

Report title	Response to Dudley, Sandwell and Telford & Wrekin Local Plan Consultations and South Staffordshire Duty to Cooperate Letter	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Stephen Simkins Leader of the Council	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Richard Lawrence, Director of Regeneration	
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Report has been considered by	Regeneration Leadership Team	4 December 2023
	Strategic Executive Board	5 December 2023

Recommendations for decision:

The Cabinet is recommended to:

1. Approve the City of Wolverhampton Council response to the Sandwell Local Plan Draft Plan consultation on the basis of the approach set out in paragraphs 3.4-3.7 of this report.
2. Approve the City of Wolverhampton Council response to the Dudley Local Plan Draft Plan consultation on the basis of the approach set out in paragraphs 4.4-4.7 of this report.
3. Approve the City of Wolverhampton Council response to the Telford & Wrekin Local Plan Draft Plan consultation on the basis of the approach set out in paragraphs 5.8-5.10 of this report.
4. Approve the City of Wolverhampton Council response to the South Staffordshire Council Duty to Cooperate Letter on the basis of the approach set out in paragraph 6.4 of this report.

1.0 Purpose

- 1.1 To summarise the implications of and approve the principles for responses to consultations on the Sandwell, Dudley and Telford & Wrekin Local Plans, and to note the status of the South Staffordshire Local Plan and approve the principles of a response to related correspondence from South Staffordshire Council.

2.0 Background

- 2.1 Duty to Cooperate (DtC) is a mandatory requirement that should inform the preparation of all Local Plans. DtC requires local authorities to engage with neighbouring areas to identify relevant cross-boundary issues and seek agreement on how to resolve these issues. DtC issues commonly include unmet housing and employment land requirements and alignment of strategic infrastructure. In December 2022, Cabinet were provided with an update on the operation of DtC in Wolverhampton following the cessation of work on the Black Country Plan (BCP) in autumn 2022. DtC activity is now the responsibility of the individual Black Country Authorities (BCA), rather than the Association of Black Country Authorities (ABCA). It is important that the City Council continues to engage with neighbouring local plans to ensure that City priorities are fully recognised and that the Council seeks to ensure that those plans respond to these issues.
- 2.2 The main strategic DtC issues which the City Council needs to raise regarding neighbouring local plans are unmet housing and employment land requirements, and alignment of strategic infrastructure to serve proposed new developments across the boundary with South Staffordshire. The City Council is a member of the West Midlands Resource Technical Advisory Body (WMRTAB) which helps member authorities to meet their DtC obligations regarding strategic waste management. WMRTAB has submitted responses to the Sandwell and Dudley Local Plan consultations on behalf of the member authorities which cover technical issues regarding strategic waste management.
- 2.3 The current Wolverhampton position on housing and employment land need and supply is set out in the Wolverhampton Strategic Housing Land Availability Assessment (SHLAA) 2022, the Black Country Economic Development Needs Assessment (BC EDNA) 2023 and the Draft BCP (2021). On the basis of the December 2022 consultation version of the National Planning Policy Framework (NPPF), the Leader of the Council committed to excluding any green belt land from development allocations in the emerging Wolverhampton Local Plan (WLP). Taking into account potential capacity on non-green belt land in the Draft BCP, and an extended Plan period to 2042, the WLP is likely to generate a shortfall of around 11,500 homes and 50 ha of employment development land. In terms of employment development land, the BC EDNA concludes that the Black Country Functional Economic Market Area (BC FEMA) as a whole has a shortfall of 152ha, however contributions secured through current Statements of Common Ground between the BC FEMA authorities and Shropshire and South Staffordshire Councils have potential to provide 133.6 ha towards BC FEMA needs, which would reduce that shortfall to 18.4 ha.

