

# **Wolverhampton Local Plan**

## **Duty to Co-operate Statement**

Supporting  
evidence base  
document

February 2024

## **1. Introduction**

- 1.1 This statement outlines how City of Wolverhampton Council is managing the requirements of the Duty to Cooperate (DtC) throughout its production of the Wolverhampton Local Plan. The Duty seeks to ensure a joined-up approach is taken in plan making, where collaborative working with other relevant organisations and bodies seeks to deliver sustainable development within the administrative boundary and the wider area.
- 1.2 This statement details the work undertaken to date and identifies how City of Wolverhampton Council will respond to the key strategic and cross boundary issues identified, as its work on its local plan progresses following the demise of the Black Country Plan.

## **2. Background**

### **National Context**

- 2.1 The Duty to Cooperate is a statutory duty for all Local Planning Authorities (LPAs), introduced in November 2011 through Section 110 of the Localism Act 2011, which established a Duty to Cooperate in relation to the planning of sustainable development.
- 2.2 LPAs are under a Duty to Cooperate with each other and with other prescribed bodies, on strategic matters that cross administrative boundaries. This includes the requirement to co-operate during the preparation of development plan documents and other local development documents with local planning authorities, county councils, and relevant bodies.

Relevant bodies include:

- the Environment Agency;
  - Historic England;
  - Natural England;
  - Homes England;
  - the Integrated Care Boards (ICBs);
  - the Office of Rail Regulation;
  - the relevant Integrated Transport Authority;
  - the local nature partnership
  - the Highways Authority; and
  - the Local Enterprise Partnership.
- 2.3 Strategic policy-making authorities, in collaborating to identify relevant strategic matters covered in their plans, should engage with their local communities and infrastructure providers.

2.4 The National Planning Policy Framework (NPPF) (para 20) outlines the following matters on which strategic policies should be formulated to address the strategic priorities of the area, including any relevant cross- boundary issues, setting out the overall strategy for the pattern, scale and quality of development:

- housing (including affordable housing), employment, retail, leisure and other commercial development;
- infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- community facilities (such as health, education and cultural infrastructure); and
- conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

2.5 Whilst, as National Planning Practice Guidance (NPPG) makes clear, the Duty to Cooperate is not a duty to agree, LPAs should make every effort to secure the necessary cooperation on strategic cross boundary matters before submitting local plans for examination. The NPPG also states that '*cooperation should produce effective and deliverable policies on strategic cross boundary matters.*' In order to demonstrate effective and on-going joint working, strategic policy-making authorities are required to prepare and maintain one or more statements of common ground documenting the cross-boundary matters and progress made through co-operatively addressing these.

2.6 Para 35 of the NPPF notes that the examination of a local plan should include an assessment to identify if the plan has been prepared in accordance with legal and procedural requirements. This therefore includes the Duty to Cooperate. The duty requires a proactive, ongoing and focused approach to strategic matters. Constructive co-operation is seen as an integral part of Local Plan preparation and should result in clear planning policy outcomes capable of being demonstrated through the examination process.

### **Wolverhampton Council's Approach to the Duty to Co-operate**

2.7 It is important that evidence of the DtC starts as early as possible and that regular constructive engagement continues throughout the plan-making process. This engagement should show the outcomes of the engagement regarding the strategic cross boundary issues and how this has influenced the submitted Local Plan.

2.8 From 2016-17 to 2022, the Black Country Authorities (BCAs) of Dudley, Sandwell, Walsall and the City of Wolverhampton Councils were working on the review of the Black Country Core Strategy – the Black Country Plan - as the local plan for the sub- region. In October 2022 the four Black Country authorities (BCAs) decided to cease working on the Black Country Plan (BCP) and to progress individual Local Plans.

2.9 To support the production of the Wolverhampton Local Plan and to meet the requirements of the DtC, City of Wolverhampton Council will continue the DtC work that was undertaken for the draft Black Country Plan by working with the other Black Country authorities to engage with neighbouring authorities and other relevant bodies. Details of the engagement work undertaken as part of the Black Country Plan is set out as follows.

### **The Black Country Plan and the Duty to Co-operate Strategic Matters**

2.10 The main strategic matters being addressed through the Black Country Plan were:

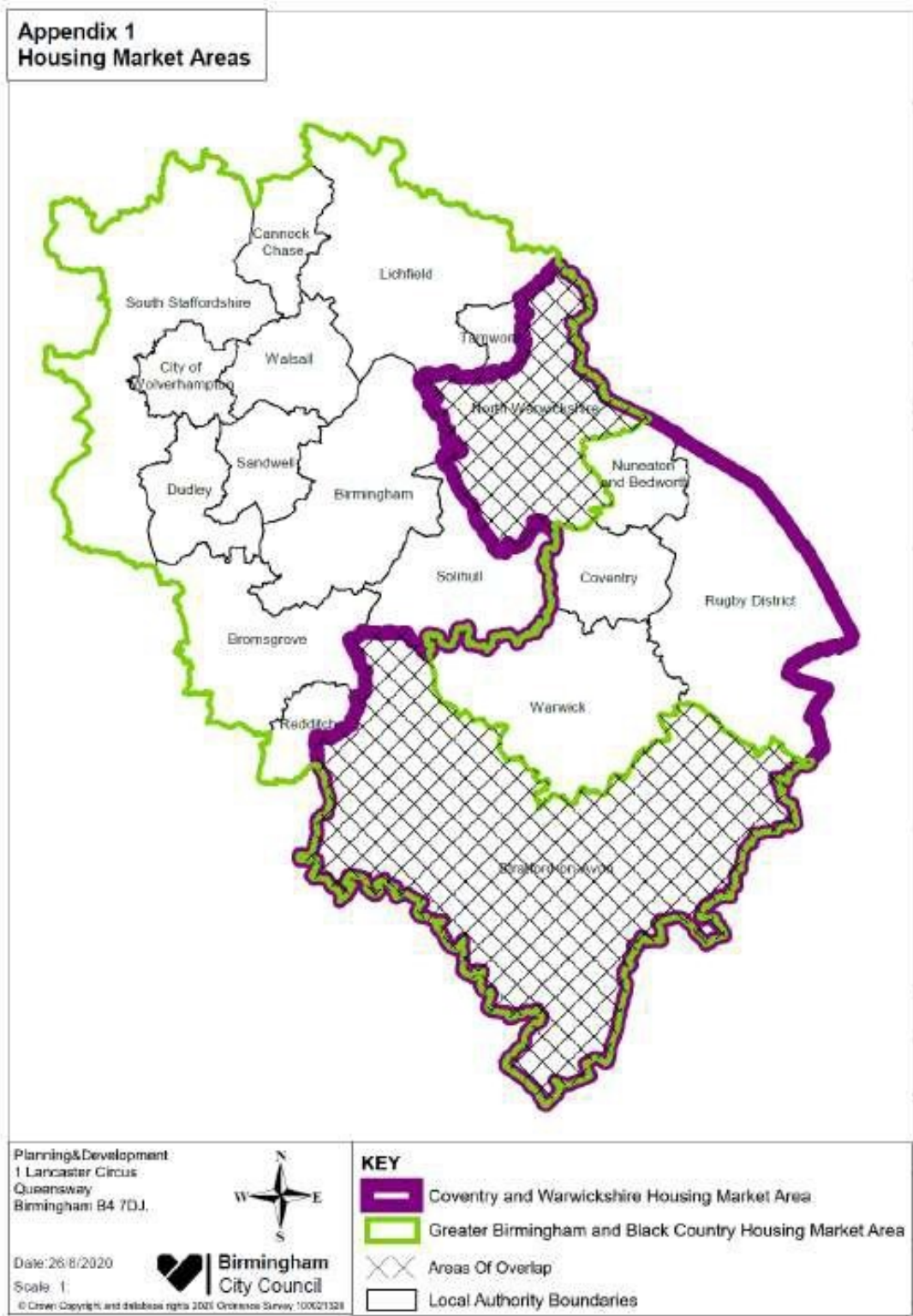
- Meeting unmet housing need
- Meeting unmet employment need
- Transport and infrastructure matters
- Natural and historic environment, including designated sites; and
- Minerals and waste issues.

2.11 From a Duty to Cooperate perspective, a range of issues were raised but the common theme was the need for the BCAs to meet as many of their needs within the Black Country (and not necessarily in the urban area); that the Plan needed to be evidence-based; and a recognition of the need to continue to work together. Other identified issues included:

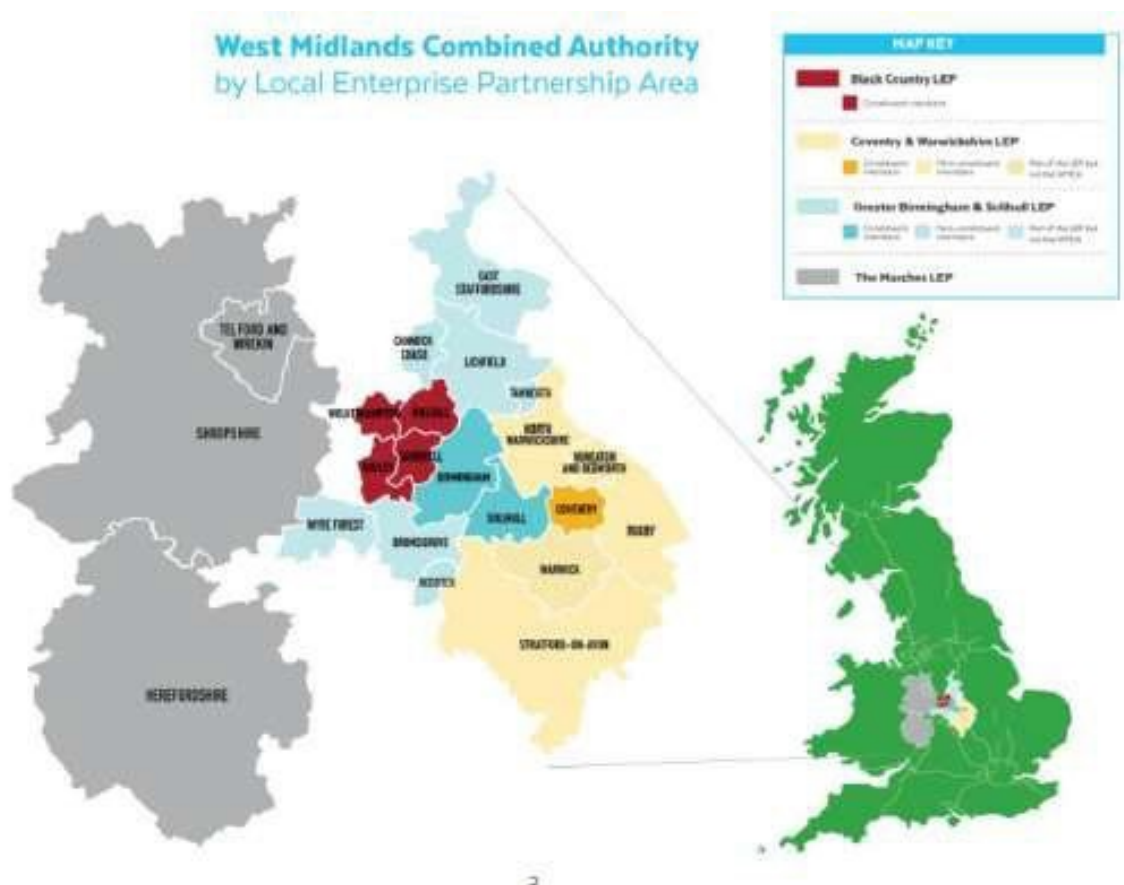
- Housing need and supply across the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) given the shortfall of housing established through the Birmingham Development Plan and subsequent Position Statements.
- The need to establish common ground across the GBBCHMA and Functioning Economic Market Areas (FEMA) to agree where and how unmet housing and employment land needs can be met.
- Green belt reviews.
- Cannock Chase Special Area of Conservation.
- Strategic Flood Risk Assessments.
- Implications for transport infrastructure on potential levels of growth in the Black Country
- Future healthcare premises and provision for primary and secondary healthcare provision.
- Minerals and aggregates need and supply.

