

To Dudley Council Planning Policy Team

Email: planning.policy@dudley.gov.uk

26 November 2024

Dear Dudley Planning Policy Team,

Dudley Local Plan – Publication (Regulation 19) October 2024

Thank you for the opportunity for Birmingham City Council to comment on the Publication of the Dudley Local Plan (DLP) (Regulation 19).

As previously stated, the City Council has had a strong working relationship with the Black Country Authorities, including Dudley, regarding planning matters for many years, particularly as the two authorities share a joint boundary. In addition, the two local planning authorities have also worked alongside each other, and the other local authorities which make up the Greater Birmingham and Black Country Housing Market Area (HMA), to identify ways in which housing and employment land shortfalls can be met across the wider HMA since such shortfalls emerged (following the adoption of the Birmingham Development Plan in 2017).

Birmingham is currently progressing its own Local Plan with consultation on the Preferred Options document having taken place in July and August 2024. The consultation document identified significant potential housing land shortfalls for the city amounting to over 46,000 dwellings. The City Council is currently considering its position following the consultation on the proposed changes to the NPPF and the Standard Methodology for the calculation of housing projections announced by the Government in July 2024. As currently proposed, this will result in a significant reduction in the housing requirement for Birmingham. However, even if these proposed changes are considered, it is still likely that Birmingham's housing and employment land needs will still be challenging to meet in full within the City.

Meeting housing and employment land needs in the Dudley Local Plan

Since the Preferred Options consultation for the DLP was done in 2023, the housing and employment land requirement figures have been updated and amended. Policy DLP1 sets out that the Strategy will deliver 10,470 net new homes and 22.6 hectares of employment land. Table 5.1 states that the housing need for Dudley, using the Government's existing Standard Methodology, specifies that land for 11,169 homes is required by 2040/41. As with the Preferred Options document, the Policy sets out the context of how the development choices for Dudley have been made, primarily seeking to deliver development within the Borough's Centres and Regeneration Corridors. These choices mean that land for only 10,470 homes can be identified, leaving a shortfall and unmet housing need of 699 homes (a reduction of 379 since the Preferred Options document was published).

Similarly, Policy DLP18 sets out up-to-date employment land needs for Dudley calculated to be 72 hectares (or 98 hectares if you include the need to replace sites lost to residential uses as part of the housing supply). However, this leaves a significant shortfall of nearly 50 hectares within Dudley to be met from redevelopment and intensification of existing sites and the development of sites outside of Dudley which have an evidenced functional link to the Borough through the Duty to Cooperate. This figure increases to just under 76 hectares shortfall if you include the need to replace sites lost to residential uses as part of the housing supply which are to be monitored over the Plan period. However, even taking into account these potential other employment land sources, it is anticipated that there will still be a significant employment land shortfall during the Plan period.



Duty to Cooperate and strategic land provision across the West Midlands Conurbation

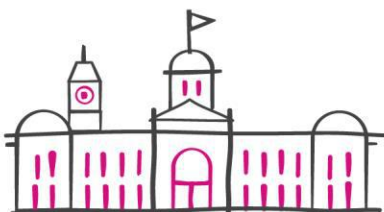
The local authorities which make up the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), including Dudley, have been working closely together since the adoption of the Birmingham Development Plan in 2017, when a shortfall of 37,900 homes in the City was identified. Since that time the relevant local authorities have been working together to identify ways in which this shortfall could be met by other authorities within the HMA. Although this cooperation has resulted in significant reductions in the original shortfall, current work on the preparation of Local Plans in Dudley, Sandwell, Wolverhampton and Birmingham have identified further potential housing and employment land shortfalls across the HMA area.

Through evidence provided for its new Local Plan, Birmingham City Council has identified an initial estimated shortfall of 46,153 homes across the city in its Preferred Options consultation (July 2024) for the proposed Plan period of 2022-2042. This figure has significantly reduced since the Issues and Options consultation was carried out in 2022 through additional detailed work and includes land for approximately 5,500 dwellings at Langley and 71 hectares of employment land at Peddimore which were originally taken out of the Green Belt when the Birmingham Development Plan was adopted.

Elsewhere within the HMA, Wolverhampton have identified a potential shortfall of 11,998 homes representing over 55% of identified need and a potential shortfall of 68.6 hectares of employment land. Similarly, Sandwell Council has identified potential shortfalls of approximately 18,606 dwellings and 189 hectares of employment land. This has further added to the considerable land pressures affecting the capacity of the Birmingham and Black Country Housing Market Area and the West Midlands Functional Economic Market Area to meet their land requirements.

As mentioned in our response to the DLP Preferred Options, it is therefore important that Dudley continues to strive to accommodate as much housing and employment as possible to meet its own needs by making effective use of land and maximising densities and much of the DLP achieves this which is supported by the City Council. However, as previously expressed, this should also include opportunities to carry out development on the edge of the conurbation, including the release of land from the green belt as has been done in other local authorities over the last few years including Birmingham, to promote sustainable patterns of growth in line with paragraph 147 of the NPPF. This has made a significant contribution to the housing and employment land shortfalls within Birmingham through the Langley Sustainable Urban Extension and the Peddimore employment site. The latter allocation has helped in potentially enabling Birmingham to fully meet its employment land needs in the new Local Plan period up to 2042. As previously mentioned, other Councils within the Birmingham and Black Country HMA have also released Green Belt land in order to contribute to meeting their own housing and employment needs as well as contributing to the shortfall of the HMA.