3.0 Sandwell Local Plan - Draft Plan Consultation

- 3.1 Following cessation of work on the BCP, Sandwell Council moved forward quickly with an Issues and Options consultation which proposed the preparation of a Sandwell Local Plan (SLP) covering both strategic and non-strategic policies. The policies, spatial strategy and sites selected for allocation for housing and employment development were broadly similar to those in the Draft BCP. On 26 April 2023 Cabinet approved a response to this consultation which supported the proposed use of work to date on the BCP, encouraged Sandwell to maximise use of urban land for development whilst protecting viable employment land and acknowledged that there would be housing and employment land shortfalls arising in Sandwell which would require DtC engagement with relevant authorities.
- 3.2 In November 2023, Sandwell Council published a draft SLP for consultation which provides detailed allocations and policies in line with the direction of travel set out in the Issues and Options consultation. The closing date for representations is 18 December 2023, however as a key DtC partner, the City Council is able to submit formal comments following Cabinet approval. The Plan identifies a local need for 29,773 homes up to 2041 and a supply of 11,167 homes on new brownfield sites and increased densities, resulting in a shortfall of 18,606 homes – slightly less than identified in the Draft BCP. Green belt land has been excluded from consideration on the basis that the limited areas of green belt in Sandwell are not suitable for development. Based on the BC EDNA, the Plan identifies a local employment development land need of 185ha and supply of 42ha up to 2041, resulting in a shortfall of 143ha. Sandwell forms an integral part of the BC FEMA.

Proposed Consultation Response

- 3.3 The principles for a proposed consultation response are set out below.
- 3.4 It is welcome that good progress has been made with the SLP under the current Plan system, that it is underpinned by work undertaken to prepare the BCP (particularly the shared evidence base and associated policy development) and that the SLP timetable is aligned with the emerging WLP and Plans for other neighbouring authorities. This is important given the need to progress a regional solution to addressing unmet housing and employment land needs, a significant proportion of which originate in Sandwell.
- 3.5 It is recognised that Sandwell Council have fully explored all opportunities within the Borough to maximise development capacity, including increased densities and sites in centres, whilst protecting viable employment land and premises as necessary, given the evidenced shortfall of employment development land across the BC FEMA. It is accepted that it will not be possible to meet all development needs within the Borough, and that it is necessary for Sandwell to ask other authorities if they are able to contribute towards meeting Sandwell needs through the allocation of land in their Local Plans.
- 3.6 Given existing shortfalls (set out in para 2.2 above), Wolverhampton will not be in a position to provide land within the emerging WLP to meet either housing needs arising in Sandwell, or employment development land need arising in the BC FEMA. It is recommended that Sandwell Council continues to engage with the work of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) officer group and the

programme of work contained within the Statement of Common Ground as circulated by South Staffordshire Council in 2022. Clearly, given the scale of the Sandwell shortfall, a regional approach is required. Any solution should be based on an understanding of the pattern of functional and physical relationships across the GBBCHMA including migration and travel to work data so that, where practicable, needs are addressed as close as possible to where they arise.

- 3.7 Regarding employment development land, it is recommended that Sandwell should continue to work together with the other BC authorities to close the BC FEMA employment development land shortfall through ongoing DtC activity, with a focus on those areas having a strong or moderate functional economic relationship with the Black Country (as defined in the BC EDNA), and other areas where there is evidence of a functional relationship.

4.0 Dudley Local Plan - Draft Plan Consultation

- 4.1 Following cessation of work on the BCP, in November 2023, Dudley Council published a draft Dudley Local Plan (DLP) for consultation covering both strategic and non-strategic policies. The closing date for representations is 22 December 2023, however as a key DtC partner, the City Council is able to submit formal comments following Cabinet approval. A DtC letter has also been received from Dudley Council, with a response deadline of 26 January. The Plan identifies a local need for 11,954 homes up to 2041 and a supply of 10,876 homes on new brownfield sites and increased densities, resulting in a shortfall of 1,078 homes. Based on the BC EDNA, the Plan identifies a local employment development land need of 98ha and supply of 25ha up to 2041, resulting in a shortfall of 73ha. Dudley forms an integral part of the BC FEMA.
- 4.2 The policies, spatial strategy and sites selected for allocation for housing and employment development are broadly similar to those consulted on through the Draft BCP in summer 2021. However, the decision has been taken not to review the green belt, which removes from consideration 1,117 homes on green belt sites which were included in the Draft BCP. The decision not to review the green belt is in accordance with the revised NPPF (Dec 2023).