2.12 In July 2018 a letter was sent from the Association of Black Country Authorities (ABCA) on behalf of the BCAs to all LPAs within the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) as shown on Figure 1, constituent and non- constituent members of the West Midlands Combined Authority (WMCA) (shown on Map 1) and other LPAs which have a physical and / or functional relationship with the Black Country (Wyre Forest District Council and the South Worcestershire Development Plan LPAs) (see Appendix Two).

**Figure 1: Greater Birmingham and Black Country Housing Market Area (GBBCHMA)**



## Map 1 - West Midlands Combined Authority



2.13 The letter formally asked whether those authorities were able to help meet some of the Black Country’s housing and employment land needs, given the anticipated shortfall between need and the capacity of the administrative area. The letter also sought to identify any other issues of strategic cross-boundary significance that should influence the preparation of the Plan. The responses to these letters were used to inform the development of the Black Country Plan and subsequent DtC engagement.

2.14 In summary, the responses to the letter supported the Black Country’s approach of developing brownfield land in advance of any Green Belt releases. Responses requested that all opportunities should be explored to meet needs within the administrative area before neighbouring LPAs could commit to any specific housing or employment land contribution. A more positive commitment was made from Shropshire Council and South Staffordshire Council, recognising the opportunity for their Plans to address wider unmet needs.

2.15 A follow-up letter was sent in August 2020 (Appendix Two). This letter provided an update on the Plan preparation programme, on strategic housing and employment land issues and asked the LPAs if their Local Plans were

delivering levels of housing or employment growth in excess of local needs that could reasonably be attributed to meeting the needs of the Black Country.

2.16 The responses to this letter confirmed that by this time, a number of Local Plans had progressed and included a positive commitment to accommodating unmet needs arising in the Black Country – principally those of Lichfield, Cannock Chase, South Staffordshire and Shropshire.

2.17 Alongside these letters, two Duty to Cooperate meetings were held - in December 2017 and January 2020 - that the recipients of the letters were invited to attend. The purpose of those meetings was to provide an update on the scope of the Plan, to discuss the key issues arising from the emerging evidence with a focus on the likely scale of unmet housing and employment land needs and to confirm the need for the BCAs and key stakeholders to continue to work together.

2.18 A third Duty to Cooperate meeting was held in June 2021 to discuss the updated Black Country Urban Capacity Study and the need to develop approaches to address the housing and employment land shortfall through work on current Local Plans and review mechanisms. The related letters and meetings also formed the basis for individual meetings with neighbouring LPAs, and the associated representations they made to Local Plan consultations.

2.19 A third Duty to Cooperate letter was issued in April 2022 (Appendix 3). This letter summarised the progress of the Black Country Plan at that time, including the implications of the responses to the 2021 Regulation 18 consultation. The letter also outlined the BCAs four-stage strategic approach to addressing the housing shortfall. In the short term the BCAs would continue to engage with those emerging Local Plans to confirm the then current contributions designed to address the shortfall. For those Local Plans that were less well-progressed, the BCAs committed to engage in a positive and robust manner to ensure that the unmet needs of the Black Country were fully recognised and all opportunities to assist in meeting needs are comprehensively explored. The third element of the strategy recognised that these workstreams were unlikely to address the housing shortfall in full, and that there was a compelling need to progress a programme of work on an inclusive and comprehensive manner across a wide but functional geography. This programme of work was consistent with that discussed at a Duty to Cooperate meeting convened by South Staffordshire Council in December 2020. The final element of the strategy was to seek the inclusion of early review mechanisms in all emerging Local Plans given the anticipated shortfall arising from the then current round of Local Plan preparation.

2.20 The BCAs also met with the following regional stakeholders to discuss key strategic matters:



- West Midlands Combined Authority – principal interest in the delivery of brownfield land across the region.
- Black Country Local Enterprise Partnership – principal area of interest was strategic economic priorities in the region. It should be noted that the Black Country LEP is no longer in existence.
- Greater Birmingham and Black Country Housing Market Area (GBBCHMA) - an open forum for local authorities to discuss cross boundary strategic planning matters, which are of relevance to the GBBCHMA.
- West Midlands Resource Technical Advisory Body (RTAB) – overarching aim is to support and promote co-operation between Waste Planning Authorities (WPAs) and others.
- West Midlands Aggregates Working Party (WMAWP) – principal area of interest is the collection and monitoring of data on aggregates provision as an aid to minerals planning.
- Cannock Chase Special Area of Conservation (SAC) Partnership Joint Strategic Board – principal area of interest is the potential impact of visitors on the value of Cannock Chase SAC.
- Transport for West Midlands (TfWM) - the body that formally performs the statutory Integrated Transport Authority (ITA) function for the West Midlands metropolitan area.
- Highways England (HE) - principal area of interest will be the impact of housing and employment growth on the motorway junctions.

2.21 Appendix One sets out the DtC engagement for the Black Country Plan from 2017 to 2022 with details of engagement post 2022.

### **Summary of DtC Engagement Outcomes**

2.22 The primary strategic focus of DtC engagement for the BCP was around the issues of unmet housing and employment land needs. Through the Association of Black Country Authorities (ABCA), the BCAs submitted representations to a number of local plans with a focus on housing and employment land issues given the anticipated shortfall between identified need and the capacity of the urban area to accommodate it. The BCAs also responded to emerging minerals plans on cross boundary issues.

## Housing Shortfall

- 2.23 As of April 2022 (the date of the most recent ABCA Duty to Cooperate correspondence), the 'offers' from neighbouring LPAs to meet wider-than-local housing needs were
- South Staffordshire - 4,000 homes towards the needs of the GBBCHMA as a whole but majority Black Country given proximity (as set out in Preferred Options November 2021).
  - Solihull – 2,100 homes towards the needs of the GBBCHMA as a whole but majority Birmingham given geographical proximity (as set out in Submission May 2021)
  - Cannock Chase - 500 homes towards the needs of the GBBCHMA but majority Black Country given proximity (as set out in Preferred Options March 2021).
  - Lichfield - 2,000 homes to meet Black Country needs out of a contribution of 2,665 to the GBBCHMA as a whole but majority Black Country given proximity (as set out in Publication July 2021).
  - Shropshire - 1,500 homes to meet Black Country needs (as set out in submission September 2021).
- 2.24 These contributions had the potential to provide up to 10,765 homes in total. For those LPAs making a contribution to the needs of the GBBCHMA as a whole (South Staffordshire and Cannock Chase), some of this contribution would need to be attributed to meeting the needs of Birmingham, due to their physical and functional relationship, and a known gap between need and supply. On this basis, it was anticipated that some 8,000 homes could reasonably be attributed towards meeting Black Country needs.
- 2.25 Further contributions were also being sought from Stafford (of up to 2,000 homes), and as-yet undetermined contributions from both Bromsgrove and Telford & Wrekin, who were both at the early stages of their Local Plan reviews at the time of the BCP Reg18 consultation in 2021.
- 2.26 In the case of Telford and Wrekin, the higher growth option that was set out in the Issues and Options Report could provide some 3,700 homes over and above local needs, and the Black Country was well placed to provide a source of 'need' for this housing.
- 2.27 The BCAs did recognise that further work would be required with GBBCHMA LPAs to confirm how the HMA-wide contributions should be apportioned between the respective Local Plan areas. It was anticipated that this would be addressed during and after the Black Country Plan Regulation 18 consultation and would inform the Regulation 19 Black Country Plan. These issues will be

consequently carried over into the production of the individual Local Plans for each of the BCAs, including Wolverhampton's Local Plan.

- 2.28 It should be noted that at the time of writing this DtC statement, Telford & Wrekin has since published its Reg 18 Local Plan for consultation (October 2023) with a potential contribution of approximately 1,600 homes towards the Black Country's unmet needs. Furthermore, following the submission of its Regulation 19 Plan to the Secretary of State in 2022, Lichfield District Council paused their Plan process. At a meeting of its Full Council on 17 October 2023, Lichfield District Council made the decision to withdraw its proposed local plan to 2040.

### **Employment Land Shortfall**

- 2.29 In terms of employment land, at the time of the demise of the BCP, the BCAs had secured 'confirmed contributions' from the Regulation 19 Shropshire Local Plan, which included provision for some 30ha of land to meet Black Country needs.
- 2.30 In addition, the South Staffordshire Local Plan review was being supported by a review of the 2017 Economic Development Needs Assessment (EDNA), which suggested that the area had a 'surplus' of some 19ha of land in excess of its own needs. The 2022 update of this work advised that this 'surplus' was 36.6ha. Given the strong physical and functional relationship between South Staffordshire and the Black Country, it was recognised that any surplus of employment land could be identified to meet Black Country needs.
- 2.31 In addition, the Black Country anticipated that a significant proportion of the consented West Midlands Interchange (WMI) site at Four Ashes could be attributed to meet Black Country warehousing and logistics needs. The developable area of the site is 193ha.
- 2.32 Consultants were commissioned to carry out an analysis of the likely catchment of the scheme and this study recommended that the Black Country should be apportioned a further 67ha of land, the total South Staffordshire contribution being 103.6ha. This was subsequently confirmed in the South Staffordshire FEMA Statement of Common Ground published in November 2022.
- 2.32 Further capacity was being sought from Stafford (between 30-40ha) and potentially from Bromsgrove.
- 2.33 In summary, the Shropshire contribution, plus the WMI's recommended apportionment have the potential to provide for some 133.6ha of employment land towards meeting Black Country needs, plus any additional capacity arising from further evidence reviews, for example from the Stafford and Bromsgrove Local Plans.

