknowledge Dudley MBC’s work under the Duty to Cooperate to date but consider that further work is needed on this key strategic matter and would question whether Dudley Council have fulfilled their requirements in this regard in the Publication version of the plan. We would suggest

² Source: [Black Country Green Belt Study \(2019\)](#), Table 2.1

that the plan needs to be informed by the outcomes of the planned refresh to the GBBCHMA Growth Study to allow clearer, evidence based statements to be included in policy regarding the distribution of any unmet need. We would also suggest that the GBBCHMA Growth Study refresh and the anticipated revised NPPF may require the Council to reconsider their decision not to review Dudley's Green Belt boundaries.

We welcome the Council's commitment at para 5.13 of the Local Plan to continuing to work constructively with neighbouring authorities to help provide as much certainty as possible about how and where the borough's full housing and employment land needs will be delivered. However, it is unclear how this continued work will inform the Local Plan as it progresses to Submission stage and subsequent examination. We note that a Statement of Common Ground is planned with members of the GBBCHMA regarding the apportionment of any contributions between the GBBCHMA authorities and agreement to refresh the 2018 HMA Strategic Growth Study. Stratford DC look forward to assisting with this in the coming months. We also note that the expected forthcoming publication of a revised NPPF will result in further consideration on this topic.

We would also reiterate that there are infrastructure pressures in both South Warwickshire districts and neither have sufficient infrastructure or the funds to cater for significant additional population, particularly in respect of health, education, and transport infrastructure. It would be necessary for any exported housing to be accompanied by sufficient, funded resources to provide for these.

Stratford on Avon District Council (with Warwick District Council) reiterate their ongoing commitment to working with Dudley Council on strategic matters that cross administrative boundaries under the requirements of the Duty to Cooperate.