Proposed Consultation Response

- 4.3 The principles for a proposed consultation response are set out below.
- 4.4 It is welcome that good progress has been made with the DLP under the current Plan system, that it is underpinned by work undertaken to prepare the BCP (particularly the shared evidence base and associated policy development) and that the DLP timetable is aligned with the emerging WLP and Plans for other neighbouring authorities. This is important given the need to progress a regional solution to addressing unmet housing and employment land needs, a proportion of which originate in Dudley.
- 4.5 It is recognised that Dudley Council have fully explored all opportunities within the urban area of the Borough to maximise development capacity, including increased densities and sites in centres, whilst protecting viable employment land and premises as necessary, given the evidenced shortfall of employment development land across the BC

FEMA. In the context of the revised NPPF, it is accepted that it will not be possible to meet all development needs within the Borough, and that it is necessary for Dudley to ask other authorities if they are able to contribute towards meeting Dudley needs through the allocation of land in their Local Plans.

- 4.6 Given existing shortfalls (set out in para 2.2 above), Wolverhampton will not be in a position to provide land within the emerging WLP to meet either housing needs arising in Dudley, or employment development land need arising in the BC FEMA. It is recommended that Dudley Council continues to engage with the work of the GBBCHMA officer group and the programme of work contained within the Statement of Common Ground as circulated by South Staffordshire Council in 2022. Any solution should be based on an understanding of the pattern of functional and physical relationships across the GBBCHMA including migration and travel to work data so that, where practicable, needs are addressed as close as possible to where they arise.
- 4.7 Regarding employment development land, it is recommended that Dudley should continue to work together with the other BC authorities to close the BC FEMA employment development land shortfall through ongoing DtC activity, with a focus on those areas having a strong or moderate functional economic relationship with the Black Country (as defined in the BC EDNA), and other areas where there is evidence of a functional relationship.

5.0 Telford & Wrekin Local Plan – Draft Plan Consultation

- 5.1 Telford & Wrekin Council (TWDC) published the draft Telford & Wrekin Local Plan (TWLP) for consultation in October 2023. The closing date for representations is 12 January 2024, but as a key DtC partner the City Council is able to submit formal comments following Cabinet approval.
- 5.2 ABCA responded to an Issues and Options consultation on the TWLP in January 2021. This response focussed on housing and employment land issues and requested that the TWLP should seek to deliver levels of housing and employment growth to the mutual benefit of both TWDC and the BCA. Given the likely housing and employment land shortfalls for the emerging WLP (set out in para 2.3 above), these two issues remain the focus of ongoing DtC engagement between the City Council and TWDC.
- 5.3 The TWLP aims to protect the Borough's green spaces and help bring forward climate-ready development that provides homes for all, supports regeneration and brings new investment in infrastructure and job creation. The Plan proposes to deliver 20,200 new homes during 2020-40. The TWLP Cabinet Report states that 1,600 homes of this target are to address unmet needs arising in the Black Country, and the remaining 18,600 homes are to meet local TWDC-defined need. However, this offer is not set out in the Plan itself, which is surprising. The TWDC-defined need figure is almost double the Government-defined need figure of 9,500 homes, but below recent housing completion rates. The relatively high housing target reflects: the Council's objective of delivering an economic growth based strategy with associated levels of job creation; the use of