## **The Demise of the Black Country Plan and the Wolverhampton Local Plan**

2.34 In October 2022 the four Black Country authorities (BCAs) decided to cease working on the Black Country Plan (BCP) and to progress individual Local Plans. A new Local Development Scheme (LDS) setting out the programme for the preparation of a Wolverhampton Local Plan was subsequently approved on 26 January 2023. Due to the need to pause the preparation of the Local Plan as a result of proposed changes to the NPPF, the January 2023 LDS was not capable of being realised and a new LDS was brought into effect on 21 February 2024.

2.35 The timetable for the preparation of the Wolverhampton Local Plan is as follows:

Consultation on Draft Plan (Regulation 18)	February – April 2024
Consultation of Publication Plan (Regulation 19)	December 2024 – January 2025
Submission of the Plan to the Secretary of State for Examination	June 2025
Examination in Public	June 2025 – Spring 2026
Adoption	Mid-2026

2.36 Prior to work ceasing on the BCP, DtC work for the BCAs, including responses to Local Plan consultations for neighbouring authorities, was led by the Association of Black Country Authorities (ABCA) on behalf of the four Councils. Contributions were secured from neighbouring areas of some 8,000 homes and 133.6ha of employment land – all secured on a Black Country basis.

2.37 Given that the BCAs are now pursuing their own individual plans the existing housing ‘offers’ from neighbouring areas will need to be clarified and apportioned between the BCLAs as part of a formal agreement. For employment land, the approach is based on meeting needs arising within the Black Country FEMA – this consisting of the administrative area of the four local authority areas. The 2023 Black Country EDNA recommends that the BCLAs should continue to engage with neighbouring local authority areas particularly those with whom the Black Country has a strong or moderate economic relationship and other areas with which there is an evidenced functional relationship.

### **Strategic Matters under Duty to Co-operate**

2.38 Paras 2.10 - 2.11 set out the main strategic matters that were identified for the Black Country Plan. As part of its work on the Wolverhampton Local Plan, Wolverhampton has evidenced a shortfall in its housing supply, and Gypsy, Traveller and Travelling Showpeople accommodation provision as well as its

employment land supply. There are also some potential capacity gaps for waste infrastructure going forward. Wolverhampton Council therefore views that these strategic matters continue to be the principal cross-boundary issues affecting the preparation of the Wolverhampton Local Plan.

2.39 Alongside this there are a range of additional strategic matters that will need to be addressed during the production of the Plan. Table 2.1 sets out the strategic matters arising from the emerging Wolverhampton Local Plan, its relevant prescribed body and a summary of the strategic matter.

**Table 2.1 : Strategic Matters for Wolverhampton Local Plan**

Strategic Matter	Detail	Prescribed Body
Unmet Housing Need	<p>As part of its work on the Issues and Preferred Options Wolverhampton Local Plan, Wolverhampton has evidenced a shortfall in its housing supply based on its up to date Urban Capacity Review and SHLAA work. On this basis, Wolverhampton will be writing to neighbouring local authorities under DtC to inform them of the up to date evidence and the housing shortfall. There have been a number of previous offers that were made to the Black Country Authorities and the GBBCHMA. Wolverhampton Council will be seeking to clarify the status of these offers as its plan progresses to the Publication stage in order to address its shortfall.</p> <p>In addition, the four Black Country Authorities have agreed to continue to work together with regard to these DtC discussions and a number of meetings have been arranged between the Black Country Authorities and individual local authorities to progress this. The Black Country Authorities have also agreed to a methodology for apportioning any agreed contributions from neighbouring authorities.</p> <p>The Council is committed to working with all neighbouring Local Plan areas including those in the Greater Birmingham and Black Country Housing Market Area (GBBCHMA) to progress a programme of work to understand the extent of housing shortfall across the GBBCHMA and to develop scenarios designed to address it. This programme of work consistent with the approach established through ABCA in April 2022 correspondence as detailed in para 2.19.</p>	Black Country Authorities, Birmingham City Council, South Staffordshire District Council and Bromsgrove Borough Council as neighbouring authorities. Plus, other authorities in the GBBCHMA

<p>Gypsy, Travellers and Travelling Showpeople Accommodation Provision</p>	<p>The Black Country Gypsy and Traveller Accommodation Assessment (2022) provides an assessment of needs in accordance with national guidance and identified the likely future local need for Gypsy and Traveller and Travelling Showpeople accommodation up to 2039. An update of these need figures to 2042 for Wolverhampton has been published alongside the WLP Issues and Preferred Options Report, to align with the WLP Plan period.</p> <p>The WLP is required to demonstrate that there is sufficient land in Wolverhampton to meet identified need for gypsy and traveller permanent pitches for the first five years of the Plan period – which is up to 2032. No deliverable gypsy and traveller permanent pitch site options were put forward for Wolverhampton through either the Black Country Plan two “call for sites” or the on-going Wolverhampton SHLAA “call for sites” process which has been in operation for over ten years. Based on the needs assessment, it is likely that the Council will have a shortfall in meeting the need for the Plan period and will seek to address this under DtC.</p> <p>The WLP Issues and Preferred Options Report states that, assuming 2 pitches are regularised on a currently unauthorised site and 12 new pitches are provided on an existing allocated site, there will be a 19 pitch shortfall against Wolverhampton gypsy and traveller permanent pitch need up to 2032.</p>	<p>Black Country Authorities and South Staffordshire District Council as neighbouring authorities. Plus, other authorities in the GBBCHMA</p>
<p>Unmet Employment Needs</p>	<p>Sitting with the Black Country FEMA, DtC discussions with neighbouring authorities and across the Black Country Functional Economic Market Area (FEMA), the proposed contributions will go a long way towards meeting Wolverhampton’s and the Black Country FEMA employment need shortfall (see Employment Land Supply evidence papers, 2023). Taking account of existing and proposed employment land supply within the Black Country and contributions from outside the Black</p>	<p>Black Country Authorities, Birmingham City Council, South Staffordshire District Council and Bromsgrove Borough Council as neighbouring authorities.</p>

	<p>Country, there is a gap of 19ha (or 4% of overall need of 533ha) for the Black Country FEMA.</p> <p>In addition, the four Black Country Authorities have agreed to continue to work together with regard to these DtC discussions and a number of meetings have been arranged between the Black Country Authorities and individual local authorities to progress this.</p> <p>The Council is also participating in the West Midlands Strategic Employment Sites Study which is anticipated to Report in mid-2024. This work will advise on the need for additional strategic employment sites across the West Midlands and potential locations to address that need. This may</p>	<p>Plus, other authorities in the Black Country FEMA</p>
<p>Cross boundary Transport</p>	<p>The Council will continue to work with transport infrastructure providers to ensure that transport infrastructure can accommodate the proposed growth and development to be taken forward in the Local Plan</p>	<p>Transport for West Midlands (TfWM) Black Country Transport Group Highways England Network Rail</p>
<p>Flood Risk and Water Management</p>	<p>Water issues such as flood risk, the water cycle and surface water management often cross administrative boundaries. The Council will work with neighbouring authorities to ensure that such matters are addressed. The Black Country Authorities commissioned a Strategic Flood Risk Assessment in 2019 and will the Council update any further work as the Plan progresses. The Black Country Authorities also commissioned a joint Water Cycle Study in 2020. Both Natural England and the Environment Agency engaged with the Black Country Authorities at the Draft Black Country. Wolverhampton Council will</p>	<p>Severn Trent South Staffs Water Environment Agency Natural England</p>



	continue to have dialogue with both agencies as work on the Wolverhampton Local Plan progresses.	
Waste and Minerals	<p>Wolverhampton Council is the Local Planning Authority for Waste &amp; Minerals.</p> <p>The Council is involved in the West Midlands Resources Technical Advisory Body (RTAB) which oversees co-operation between waste authorities. The Council will commit to working with RTAB and Waste Planning Authorities as work on the Wolverhampton Plan progresses. As part of the Draft Plan consultation, the Council will be sending DtC correspondence to Waste Authorities where it considers may require further engagement under the Duty to Cooperate.</p> <p>The Council commits to working with West Midlands Aggregates Working Group (WMAWP) to address any cross-boundary issues relating to minerals.</p>	<p>RTAB Waste Planning Authorities</p> <p>WMAWP</p>
Health Care Provision	Through-out the preparation of the Wolverhampton Local Plan, the Council will work with the now Black Country Integrated Care Board (ICB) to ensure sufficient health infrastructure is in place to accommodate additional housing. The BCAs were engaged with the former Clinical Commissioning Groups (CCGs) in the preparation of the Black Country Plan and this joint working has continued between City of Wolverhampton Council and the Black Country ICB. At this stage of the Plan preparation the ICB has indicated no major concerns from the proposed Wolverhampton Local Plan housing growth.	Black Country Integrated Care Board (ICB).
Utilities	The Black Country Authorities engaged with the utility companies as part of the work on the Black Country Plan. This engagement will continue as work on the Wolverhampton Local Plan progresses.	Western Power Severn Trent South Staffs Water

<p>Natural and Built Environment</p>	<p>Natural England, Environment Agency and Historic England have engaged with the Black Country Authorities in preparing the draft Black Country Plan. Wolverhampton Council will continue to work with these organisations as work on the Plan progresses and to ensure that policies and proposals in the Plan will mitigate against the impacts on the local environment, air quality, climate change, biodiversity and improve and enhance the City's historic environment.</p>	<p>Natural England, Environment Agency Historic England</p>
<p>Blue and Green infrastructure</p>	<p>The Black Country Authorities engaged the Canal &amp; River Trust Sport England, Environment Agency with as part of the work on the Black Country Plan. This included work on a joint study - Play Pitch and Outdoor Sports Strategy - with Sport England. The Council will continue to work with these organisations to include policies and proposals in the Wolverhampton Local Plan that incorporate their views.</p>	<p>Canals &amp; Rivers Trust Sport England Environment Agency</p>

## Current DtC position

- 2.40 In preparation of the Issues and Preferred Options Wolverhampton Local Plan (Regulation 18), the evidence base which has informed the preparation of the Plan (including the latest SHLAA (2022/2023)), suggests that Wolverhampton’s housing need over the plan period is 21,720 homes. The housing land supply set out in the draft Plan to 2041 (based on our most recent SHLAA and Urban Capacity Report) will provide for 10,307 homes. This will leave a shortfall of 11,413 homes.
- 2.41 At the time of preparing the Issues and Preferred Options Wolverhampton Local Plan (Regulation 18), potential contributions for housing have been made to the Black Country Authorities (BCAs) as follows.