In view of the issues highlighted above, Birmingham City Council previously expressed disappointment that sustainable housing development sites on land currently in the Green Belt in Dudley and elsewhere in the Black Country had been removed from the potential housing supply having previously been included in the preparation and consultation of the Black Country Plan. This would have provided much needed housing growth, supported by Green Belt review evidence, to alleviate the issues highlighted above as part of sustainable patterns of growth on the edge of the conurbation in the same way that green belt land has been released in other parts of the HMA, including Birmingham. We would also maintain our previous view expressed in our letter of 11th January 2024 which said,



“The exclusion of these sites has meant that opportunities to provide additional development to alleviate housing and employment land shortfalls in Dudley, as well as the wider West Midlands conurbation and its HMA through the Duty to Cooperate, have been lost. The consequence is that housing and employment opportunities will, either have to be exported to other parts of the HMA further away from where the housing need is derived or lost altogether. The resulting under-supply also places additional pressures on the housing supply in other authorities within the HMA, many of which have unmet housing and employment needs themselves. This also makes it difficult for Dudley to demonstrate and justify that it has maximised its supply before seeking to export any unmet need elsewhere. This is particularly true when dealing with local planning authorities which have previously released land from the green belt to fulfil their own needs and, in some cases, contributed towards unmet needs elsewhere as part of their Duty to Cooperate.”

National Planning Policy Framework conformity and soundness

The City Council would still assert that the high levels of unmet need being experienced across the Conurbation and the wider Birmingham and Black Country HMA could be considered as exceptional enough to warrant a Green Belt boundary alteration in line with Paragraph 145 of the existing NPPF (December 2023). In addition, the ‘soundness’ requirements set out in paragraph 35 of the NPPF, which requires plans to be positively prepared in providing a strategy which seeks to meet the area’s objectively assessed needs, will also have to be considered when preparing the DLP for submission.

In July 2024, the change in Government brought about a new draft of the NPPF for consultation as well as a proposed revision to the methodology in calculating housing need for local authorities. As mentioned earlier, the proposed methodology will result in a significant reduction in the housing requirement for Birmingham but results in proposed increases to housing need in other local authority areas at a significant level including Dudley (although there is little difference in the overall need across the GBBCHMA as a whole). These changes are yet to be fully adopted following consultation but, if adopted, would add further weight to the need for Dudley to reconsider the Spatial Strategy of the DLP and reintroduce housing sites previously considered.

The transitional arrangements for the introduction of the proposed new NPPF and their effects on Local Plans have still to be confirmed, but further consideration will need to be given to these arrangements when they are expected to be published at the end of 2024. If the Plan meets the criteria for further progression set out in the transitional arrangements, then the City Council must also consider the effects of the potential change in housing needs methodology and its impact on future housing requirements and the spatial strategy for Dudley. If the DLP does proceed towards submission and potential adoption under these transitional arrangements, then the City Council would strongly promote the need for an early review of the DLP to ensure future housing needs are fully explored and appropriately planned for going forwards to ensure the needs of the GBBCHMA are met as a whole.

Summary and concluding comments

The City Council appreciates the development pressures that Dudley, along with all local authorities across the West Midlands, is experiencing in terms of mounting housing and employment land requirements. This is further exacerbated by recent and proposed changes to the NPPF which has also had the effect of delaying or disrupting local plans and their timetables. In the DLP, Dudley has taken steps to maximise its brownfield development potential which is supported by the City Council. However, in view of the mounting shortfalls of housing land provision across the GBBCHMA, many authorities, including Birmingham, have made difficult decisions to maximise development opportunities further such as removing land from the Green Belt as a last resort when all other options have been exhausted. The City Council has previously expressed its disappointment that, having



previously had the opportunity to alleviate some of those shortfalls by removing some sites from the green belt, Dudley have now chosen not to replicate the approach taken elsewhere and have taken these sites out of consideration. The consequence is that housing and employment opportunities will either be exported to other parts of the HMA further away from where the housing need is derived or lost altogether.

This is particularly important given the potential changes to the NPPF and the housing needs methodology which are likely place a higher burden on Dudley in meeting its future housing needs and helping to meet the housing and employment land needs across the GBBCHMA and the West Midland Functional Economic Market Area under the Duty to Cooperate. The high levels of potential unmet housing and employment land needs being experienced across the conurbation are likely to continue under any proposed housing needs methodology. This could also be considered as an exceptional circumstance to justify taking sites out of the Green Belt, as done elsewhere, in line with paragraphs 145 and 146 of the current NPPF. Reconsideration of the additional site allocations originally proposed in the BCP Preferred Options would be in line with the approach taken by other local authorities in the West Midlands in adopted or proposed local plans and would assist in removing any doubts surrounding the soundness of the DLP in being positively prepared and in accordance with the Duty to Cooperate. In addition, proposed changes to the NPPF and housing needs methodology by the new Government will necessitate careful consideration by Dudley to ensure that, firstly, transitional arrangements are being fulfilled and secondly, if so, an early review of the DLP is made to ensure that the requirements of the proposed new NPPF and housing needs methodology are fully explored and appropriately planned for by Dudley going forwards.

As before, we look forward to continued engagement with you through Duty to Cooperate arrangements as both Dudley and Birmingham Local Plans progress and work through the consequences of the national policy changes being proposed. We will be happy to have separate discussions with Dudley Officers on the issues raised and ways forward in the progress of the DLP and on reaching an agreed Statement of Common Ground prior to submission. Please therefore, do not hesitate to contact us at planningstrategy@birmingham.gov.uk.

Yours sincerely

Assistant Director Planning
Place, Prosperity & Sustainability Directorate
Birmingham City Council