recently published data from the 2021 Census; and the Borough's intention to move from their previous identity as a 'New Town' (designed primarily as a sustainable overspill location for the needs of the West Midlands conurbation) to a 'Young Town' (where the majority of housing is provided to meet the needs of Telford & Wrekin residents). The level of housing associated with the economic growth strategy (the market signals uplift) appears to be some 5,060 homes, but it is not clear from the published data to what extent this is reliant on in-migration from outside the Borough, and, if so, the likely source of this in-migration. This issue requires clarification, as it is likely that the Black Country is the most significant source of in-migration into Telford over the Plan period, and how this jobs-based uplift relates to the 1,600 offer is not clear. The TWLP also identifies more sites than are needed to deliver the 20,200 housing target. This is partly to provide a buffer to allow for potential under-delivery on some sites, and partly to provide flexibility to remove some sites in response to consultation feedback, if required.

- 5.4 The 1,600 homes offer to the BCAs is similar to the 1,500 homes offer set out in the Shropshire Local Plan, which is currently at examination. This offer will need to be apportioned between the BCAs to provide certainty for individual Local Plans. An approach based on migration patterns provides a sound basis for this apportionment. Of the BCAs, Wolverhampton has by far the strongest migration relationship with Telford & Wrekin, equating to 66% of net migration movements over the period 2011-19. This would suggest that a minimum of 1,069 homes could be attributed to meeting needs arising in Wolverhampton. The BCAs are in agreement over the use of this migration-based approach to apportionment.
- 5.5 Therefore, the key DtC issues relating to housing are: is the TWDC-defined housing need figure based on robust evidence; is the BCA offer evidenced and of an appropriate scale; and is the buffer evidenced and realistic. The evidence underpinning the TWDC-defined housing need figure and the BCA offer is not straightforward and relies on unpublished information which, when released, will provide further insight and confirm whether the approach is sufficiently robust.
- 5.6 The draft TWLP makes no such equivalent offer to meet the Black Country employment land shortfall. However, the BC EDNA does not identify Telford as being an area with a close economic relationship with the BC FEMA, and recommends that areas with a stronger relationship should be prioritised for ongoing DtC engagement in the first instance.

Proposed consultation response

- 5.7 The principles for a proposed consultation response are set out below. This approach is broadly consistent with the approach proposed by Walsall Council.
- 5.8 The principle of a BCA housing offer set out in the TWLP is positive and should be welcomed in principle. However, the offer is modest relative to the total Black Country housing shortfall, Telford's historic role as a new town designed largely to accommodate 'overspill' from the Black Country, and the fact that the area is not constrained by green

belt. The key issue is therefore whether the offer is based on sound evidence and is fully justified. At this stage, it is considered that the evidence base is partial, particularly the documents setting out how and why the TWDC-defined housing need and BCA offer figures have been calculated. If the TWDC-defined figure were lower and / or the economic growth element of the figure is reliant on in-migration potentially from the Black Country, then the TWLP could make a higher offer to the BCAs. Also, the method used to generate the BCA offer figure runs the risk of double-counting between Telford & Wrekin housing need and Black Country housing need. Therefore, it is recommended that the basis of the offer requires further explanation before it can be accepted as appropriate. It is also understood that the level of housing supply that could be delivered through sites identified in the draft Plan is above the housing target. This headroom could provide the basis for a higher offer to the BCAs. Therefore, any buffer provided to allow for potential under-delivery should be evidenced and clearly defined in the TWLP.

- 5.9 In the case of the Shropshire Local Plan, the ABCA position was to accept the offer as being based on sound evidence, but to request that the Council commits to an early review of the Plan should it be the case that a significant housing and employment land shortfall remains following the preparation of the current round of Local Plan preparation across the West Midlands. Should it be the case that the equivalent TWLP housing 'offer' is also sound, then it is recommended that a similar approach is followed. It should be noted, however, that the current DtC will not exist under the next round of Plans prepared under the new Plan system (as set out in the Levelling Up and Regeneration Act), and that the replacement alignment test may not require cross-boundary collaboration on unmet housing needs to the extent that it does presently.
- 5.10 Turning to employment land, it is recommended that the absence of an equivalent 'offer' is noted, and that the TWLP also provides for an early review mechanism should it be the case that it has not been possible to meet the current evidenced Black Country employment land shortfall through existing and emerging Local Plans.