**Table 2.2 – Potential contributions towards housing shortfalls**

Local Authority	Housing contribution	Status of Plan	Statement of Common Ground (SoCG) Status	WLP apportionment based on historic migration 2002-19 (%)	Potential contribution towards WLP shortfall
Shropshire Council	1,500 to BCAs	Reg 19 - Examination in Public	SoCG signed in July 2021	39.5	593 homes. Subject to formal agreement/SoCG between BCAs
Lichfield District Council <sup>1</sup>	2,000 to BCAs	Regulation 19 – Publication Plan submitted to SoS	Drafted but not signed prior to submission	6.0	68 homes Subject to formal agreement/SoCG between BCAs
South Staffordshire District Council <sup>2</sup>	4,000 to Greater Birmingham & Black Country HMA	Publication Plan consulted in November – December 2022. Plan paused in 2023	SoCG to accompany Publication Plan signed in early 2023	36.6	Minimum of 1,464 homes subject to confirmation of site locations. Subject to formal agreement/SoCG between BCAs and Birmingham City Council.

<sup>1</sup> Following Submission of Regulation 19 Plan to Secretary of State in 2022, Lichfield District Council paused their Plan process. At a meeting of its Full Council on 17 October 2023, Lichfield District Council made the decision to withdraw its proposed local plan 2040.

<sup>2</sup> Following the publication and consultation on its Regulation 19 Submission Plan, South Staffordshire District Council paused work on its Plan in January 2023, following clarity from Government over its proposed reforms to the NPPF December 2022. In July 2023 the Council has un-paused its Plan making process and will revisit its evidence base with the intention to undertake an additional public consultation in Spring 2024.

Local Authority	Housing contribution	Status of Plan	Statement of Common Ground (SoCG) Status	WLP apportionment based on historic migration 2002-19 (%)	Potential contribution towards WLP shortfall
Telford & Wrekin Council <sup>3</sup>	1,640 to BCAs	Draft Plan Reg 18 published for consultation in October 2023	Draft Plan for consultation in October 2023. SoCG to be progressed.	43.9	720 homes. Subject to formal agreement/SoCG between BCAs
Cannock Chase DC	500 homes contribution to the Greater Birmingham & Black Country HMA	Regulation 19 Plan received Cabinet approval for consultation 25 August 2022. Consultation to be undertaken and current position not known.	None progressed	12.7	64 homes. Subject to formal agreement/SoCG between BCAs and Birmingham City Council.
Stafford	2,000 homes contribution towards meeting wider needs.	Regulation 18 Plan Preferred Options October 2022	None progressed	Tbc	tbc
<b>Total</b>					<b>2,909</b>

2.42 The contributions that have been offered (as per the table above), were made to either accommodate the Black Country Authorities (BCAs) needs or as part of the wider Greater Birmingham Black Country Housing Market Area (GBBC HMA).

2.43 Following the cessation of the Black Country Plan, each of the four Black Country Authorities will now progress with their own individual Local Plans. In preparing individual Plans, it is important to understand how any contributions that have been made to the Black Country, as a whole, can be apportioned between the BCAs in order to give certainty for individual Local Plans to progress.

<sup>3</sup> Following ongoing DtC meetings with Black Country Authorities in preparation of its Draft Regulation 18 Plan, Telford & Wrekin Council subsequently published its Draft Plan for consultation in October 2023 with a potential contribution of 1,640 towards the Black Country Authorities shortfall.

- 2.44 At the time of preparing the Issues and Preferred Options Wolverhampton Local Plan, the four Black Country Authorities have been working on an approach to determine how contributions received from neighbouring local authorities could be apportioned between the Black Country authorities.
- 2.45 It is essential that this apportionment approach is evidence based and reflects the likelihood that new homes built in the ‘contributing’ authority will directly address the needs arising in the ‘receiving’ authority. This likelihood can be estimated by considering historic patterns of migration between different areas so that the level of apportionment is proportionate to the actual functional relationship between the exporting area and the individual BCA where the shortfall arises. The most robust dataset to base this approach on is migration data available on an annual basis from ONS, which is based on a combination of administrative data taken from the National Health Service Central Register, the Patient Register Data System and the Higher Education Statistics Agency. This approach is subject to all of the Black Country Authorities agreement via a Statement of Common Ground, and with the ‘exporting’ Local Plan area concerned. In some instances, Local Plans may choose to identify particular sites or locations that are designed to address unmet needs. The location of these sites may result in further refining of the apportionment in the light of their proximity to the shortfall Local Plan area.
- 2.46 Where contributions have been offered to the Greater Birmingham and Black Country Housing Market Area (HMA) as a whole, the proposed approach would need to be widened to cover all authorities in the HMA which can demonstrate a shortfall, including Birmingham.
- 2.47 The implications of this approach are set out in Table 2.2 above. This is a conservative approach and assumes that Birmingham is eligible to secure contributions stated to address the wider HMA shortfall, and that all of the BCAs are eligible for contributions from all of the ‘exporting’ areas. The latter point is important because of the relatively modest shortfall identified in the emerging Dudley Local Plan – some 1,078 homes as set out in the 2023 Issues and Options consultation. If it is the case that this shortfall can be met in full by for example through contributions from Shropshire, South Staffordshire and Telford & Wrekin, then any further contributions would be apportioned to the other BCAs – potentially resulting in a higher contribution to Wolverhampton.
- 2.48 The approach set out in Table 2.2 results in a minimum of 2,909 homes being apportioned to meet needs arising in Wolverhampton, reducing the shortfall to 8,504 homes. The Council will continue to engage with emerging Local Plans in Stafford, Bromsgrove and South Warwickshire to seek to secure additional contributions. While this work could make further headway into addressing the

Wolverhampton housing shortfall, further capacity must be identified if the City's needs are to be met in full.

### **Employment**

- 2.49 Due to ongoing DtC discussions with neighbouring authorities and across the Black Country FEMA, contributions will go a long way towards meeting Wolverhampton's and the Black Country FEMA employment need shortfall (see Employment Land Supply evidence papers, 2023)
- 2.50 Taking account of existing and proposed employment land supply within the Black Country and contributions from outside the Black Country, there is a gap of 19ha (or 4% of overall need of 533ha) for the Black Country FEMA. The Employment Land Supply evidence notes that there is some flexibility/buffer within the supply as it assumes a cautious windfall allowance for small sites and the amount of land required for the replacement of employment losses is also likely to be a 'maximum'.

### **3. Next Steps**

- 3.1 Following the consultation on the Issues and Preferred Options Wolverhampton Local Plan, the Council will look at the individual representations received from the key stakeholders and prescribed bodies relevant to the strategic matters identified.
- 3.2 The Council will make every effort to continue to liaise with key stakeholders and the prescribed bodies with a view to reaching a consensus on how to deal with the strategic matters and entering into statements of common ground where appropriate.
- 3.3 Following this, the Council's primary objective will be to prepare and complete a Duty to Co-operate Compliance Statement as the Wolverhampton Plan progresses to Publication Regulation 19 Stage in Autumn 2024, which will seek to address the following matters:
- The nature of the Duty and the policy and spatial context of the City in relation to its nearby authorities
  - A listing of the relevant 'prescribed bodies'.
  - A listing of the relevant 'strategic matters' affecting Wolverhampton and the preparation of its Local Plan.
  - The principles of cooperation developed and undertaken by ABCA up to November 2022 and further progressed by Wolverhampton with co-operation with the Black Country Authorities since the demise of the Black Country Plan in November 2022.
  - Details of all evidence base work and studies that have been commissioned on a joint basis with neighbouring authorities and other bodies.

- Details of all consultations with neighbouring authorities and DTC partners on strategic matters.

### **Prescribed Bodies**

3.4 The relevant prescribed DTC bodies for the Wolverhampton Local Plan are as follows: :

- the Environment Agency
- the Historic Buildings and Monuments Commission for England (known as Historic England)
- Natural England
- Canal and Rivers Trust
- Homes England
- Black Country Integrated Care Boards (ICBs)
- Network Rail
- Transport for West Midlands
- Black Country Transport
- Highways England
- Active Travel
- Wolverhampton as the local Highways authority
- Wolverhampton as the Education Authority
- West Midlands Combined Authority
- Authorities in the GBBCHMA
- Black Country Authorities and South Staffordshire District Council as our neighbouring authorities.
- Severn-Trent Water
- South Staffs Water
- Western Power/National Grid
- West Midlands Police
- West Midlands Ambulance
- West Midlands Fire Service
- DEFRA
- Environmental Protection UK
- Sport England
- Regional Aggregates Working Party (RAWP)
- Regional Technical Advisory Board (RTAB) - Waste

3.5 This document is the first iteration of the Wolverhampton's DTC Statement. The statement will be updated as work on the Plan progresses. .

## Appendix One - Duty to Cooperate Engagement 2017 – 2022- BCP related

Meeting type	Public body / organisation	Meeting dates	Topics discussed
Duty to Cooperate discussions with individual LPAs	South Staffordshire Council (meetings from September 2019 onwards)	13/7/21	Presentation to South Staffordshire Councillors on the Black Country Plan as presented to BCA Cabinets.
		9/6/21, 12/5/21, 2/2/21, 13/11/20, 6/11/20, 25/6/20, 4/6/20, 12/5/20, 24/4/20, 20/3/20, 24/9/19	Local Plan timetables and issues arising from Black Country Plan evidence gathering.
		13/2/20	Presentation to South Staffordshire Councillors on the Black Country Plan evidence base and associated housing and employment land shortfall.
	(meetings from April 2020 onwards)	9/3/21, 22/1/21, 13/11/20, 22/10/20, 24/9/20, 30/7/20, 19/6/20, 21/5/20, 2/4/20.	ABCA representations to Shropshire Local Plan and Black Country Plan evidence.
	Birmingham City Council (from November 2020 onwards)	20/5/21, 25/11/20, 4/11/20	Local Plan programme and issues arising from Black Country Plan evidence gathering.
	Telford & Wrekin Borough Council (from November 2020 onwards)	26/3/21, 6/1/21, 14/12/20, 19/11/20.	Local Plan programme and issues arising from Black Country Plan evidence gathering.
	Wyre Forest Borough Council (from October 2019 onwards)	5/12/19, 3/10/19	Local Plan timetables and ABCA representations to Wyre Forest Local Plan.



Meeting type	Public body / organisation	Meeting dates	Topics discussed
	Stafford Borough Council (from January 2020 onwards)	26/3/21	West Midlands Interchange apportionment work
		23/12/20, 14/10/20, 9/7/20, 30/6/20, 20/5/20, 24/3/20,	Stafford Local Plan and key issues emerging from Black Country Plan evidence.
	Cannock Chase Borough Council (May 2020 onwards)	22/4/21, 16/2/21, 15/12/20, 13/10/20, 22/5/20	Cannock Chase Local Plan and key issues emerging from Black Country Plan evidence.
	Lichfield Borough Council (from June 2020 onwards)	19/1/21	Lichfield Local Plan Regulation 19 Plan.
		14/7/20, 4/6/20.	Lichfield Local Plan and key issues emerging from Black Country Plan evidence.
Regional stakeholder meetings	West Midlands Combined Authority Housing and Land Delivery Board	3/3/21	Strategic outline business case for an Affordable Housing Delivery Vehicle, Zero Carbon Homes Charter and Routemap, Advanced Manufacturing in Construction Routemap.
		13/1/21	Affordable Housing Delivery Vehicle, Zero carbon Homes Charter and Routemap.
		2/11/20	Local Plans: Progress, Zero Carbon Homes Programme, Advanced Manufacturing in Construction
		7/9/20	CV19 Recovery – Town Centre Living and Regeneration, Advanced

Meeting type	Public body / organisation	Meeting dates	Topics discussed
			Manufacturing in Construction Routemap.
		27/4/20	Affordable Homes delivery vehicle, Zero Carbon Homes
		15/1/20	Affordable housing policy, Inclusive Growth Corridors – Delivery and Investment Plans.
		30/9/19	Regional Design Charter and Modern Methods of Construction
		21/2/19	Regional Design Charter and Town Centres Programme
		20/12/18	Growth Corridors and Strategic Development Opportunities
		6/9/18, 25/10/18	Town Centres Programmes
		21/2/18, 16/7/18	WMCA Spatial Investment and Delivery Plan
	Black Country Local Enterprise Partnership	12/2/20	Presentation to LEP Place Board on Black Country Plan emerging evidence and key issues.
		1/7/19	Presentation to LEP Board on Key issues and opportunities, the emerging Vision and evidence update.
		June 2019	Presentation to LEP Place Board on Key issues and opportunities, the emerging Vision and evidence update.

Meeting type	Public body / organisation	Meeting dates	Topics discussed
		17/12/18	<p>Presentation to LEP Board</p> <p>on Black Country Plan scope, key issues and next steps.</p>
	Greater Birmingham and Black Country Housing Market Area (GBBCHMA) Officer Group.	Quarterly meetings	<p>Regular updates on progress of the Black Country Plan</p> <p>and key issues emerging from evidence with a focus on housing and employment land shortfalls. This work</p> <p>has informed the HMA position statement updates and discussions over the potential for SoCGs and future joint working. Meetings have also discussed recommendations from the West Midlands Strategic Employment Sites Study and Regional Aggregates Assessment.</p>
	West Midlands Resource Technical Advisory Board (RTAB)	<p>11<sup>th</sup> May 2018</p> <p>10th September 2019</p> <p>5th March 2020</p> <p>8th December 2020</p> <p>10th June 2021</p>	<p>WMRTAB have been informed that the 4 Black Country Authorities are producing the Black Country Plan (BCP), which is anticipated for adoption during 2024, with draft plan consultation during Aug/Sept 2021. Also made aware of the substantial additional housing land required and will need to</p>

Meeting type	Public body / organisation	Meeting dates	Topics discussed
			<p>allocate sites including green belt land.</p> <p>WMRTAB have been kept updated on the evidence base produced by Wood, which has informed the Waste chapter policies of the Black Country Plan Draft Plan stage.</p> <p>WMRTAB chair and WPA members were invited to (and some attended) the two BCP formal DtC events (which included as to Waste issues) on 14 January 2020 and 9 June 2021.</p>
	<p>West Midlands Aggregates Working Party (WMAWP)</p>	<p>13th July 2018 9th July 2019 8th October 2019 23rd April 2020 16th April 2021</p>	<p>WMAWP informed and updated over time by the 4 Black Country Authorities as to the emerging Black Country Plan (BCP) – including as to housing and employment growth, the likely need to develop some green belt land, draft plan consultation in Aug/Sept 2021, and anticipated adoption in 2024.</p>

Meeting type	Public body / organisation	Meeting dates	Topics discussed
			<p>WMAWP has been kept updated on the evidence base produced by Wood consultants (including a detailed presentation by Wood at the 8 October 2019 meeting) – the Dec 2019/Jan 2020 Minerals Study</p> <p>informing the Minerals chapter policies in the BCP Draft Plan.</p> <p>WMAWP chair and MPA members were invited to (and some attended) the two BCP formal DtC events (which included as to Minerals issues) on 14 January 2020 and 9 June 2021.</p>
Regional Stakeholder Meeting	West Midlands Combined Authority Strategic Transport Officers Group (STOG)	Monthly 2017-2021	STOG has received updates on the BCP's progress at intervals over the last 4 years. The group has oversight of the West Midlands LTP and will ensure that there is alignment between the policies it contains and the transport elements of the BCP through the

Meeting type	Public body / organisation	Meeting dates	Topics discussed
			involvement of the WMCA transport Support Group.
Regional Stakeholder Meeting	West Midlands Combined Authority Transport Support Group (TSG) (formerly Connected to Growth Group)	Quarterly 2017-2020, Monthly 2020-21	Local Plan progress is a standing item on the agenda for this meeting. TSG has been kept up to date on the evidence being prepared as part of the Parking Study and Transport Modelling Study. TfWM officers are part of the groups overseeing the commissions for both pieces of evidence.
Other meetings with prescribed bodies / key stakeholders	Cannock Chase SAC Partnership - Joint Strategic Board and Officer Working Group	Various 2017-21	Implementation of the current MOU.  Update of the evidence base during 2018-21 (including visitor survey and projected housing completions arising from Draft BCP).  Potential revision of the Partnership MOU to reflect updated evidence base.
	Environment Agency	Various 2018-2021	Various meetings that have focused around the development of the Level 1 and 2 SFRA and Water Cycle Study work.

	WMCA	2018-21.	Various discussions to ensure alignment of the Black Country Plan with WMCA strategic priorities.
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Meeting type	Public body / organisation	Meeting dates	Topics discussed
	Natural England	Various 2019-2021	Discussed overall approach to policies and use of Natural Capital. The development of NRN was also discussed and agreed to include NE reps as work progresses to gain endorsement
	Staffordshire County Council School Organisation and South Staffordshire Council Planning Teams.	12/6/19, Various dates in 2021	Potential cross-boundary implications of future housing development within the Black Country and South  Staffordshire on school place provision and planning.
To discuss health needs in the Black Country & agree BCP policies on health, including developer contributions.	Dudley, Sandwell & West Birmingham, Walsall + Wolverhampton Clinical Commissioning Groups (now Black Country Integrated Care Board or ICB); Royal Wolverhampton Hospital Trust; Dudley, Sandwell, Walsall & Wolverhampton LPAs & Public Health Departments; NHS Improvement (some); West Midlands Fire Service (to 10/6/19); Transport for West Midlands (16/7/21), 20/9/19); Active Black Country (from 29/1/21).	2/10/23, 12/5/22, 20/4/22, 23/10/20, 24/6/20, 7/1/20, 20/9/19.	Progress on Black Country Plan, draft Health & Wellbeing Chapter, draft policies including health infrastructure policy on developer contributions (including methodology at some meetings), potential demand for health infrastructure from new housing allocations in BCP, evidence base/ SPD to support policies. Plus BCP accessibility standards for new healthcare facilities (24/6/20 only), draft Sustainability Assessment & Viability Assessment. Post end of BCP joint working, the meeting of 2/10/23 discussed continued liaison between BCAs and the Black Country ICB over policy, in particular on health infrastructure.



Meeting type	Public body / organisation	Meeting dates	Topics discussed
		16/7/19	More detailed discussion on NHS's SHAPE model, TRACC accessibility model used by TfWM/ BCAs & how they can be used collaboratively in planning health infrastructure
		10/6/2019	BCP progress; SHAPE planning tool used by NHS to inform their health infrastructure planning, including accessibility modelling (comparison with work discussed at previous meeting); funding mechanisms for health infrastructure including DtC
		14/5/19	How BCP housing targets relate to CCG/ NHS Estates Strategies & TfWM/ BCA assessment of accessibility to support location of services.
		9/4/2019	Background housing needs of BCP. Draft policies on hot food takeaways & other uses giving rise to health concerns, on infrastructure needs & funding

## Duty to Co-operate Engagement from November 2022

Meeting Type	Public Body/Organisation	Meeting Dates	Topic Discussed
DtC Discussion with individual LPAs	Telford & Wrekin	16/11/22 05/04/23 15/05/23	General Updates on Plan progress, evidence base to be commissioned /updated, agreement on strategic matters
DtC Discussion with individual LPAs	Telford & Wrekin	07/11/23	Meeting to be held with Telford & Wrekin and BCLAs
DtC Discussion with individual LPAs	South Staffordshire	October 2022 – Jan 2023 26/07/23 25/09/23	Engagement SoCG General Updates on Plan progress, evidence base to be commissioned
DtC Discussion with individual LPAs	Lichfield DC	08/11/23	Meeting to be held with Lichfield and BCLAs
DtC Discussion with individual LPAs	Shropshire Council	09/11/23	Meeting to be held with Shropshire and BCLAs
Black Country Planning Leads	Black Country LAs	Every 4-6 weeks	Progress on Plan preparation, cross boundary matters, DtC, joint evidence base work and apportionment of housing and employment contributions.
Regional Stakeholders	GBBCHMA Development Needs Group	Every 4-6 weeks	Updates on progress of LAs Local Plans, SoCG, HMA Position Statement, commissioning of evidence work for employment and housing matters, and Regional

			Aggregates Assessment. Engagement with WMCA and TfWM
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## Appendix Two - Letters from ABCA – July 2018, August 2020 and April 2022

### ABCA Duty to Co-operate Letter - July 2018



Our Ref: HP/CW  
Date: 12 July 2018

Dear Colleagues

**Black Country Core Strategy Review**  
**Duty to Co-operate: Strategic Housing Issues**

As you will be aware the Black Country Authorities have commenced a review of our joint Core Strategy. As a key part of this review we completed our Issues and Options consultation in September 2017. This included a call for sites. We are currently in the process of reviewing the responses to consultation and are progressing various other work in connection with the review. This includes a number of key pieces of evidence including the second stage of our EDNA, and finalising an Urban Capacity Report.