6.0 South Staffordshire Local Plan – DtC Letter

- 6.1 In January 2023, South Staffordshire Council (SSC) paused work on their Local Plan review due to the need for clarity from Government on proposed changes to the NPPF, which would remove the requirement to consider releasing land from the green belt to meet housing need. The Draft South Staffordshire Local Plan (SSLP), published for consultation in late 2022, included a number of significant housing and employment development allocations on land currently within the green belt on the edge of the City. These allocations were designed to respond positively to the evidenced shortfall of land to meet needs arising in Wolverhampton, but would be associated with impacts on City infrastructure which would need to be mitigated. Cabinet approved a City Council response to this consultation on 14 December 2022. As a largely green belt area, the changes to the NPPF have far-reaching implications for the overall SSLP strategy and the status of the proposed site allocations in particular.

6.2 In July 2023, work on the SSLP re-commenced with a view to consulting on the next stage of the Plan in early 2024, by which time the updated NPPF was anticipated to be in force. SSC have not yet reached a published position on how the Plan could change as a result of the proposed NPPF and are unlikely to do so until the next draft of the SSLP is published for consultation. In the meantime, SSC have written to neighbouring authorities to understand their position should the SSLP no longer review green belt boundaries to accommodate the needs of both South Staffordshire or the wider GBBCHMA including Wolverhampton. SSC are also undertaking an update to their gypsy and traveller accommodation evidence and are requesting neighbouring authorities to indicate their position on cross-boundary issues relating to gypsy and traveller pitch need and supply.

Proposed consultation response

- 6.3 The principles for a proposed response to the DtC letter are set out below.
- 6.4 Regarding the question on the City Council's likely views on the status of the proposed green belt allocations, it is considered premature to comment at this stage. The Council's position would need to be informed by the progress of the WLP which is programmed for consultation in early 2024. It is also premature to provide a City Council position on cross-boundary issues relating to gypsy and traveller pitch need and supply, as this would need to be informed by progress on the WLP which will consider gypsy and traveller pitch need and supply in Wolverhampton.

7.0 Evaluation of alternative options

- 7.1 The alternative option to making a response to the consultation would be to make no response. This would not be in accordance with the Duty to Cooperate responsibilities of the Council.

8.0 Reasons for decisions

- 8.1 It is important that the Council responds to consultations on Local Plans being progressed for neighbouring authorities, in line with the Duty to Cooperate.

9.0 Financial implications

- 9.1 There are no direct financial implications associated with the recommendations of the report.
[AI/15122023/K]

10.0 Legal implications

- 10.1 The Council has a duty to respond to consultations on Local Plans being progressed for neighbouring authorities in accordance with the Duty to Cooperate, which is a key element of planning law and national policy.
[JA/20122023/E]

11.0 Equalities implications

11.1 There are no equalities implications of this report.

12.0 All other implications

12.1 There are no other implications of this report.

13.0 Schedule of background papers

- 13.1 Dudley Local Plan Draft Plan Consultation, November 2023 ([Draft Dudley Local Plan consultation | Dudley Council](#))
- 13.2 Sandwell Local Plan Draft Plan Consultation, November 2023 ([Sandwell Local Plan | Sandwell Council](#))
- 13.3 Report to 26 April 2023 Cabinet: [Sandwell Local Plan Consultation Response](#)
- 13.4 Telford & Wrekin Local Plan Draft Plan Consultation, October 2023 ([Introduction - Review of the Telford & Wrekin Local Plan - Telford & Wrekin Council](#))
- 13.5 Association of Black Country Authorities Response to Telford & Wrekin Local Plan Issues and Options Consultation Response, January 2021
- 13.6 Report to 14 December 2022 Cabinet: [South Staffordshire, Stafford and Birmingham Local Plan Consultation Responses](#)