We are keen to continue to work with neighbouring Authorities, including yours, on strategic matters – you may recall our most recent Duty to Co Operate meeting in February 2018 when we took the opportunity to update neighbouring LAs and to ask how you would like to continue to work with us on key strategic planning matters.

The purpose of this letter is to raise the issue of housing need across the Black Country – and how these can be met. You may be aware that we have allocated a significant number of sites for both housing and employment development through current local plan documents. We intend to update this work as part of the current review where this may be necessary.

Our most recent housing evidence sets out our housing need (up to 2036) – and whilst we acknowledge this might change as a result of updated government policy (which is anticipated to slightly increase our current OAN) we know that we cannot accommodate all our identified needs within the urban area of the Black Country. This view is supported by our current work reviewing the urban capacity of the Black Country (see latest urban capacity report - May 2018 <http://blackcountrycorestrategy.dudley.gov.uk/t2/>) and the recently published Birmingham and Black Country HMA study. Even by increasing densities and looking to other sources of urban land supply, we still cannot accommodate all our housing and employment needs within the urban area.

Current estimates are that we may have a shortfall in the region of 22,000 dwellings and 300 ha of employment land. However our review is focussing on continuing a brownfield first approach, building on the success of the current strategy, and we will continue to make every endeavour to accommodate as much of our need as

possible in our urban areas before considering other locations in the Black Country or beyond.

At this stage we would be grateful if you were able to provide an update regarding your strategic plan making, specifically your local plan review status. In addition, considering the situation faced by the Black Country, as set out above, and building upon the recently published Strategic Growth Study for the Greater Birmingham and Black Country HMA, we are asking for your Authority to consider whether it would be able and willing to accommodate any identified housing and employment development needs arising from the Black Country? This request covers all types of housing need as identified in evidence.

Such a scenario may arise where your existing or emerging plan is seeking to deliver levels of housing or employment land in excess of local needs. We are also keen to understand, in the context of plan reviews, whether any particular sites are being promoted that, due to their location and accessibility, could reasonably be attributed to meeting some of the needs of the Black Country - with an initial focus on non-green belt locations in accordance with the existing and proposed national planning policy framework.

We ask that you consider this request and **respond in writing to [blackcountrycorestrategy@dudley.gov.uk](mailto:blackcountrycorestrategy@dudley.gov.uk) within 2 weeks of the date of this letter please.** We appreciate that this letter may raise difficult issues that need your consideration, however we would be grateful for an early response.

We look forward to working with you on strategic matters during the course of our review work.

Yours sincerely



Sarah Norman  
Chief Executive  
Dudley Metropolitan Borough Council



Helen Paterson  
Chief Executive  
Walsall Metropolitan Borough Council



Jan Britton  
Chief Executive  
Sandwell Metropolitan Borough Council



Mark Taylor  
Strategic Director  
Wolverhampton City Council

## ABCA Duty to Co-operate Letter – August 2020

**ABCA**

Association of Black Country Authorities  
Dudley, Sandwell, Walsall and Wolverhampton

Our Ref: HP/CW  
Date: 4 August 2020

Dear Colleagues

### **Black Country Plan Review**

#### **Duty to Co-operate: Strategic Housing and Employment land Issues**

As you will be aware, the Black Country Authorities are currently in the process of reviewing the Black Country Core Strategy, which is now called the Black Country Plan. As a key part of this review we completed our Issues and Options consultation in September 2017, which included a call for sites. In light of the impacts of Covid-19 we have now published a revised timetable for the Black Country Plan review (<https://blackcountryplan.dudley.gov.uk/t2/p1/>).

In line with the new timetable, we are now finalising evidence and preparing a Draft Plan for consultation in summer 2021. We aim to produce a Publication Plan in summer 2022 and adopt the Plan in early 2024. In order to ensure the adopted Plan covers a period of at least 15 years we will be extending the Plan period to 2039.

We are keen to continue to work with neighbouring authorities, including yours, on strategic matters. You may recall that we contacted you in July 2018 asking your authority to consider whether it would be able and willing to accommodate any identified housing or employment land needs arising from the Black Country. We were pleased to receive a number of positive responses to this request and note that a number of authorities have since progressed their Local Plan reviews in a consistently positive manner. We also held a Duty to Co-operate meeting in January 2020 when we took the opportunity to update neighbouring authorities on key strategic planning matters.

The purpose of this letter is to provide a further update on the strategic issues of housing and employment land needs arising in the Black Country over our Plan period, and how these can be met, and to ask your authority to respond to specific questions on these issues. These are the most pressing strategic issues which we need to address to enable us to fully develop our Draft Plan, in line with the new timetable.

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### **Strategic Housing Issues**

Our most recent housing evidence, summarised in the Black Country Urban Capacity Review (UCR) 2019 (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4c/>), sets out our estimated housing need up to 2038. Whilst we acknowledge that this figure may change following the anticipated Government review of the Standard Methodology and will need to be extended by a year to cover the new Plan period, we are certain that we will not be able to accommodate all of our identified housing needs within the urban area of the Black Country.

This view is supported by our urban housing supply estimates, which are detailed in the 2019 UCR. The UCR continues to focus on a brownfield first approach, building on the success of the current strategy, and making every endeavour to accommodate as much of our development needs as possible in our urban areas before considering other locations in the Black Country or beyond. However, even by increasing densities and looking to other sources of urban land supply, it is clear that we cannot accommodate all our housing needs within the urban area. Current estimates are that we have a shortfall in the region of 27,000 homes up to 2038. We are in the process of updating the UCR to reflect the most up-to-date information and hope to publish this update by the end of the year. However, it is very unlikely that this update will result in a significant increase in urban housing supply over the Plan period.

### **Strategic Employment Land Issues**

Turning to employment land, the Black Country economy has been performing well and is considered strong. Our future employment land requirement ranges between 592 ha (baseline growth) and 870 ha (aspirational growth based on West Midlands Combined Authority SEP). Our existing urban employment land supply (including recent completions) provides approximately 300 ha of land, leaving a shortfall of between 292 ha and 570 ha, depending on the growth scenarios applied. As is the case with our approach to housing land, we are considering all opportunities to bring forward additional employment land within the urban area including a review of opportunities within our existing employment areas through the Black Country Employment Area Review (BEAR). While this work will yield some additional capacity, it will not make a significant impact upon addressing our unmet need.

### **Potential contributions from Non-Green Belt Areas**

The Black Country clearly has development needs which cannot be met within the non-green belt areas of the Black Country. In this event, national policy (reference NPPF para 137) requires that, if there are non-green belt areas in neighbouring authorities which can be brought forward to meet Black Country development needs, these should be clearly identified first, before considering release of land from the green belt. To date, no existing adopted Local Plans are making such a contribution.

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**Therefore, we would request that your authority confirms if your existing or emerging Local Plan is seeking to deliver levels of housing and / or employment land in excess of local needs on non-green belt land and, if so, whether any particular sites are being promoted that, due to their location and accessibility, could reasonably be attributed to meeting part of the housing or employment land needs of the Black Country up to 2039.**

### **Green Belt Areas**

The Black Country authorities have undertaken a Green Belt and Landscape Sensitivity Assessment, which has shown that the Black Country Green Belt makes a principal contribution towards Green Belt purposes and its capacity to undertake large-scale development is limited.

Whilst we have still to finalise our site assessment, viability and delivery work, we envisage that market deliverability will limit the capacity of the Black Country Green Belt up to 2039. This assumption is based on the case of the Birmingham Plan, where the Peter Brett Associates (PBA) Delivery Study<sup>1</sup> concluded that market deliverability placed significant constraints on the amount of housing which could be delivered in the Birmingham Green Belt up to 2031. These constraints reduced the actual capacity of the urban extension identified in the Plan consultation from 10,000 to 5,000 homes, over the 15 year period of the Plan<sup>2</sup>. This assumption was based on a strong housing market recovery scenario in one of the strongest housing markets areas in the West Midlands.

As the majority of the Black Country Green Belt is located primarily in Walsall and, to a lesser extent, in Dudley, these are the two main housing market areas for potential delivery of housing in the Green Belt, with only small amounts of housing potential in Wolverhampton and Sandwell. Therefore, based on a scenario that there was sufficient unconstrained capacity identified in the Black Country Green Belt, a Delivery Study based on similar principles to that completed for Birmingham, may reasonably conclude that the housing market areas in Dudley and Walsall could only be expected to deliver up to a maximum of 5,000 homes in each of the two boroughs (providing a maximum total of 10,000 homes) over the 15-year Plan period. We hope to publish further delivery evidence to refine this figure by the end of the year. On the basis of this approach, the Black Country is facing a 'gap' of some 17,000 homes that cannot be accommodated within the Black Country.

Turning to employment, the call for sites stage identified few additional sites for consideration on land within the Black Country Green Belt. We are considering

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<sup>1</sup> [https://www.birmingham.gov.uk/downloads/file/1750/pg3\\_housing\\_delivery\\_on\\_green\\_belt\\_options\\_2013pdf](https://www.birmingham.gov.uk/downloads/file/1750/pg3_housing_delivery_on_green_belt_options_2013pdf)

<sup>2</sup>



these proposals but it is not anticipated that this will provide significant additional capacity.

Taking into account the likely housing and employment land capacity of the Black Country Green Belt, even if the maximum contributions from neighbouring authorities set out in the Duty to Cooperate table above are brought forward, there remains a significant level of unmet need in the order of at least 4,500 - 6,500 homes and up to 292 ha-570ha of employment land.

**Therefore, we would request that your authority confirms if your existing or emerging Local Plan is seeking to deliver levels of housing or employment land in excess of local development needs on land currently designated as green belt and, if so, whether any particular sites are being promoted that, due to their location and accessibility, could reasonably be attributed to meeting part of the housing or employment land needs of the Black Country up to 2039.**

### **Duty to Cooperate progress**

As set out above, we were pleased to receive a number of positive responses to our Duty to Cooperate letter of July 2018 and a number of authorities have since progressed their Local Plan reviews in a consistently positive manner. Potential contributions to housing and employment land from neighbouring authorities indicated through our engagement under the Duty to Cooperate to date are summarised in the table below:

Local Plan and timescale	Plan stage	Potential housing contribution	Potential employment land contribution (ha)
South Staffordshire	Issues and Options (November 2018) & Spatial Housing Strategy and Infrastructure Delivery consultation (October 2019)	Up to 4,000* (majority Green Belt release)	Contributions to be sought from District's employment land surplus, including West Midlands Interchange (majority Green Belt release)**
Lichfield	Preferred Options (November 2019)	Up to 4,500* (part may be outside the Green Belt)	0
Cannock	Issues and Options (May 2019)	Up to 500-2,500* (all Green Belt release)	0
Shropshire	Publication (Summer 2020)	1,500 (may be outside the Green Belt)	0
Total		Up to 10,500-12,500	TBD**



\* - potential contribution to needs arising across the Birmingham and Black Country Housing Market Area and not at this stage wholly apportioned to the Black Country.  
\*\* dependent on the outcome of ongoing work to determine the extent of surplus South Staffordshire Green Belt employment land release that can reasonably be attributed to the Black Country's employment land needs

This suggests that the combined housing and employment land capacity of non-green belt areas and green belt in neighbouring authorities is unlikely to be sufficient to address Black Country housing and employment land shortfalls up to 2039.

#### **Statement of Common Ground**

**Looking ahead to the Duty to Cooperate work needed to support the emerging Black Country Plan, we would like to invite your authority to take part in developing a single Statement of Common Ground (SoCG) covering strategic issues for the Black Country Plan up to 2039, with the initial focus on housing and employment land issues.**

We are keen to involve as many relevant authorities as possible in developing the strategic housing and employment land related parts of the SoCG, including Greater Birmingham and Black Country Housing Market Area authorities and other neighbouring authorities with an existing or potential housing market or functional economic relationship to the Black Country. The SoCG will evolve as the BCP review progresses, and it is intended to agree and publish an up-to-date SoCG for each key stage of the review process.

We hope that the SoCG will ultimately be supported by a separate agreement on strategic housing issues between relevant authorities, setting out how and where the combined Black Country and Birmingham housing shortfalls will be met over the Black Country Plan and Birmingham Plan review periods, which can be relied upon at our Examinations in Public and form the basis for partnership working in the years following the adoption of our Plans.

#### **Timetable for Responses**

**We ask that you consider the requests set out in this letter and respond in writing to: [blackcountryplan@dudley.gov.uk](mailto:blackcountryplan@dudley.gov.uk) within two months of the date of this letter. If you wish to discuss the contents of this letter before responding, by phone or at a meeting, please get in touch.** We appreciate that this letter may raise difficult issues that need thorough consideration from both officers and Councillors. However, given the time that has already passed since the Black Country initially identified a significant housing shortfall in 2018 and the wider work already undertaken across the Greater Birmingham Housing Market Area, we would be grateful if you could adhere to these timescales. **If you anticipate a delay in being able to provide a response, it would be helpful if you could let us know as soon as possible.**



We will be inviting your authority to attend a meeting in October 2020 to discuss the responses we have received to this letter and to agree a way forward, with the view to developing a Statement of Common Ground to accompany the Draft Black Country Plan by spring 2021.

Given the need to adhere to the current Black Country Plan timetable, if we do not receive a response from your authority on these issues by September 2020 we will assume that your authority is not considering making a contribution towards Black Country housing or employment land needs and does not wish to take part in developing our Statement of Common Ground, and this will be noted in our Duty to Cooperate records.

We look forward to working with you on strategic matters during the course of our review work.

Yours sincerely



Councillor Patrick Harley  
Leader  
Dudley Metropolitan Borough Council



Councillor Mike Bird  
Leader  
Walsall Metropolitan Borough Council



Councillor Maria Crompton  
Deputy Leader  
Sandwell Metropolitan Borough Council



Councillor Ian Brookfield  
Leader  
City of Wolverhampton Council



## ABCA Duty to Co-operate Letter – April 2022



Our Ref: HP/CW  
Date: 26 April 2022

Dear Colleagues,

**Black Country Plan Review**  
**Duty to Cooperate: Strategic Housing and Employment land issues**

The Black Country Authorities (BCAs) are progressing the Black Country Plan (BCP) which will replace the Black Country Core Strategy as the overarching strategic planning and regeneration strategy for the area.

You may recall that we contacted neighbouring authorities including yours, in July 2018 and again in August 2020, to request assistance in accommodating identified housing and / or employment land needs arising from the Black Country. We received a number of positive responses to this request and note that a number of authorities have since progressed their Local Plan reviews in a consistently positive manner. We have also held Duty to Cooperate meetings in January 2020, June 2021 and August 2021 – the latter alongside the commencement of the BCP Regulation 18 consultation.

We were also fully supportive of South Staffordshire Council's convening of a meeting of all local authorities in the Greater Birmingham, Solihull and Black Country Housing Market Area (the HMA) and other neighbouring authorities with a functional relationship with the HMA in December 2021. The BCA suggested a series of actions in advance of that meeting, building on our Duty to Cooperate engagement to date, and which are directly relevant to our strategy of working with you to ensure that the Black Country evidenced growth needs can be met in full.

The purpose of this letter is to update you on progress with the BCP and to outline next steps. We also set out our strategy for ongoing engagement through the Duty to Cooperate with a focus on strategic housing and employment land issues. This includes a set of proposals which we are seeking your response to by way of a series of specific requests.

### **Recent progress**

1. The Regulation 18 BCP consultation took place between August and October 2021. We received around 20,800 responses and all of the representations can be viewed online via the link - <https://blackcountryplan.dudley.gov.uk/bcp/> . The bulk of feedback centred around the potential use of green belt land for development and we are currently reviewing all of the responses to inform the preparation of the Regulation 19 BCP programmed for consultation in the Autumn of this year.
2. We received responses from a number of neighbouring authorities – Bromsgrove, Cannock Chase, Lichfield, Redditch, Solihull, South Staffordshire, Stafford, Staffordshire and Worcestershire. These representations raised a variety of issues at a strategic level, recognising the broad scale of the shortfall and the need for ongoing and better aligned engagement going forward, in order to ensure a consistent and fair approach be taken to address longer term needs once the final shortfalls are confirmed.
3. The next sections of this letter summarise the current scale of the housing and employment land shortfalls and how we intend to address them.

### **Strategic Housing Issues**

4. The Regulation 18 BCP identifies a housing shortfall of 28,234 homes over the period 2020-39 (16,346 by 2031 and 11,888 2031-39). This shortfall is based on the most up to date local housing need (including the 35% uplift for Wolverhampton), the most recent housing monitoring information and land supply on sites allocated in the draft BCP including land currently designated as green belt. The Regulation 18 BCP proposes that this shortfall is addressed via the Duty to Cooperate through 'exporting' to sustainable locations in neighbouring areas.
5. As part of the preparation of the Regulation 19 BCP, we are undertaking further evidence gathering in relation to urban land supply. This will involve an update of the existing Urban Capacity Study including a detailed assessment of the implications of the ongoing restructuring of some retail and commercial sectors which may 'free up' space in town and city centres. However, the scale of any additional capacity is likely to be limited and is not anticipated to make significant headway into the shortfall outlined above.
6. As set out above, through the Duty to Cooperate, we are pleased that some Local Plans have responded positively to our request initially raised in 2018 for assistance in addressing our future growth needs. Potential contributions through our Duty to Cooperate engagement to date are outlined in the table below.

**Table 1 – Duty to Cooperate contributions (in order of Local Plan progress)**

<b>Local Plan</b>	<b>Status</b>	<b>Potential contribution to meeting Black Country housing needs</b>	<b>Comments</b>
Solihull	Submission (May 2021)  Examination underway	2,000 (minority)	Contribution is to meet needs arising across the whole of the HMA and not limited to the Black Country, 2,000 HMA contribution noted by Local Plan Inspector February 2022. However, Solihull has a stronger functional relationship with Birmingham than with the Black Country.
Shropshire	Submission (September 2021)  Examination underway	1,500 (all)	Contribution towards the Black Country only, confirmed in Statement of Common Ground (August 2021)
Lichfield	Publication (July 2021)  Submission due April 2022	2,000 (all)	Contribution forms majority of 2,665 contribution to meet the needs of the HMA as a whole.
Cannock Chase	Preferred Options (March 2021)	Up to 500 (majority)	Contribution is to meet needs arising across the whole of the HMA and not limited to the Black Country. However, Cannock Chase has a stronger functional relationship with the Black Country than with Birmingham.
South Staffordshire	Preferred Options (November 2021)	Up to 4,000 (majority)	Contribution is to meet needs arising across the whole of the HMA and not limited to the Black Country. However, South Staffordshire has a stronger functional relationship with the Black Country than with Birmingham.
<b>Total</b>		<b>3,500-10,000</b>	

7. These Plans are providing for a minimum of 3,500 homes to specifically meet Black Country needs and up to some 10,000 homes to meet the needs of the HMA as a whole, a proportion of which will be available to the Black Country.
8. Of these HMA contributions, given the physical proximity and functional relationship between the Black Country and South Staffordshire, it is anticipated that the majority of the 4,000 contribution being tested through the South Staffordshire Local Plan could be available to meet Black Country needs. Conversely, given its relationship to Birmingham, we anticipate that the majority of the 2,000 home contribution from Solihull is unlikely to be available to meet needs arising in the Black Country. Under these scenarios, the contributions from the authorities listed in Table 1 could realistically provide up to some 8,000 homes towards meeting needs arising in the Black Country.
9. In addition, the highest growth scenarios set out in the earlier iterations of the Lichfield and Cannock Local Plans could also provide some 5,550 homes in excess of local needs (in comparison with the 3,165 currently offered). This additional capacity (3,000 homes in total over and above current contributions to the Black Country) has been highlighted by the BCAs and will be tested through the forthcoming Local Plan examinations.
10. Further contributions are being sought from Stafford (of up to 2,000 homes) and as yet undetermined contributions from Bromsgrove and Telford & Wrekin, both at the early stages of their Local Plan reviews. In the case of Telford and Wrekin, the higher growth option set out in the Issues and Options Report could provide some 3,700 homes over and above local needs, and the Black Country is well placed to provide a source of 'need' for this housing. The BCAs see this as being a minimum level of contribution given the historic role of Telford as a New Town to help address issues of overcrowding and living conditions in the West Midlands conurbation, and very high rates of housing completions over and above local needs in recent years. In total, this additional capacity from Stafford and Telford & Wrekin could provide some 5,700 homes towards meeting needs arising in the Black Country.
11. Taking into account this potential extra capacity of up to some 8,700 homes from Stafford, Telford & Wrekin, Lichfield and Cannock, added to current potential contributions (around 8,000 homes), could provide up to some 16,700 homes to meet needs arising in the Black Country.

12. Going forward, it is critical that those contributions currently expressed as meeting needs arising across the HMA as a whole are apportioned to individual Local Plans areas through Statements of Common Ground to provide the BCAs with certainty over the scale of contributions that is available to meet our shortfall. **However, even in the event of a contribution being secured at the higher end of the range of scenarios outlined above, a significant 'gap' of some 11,500 homes would remain for the Black Country up to 2039 (with a proportion of this gap arising before 2031). It is therefore critical that additional sources of land must be identified through the Duty to Cooperate if the Black Country is able to show how its identified growth needs can be accommodated.**

Request 1 - We request that any contributions that your authority is making to meet the needs of the HMA as a whole includes an apportionment to solely address needs arising in the Black Country.

Request 2 – We request that you provide confirmation that you have either explored all opportunities to accommodate unmet housing needs arising in the Black Country within your Local Plan work, or that you will actively test opportunities going forward.

### **Strategic Employment Land Issues**

13. As is the case with housing needs, the Black Country is unable to meet its identified employment land requirements in full. The Black Country Plan employment land shortfall to 2039 is 210ha as set out in the Regulation 18 Black Country Plan – this figure the difference between the need of 565ha and an anticipated supply of 355ha. This is consistent with the employment land requirement set out in Policy EMP1 of the draft Black Country Plan and section 4 of the 2021 Black Country EDNA. Para 2.22 of the 2021 EDNA recommends that the split of employment land provided for by the Plan comprise around 30% of B8 activity and 70% for E(g)(ii)(iii)/B2 use class. This means that the total B8 requirement is 170-176ha and for E(g)(ii)(iii)/B2 a requirement of 396-410ha. We are reviewing these requirements in the light of updated economic projections which include a more up to date understanding of the CV-19 recession recovery trajectory. This work may result in a refinement of the requirements but it is highly likely that our shortfall will remain.
14. In accommodating this shortfall, in the first instance we will look to those authorities within the areas of strong economic transactions with the Black Country (South Staffordshire and Birmingham) and areas of moderate economic transactions with the Black Country as identified in the 2017 EDNA (Cannock Chase, Lichfield, Tamworth, Solihull, Bromsgrove and Wyre Forest). In addition, the Shropshire Economic Development Needs Assessment (December 2020) highlights strong labour market linkages between Shropshire and the Black Country.



15. At this stage, we would not identify a specific functional geography for addressing the E(g)(ii)(iii)/B2 shortfall as distinct from the B8 element of the shortfall, but recognise the consented West Midlands Interchange site is reserved exclusively for B8 activity. With this in mind, we refer you to the West Midlands Interchange Apportionment Study produced by Stantec to support the Black Country Plan and published earlier this year (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/> ). This suggests that a minimum of some 67ha of land at West Midlands Interchange could be apportioned to meet needs arising in the Black Country, with the potential for a larger contribution if other areas within the market area are able to meet their B8 needs in full. This would suggest that the quantitative B8 shortfall could be largely satisfied by this site should the programmed South Staffordshire EDNA update confirm a surplus of employment land against local needs. **This could reduce the Black Country employment land shortfall to 138ha. Any additional surplus of employment land arising from the South Staffordshire EDNA update would reduce the shortfall further.**
16. In terms of other potential contributions, the Shropshire Regulation 19 Local Plan is making a contribution of 30ha of employment land towards needs arising in the Black Country, **reducing the shortfall to some 108ha**. We are engaging with other emerging Local Plans through the Duty to Cooperate including Bromsgrove, Lichfield, Cannock, Telford & Wrekin, Solihull and Stafford, but no contributions have been put forward by those authorities and the BCAs will continue to press this matter through Local Plan examinations, particularly those authorities within the areas of strong economic transactions with the Black Country as listed above. We will also be seeking the participation of authorities listed in paragraph 14, and any others able to contribute to BCA employment shortfalls, in a Statement of Common Ground (SoCG) addressing this issue to inform the Black Country's Regulation 19 plan and will use the responses to this letter to inform the draft SoCG. **As is the case with housing, additional sources of land supply must be identified if the Black Country is able to meet its growth needs in full.**

Request 3 - We request that you provide confirmation that you have either explored all opportunities to accommodate unmet employment land needs arising in the Black Country within your Local Plan work, or that you will actively test opportunities going forward, and that you will be willing to enter into a Statement of Common Ground with the Black Country under the scope set out in paragraph 16 of this letter.

17. We draw your attention to the West Midlands Strategic Employment Sites Study (WMSESS) (<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/> ) published in 2021. The Report was produced by Avison Young and Arcadis consultants and commissioned by three of the West Midlands Local Enterprise Partnerships (the Black Country, Greater Birmingham and Solihull and Coventry Warwickshire) and Staffordshire County Council. The Study updates the 2015 West Midlands Strategic Employment Sites Study which identified a demand for strategic employment sites in the West Midlands, but a lack of suitable sites.

18. The Study advises that based on evidence of past trends in relation to take-up, and assuming that no additional strategic employment sites are brought forward to replace those that remain, the supply of allocated and committed employment land would appear to represent a maximum of 7.41 years supply. As it was in 2015, this represents a limited supply of available, allocated and/or committed sites across the Study Area that meet the definition of 'strategic employment sites', and there is an urgent market demand for additional sites to be brought forward to provide a deliverable pipeline, noting the very substantial lead-in times for promoting and bringing forward such sites. The Study identifies five areas where strategic employment sites should be identified and this includes the Black Country and southern Staffordshire.
19. The Study makes a number of recommendations for further work. This is because the shortfall in the availability and future supply of strategic employment sites cannot be robustly quantified without an assessment of market dynamics and projected sector growth patterns through an econometric demand forecast, which would add materially to the findings of this Study and would inform the strategy for delivering a sufficient supply of strategic employment land. The Study has already been given weight in the Local Plan process – most recently through the examination of the North Warwickshire Local Plan and the resulting Policy LP6 – Additional Employment Land.
20. There is clearly a potential relationship between the need to address the Black Country employment land shortfall and the need to bring forward additional strategic employment sites as set out in the WMSESS. Through the HMA Group and liaison with those bodies who were party to the 2021 Study, a draft brief has been prepared to address the recommendations for the 2021 Study and strongly recommend that this work is progressed in partnership with the local planning authorities across the 2021 Study geography, and other areas which share a functional relationship with the Black Country, for example Shropshire.

Request 4 - We request that you indicate whether your authority is willing to participate in the further work to address the recommendations of the WMSESS.

#### **Next steps**

21. As set out above, there is a significant level of unmet need for housing and employment land to address evidenced Black Country growth requirements which cannot be met within the Black Country administrative area. There are three elements to our strategy to address the shortfall through the Duty to Cooperate and these are summarised below.

22. In the short term we will be continuing to engage with individual Local Plans to ensure 2018 Growth Study recommendations are maximised and to confirm current contributions to help address the Black Country shortfall, particularly in relation to those housing contributions which have been expressed at HMA level and not yet distinguishing a specific Black Country apportionment. For those Local Plans which are less progressed, we will engage in a positive and robust manner to ensure that the unmet needs of the Black Country are fully recognised and all opportunities to assist in meeting our needs are comprehensively explored. This will include opportunities identified in the 2018 Growth Study.
23. **But these current workstreams may not address our needs in full, and we strongly recommend to you that there is a compelling need to address this matter in a comprehensive and inclusive manner across a wide but functional geography.** We are also mindful of the forthcoming Birmingham Local Plan review and the potential for this to further increase the shortfall arising from the West Midlands conurbation. We outlined our suggestions on a potential programme of work as part of the 15<sup>th</sup> December South Staffordshire Duty to Cooperate meeting. This was shared with you in advance and we attach it to this letter. The key elements of this work programme are:
- To review the extent of the HMA in order to understand if this is the most appropriate geography by which housing needs and mechanisms to accommodate any shortfalls can be considered;
  - To confirm the scale of the housing shortfall across the whole of the HMA over a period of at least 15 years to inform the approach taken by current and emerging Local Plan reviews.
  - A review of whether the growth locations identified in the 2018 Growth Study work remain appropriate and whether new growth areas should be identified for testing through Local Plan preparation. This work may well result in the need for a new Growth Study but we would not want to pre-judge the work before confirming that is the case.
24. This work programme is currently subject to ongoing discussions largely through the HMA officer group, and we recognise that the existing governance arrangements are in need of review to ensure that we have in place mechanisms to manage and oversee the implementation of this work. The nature of these governance arrangements and the parties involved should be informed by the evidence but at this stage, a Statement of Common Ground across the HMA geography and including other authorities which have a functional relationship with it which sets out the nature of how we work together going forward is essential. We strongly encourage your authority to fully engage in this work.

Request 5 - We request that you indicate whether your authority is willing to participate in the further work outlined in the bullet points above, and that your authority would be willing to confirm this commitment through a Statement of Common Ground and review of governance arrangements to deliver these actions.

25. Turning to employment land, as with housing we will pursue a Statement of Common Ground with functionally related authorities to both secure current contributions and engage with less progressed Local Plans through the Duty to Cooperate to establish potential for further contributions. We have set out the compelling need for a follow-up study to address the recommendations of the 2021 West Midlands Strategic Employment Sites Study and have asked if your authority would be willing to participate in this work and assist with its resourcing.
26. Common to both the housing and employment land shortfalls is the final element of our strategy – for Local Plans to include an early review mechanism. This is important given the potential for there could continue to be a shortfall following the current round of Local Plan preparation. This shortfall should trigger the detailed evaluation of opportunities identified from the recommendations of the proposed work outlined above in relation to both housing and employment land through updated Local Plans. This approach has been used in a number of West Midlands Local Plans - most recently Wyre Forest, Stratford on Avon and North Warwickshire. We consider that a failure to include an early review mechanism is a serious omission and must be addressed in order for the Plan to be sound.

Request 6 - We request that you indicate whether your authority is willing to consider the inclusion of a commitment to an early review mechanism in your emerging Local Plan to enable the consideration of additional growth opportunities outlined in the work listed above in a timely manner should this be necessary.

#### **Timetable for responses**

27. Moving forward, the BCAs are progressing the preparation of the Regulation 19 Plan having regard to the issues raised in the Regulation 18 consultation responses and evidence currently under preparation. This includes the Transport Study, updated urban capacity study and employment land update. The Transport Study in particular will provide us with a better understanding of the constraints and opportunities associated with the levels of and location of growth set out in the Regulation 18 Plan with potential implications for the development capacity of some sites.

28. To enable us to meet this timetable, and clear understanding of opportunities through the Duty to Cooperate is critical. **We therefore ask that you consider the requests set out in this letter and respond in writing to: [blackcountryplan@dudley.gov.uk](mailto:blackcountryplan@dudley.gov.uk) within six weeks of the date of this letter.** If you wish to discuss the contents of this letter before responding, please get in touch. We appreciate that this letter may raise difficult issues that need thorough consideration from both officers and Councillors. However, given the time that has already passed since the Black Country initially identified a shortfall in 2018 and the wider work already being undertaken across the HMA, we would be grateful if you could adhere to these timescales. If you anticipate a delay is being able to provide a response, it would be helpful if you could let us know as soon as possible.