

Statement of Common Ground
between Dudley Metropolitan
Borough Council and South
Staffordshire District Council

South Staffordshire Local Plan 2023-
2041

Position at September 2024

Statement of Common Ground (SoCG) between South Staffordshire District Council (SSDC) & Dudley Metropolitan Borough Council (DMBC).

Introduction

1. This Statement of Common Ground (SoCG) has been prepared by South Staffordshire District Council (SSDC) and Dudley Metropolitan Borough Council (DMBC), hereafter referred to as “the parties” to inform the submission of the South Staffordshire Local Plan 2023-2041.
2. This SoCG has been prepared in accordance with national guidance and is intended to cover matters of strategic importance relevant to the parties. It documents those matters agreed by the parties regarding the South Staffordshire Local Plan 2023-2041 and any areas which remain subject to further discussion and therefore will be updated accordingly. This Statement of Common Ground covers the following matters:
 - Housing (including housing needs across the GBBCHMA);
 - Employment land;
 - Transport and infrastructure matters;
 - Gypsy and traveller accommodation; and
 - Natural environment

Geography covered by Statement of Common Ground

3. This SoCG covers the Local Planning Authority areas of South Staffordshire District and Dudley Metropolitan Borough Council.
4. Both authorities are also within the Greater Birmingham & Black Country Housing Market Area (GBBCHMA)¹ and are either within, or are closely functionally related to, the South Staffordshire FEMA² and Black Country FEMA³. There are wider strategic housing and employment shortfalls arising over these geographies that are subject to separate statements of common ground over these wider geographical areas dealing with these issues.

Key Strategic Matters

5. The local authorities have had on-going dialogue on cross-boundary planning issues over the course of many years, discussing a broad range of planning issues including strategic matters. They key strategic matters included within this Statement of Common Ground are; housing provision; employment land; transport and wider infrastructure matters; gypsy and

¹ The GBBCHMA is made up of 14 authorities including Birmingham City Council, Bromsgrove District Council, Cannock Chase District Council, Dudley Metropolitan Borough Council, Lichfield District Council, North Warwickshire Borough Council, Redditch Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, South Staffordshire District Council, Stratford upon Avon District Council, Tamworth Borough Council, Walsall Metropolitan Borough Council and Wolverhampton City Council

² South Staffordshire EDNA 2020-2040 defines the South Staffordshire FEMA as Wolverhampton City Council, Walsall Metropolitan Borough Council, Dudley Metropolitan Borough Council, Cannock Chase District Council, Stafford Borough Council

³ Black Country EDNA 2017 and 2021 update

traveller accommodation; and matters relating to the natural and historic environment including designated sites. These discussions have informed the development of adopted plans and other related documents.

6. The following issues are considered to be the key strategic matters with regards to on-going plan making, although there are other issues which may have cross boundary impacts. Both authorities are committed to further dialogue moving forward, not just limited to the periods of plan preparation.

Housing

7. SSDC and DMBC have been active members of the GBBCHMA Technical Officers Group since it was established in 2017 and both authorities have contributed to discussions relating to the delivery of unmet housing need within the HMA. Both authorities also previously participated in the GBBCHMA Strategic Growth Study (2018), which examined need and supply across the entire HMA up to 2031 and 2036, before proposing potential growth options for authorities to consider through their own plan-making process in order to seek to address any resulting unmet needs. The Black Country authorities⁴ similarly declared an unmet need from their urban area as early as their Issues and Options consultation in 2017, later indicating through the Draft Black Country Plan consultation in 2021 that this shortfall stood at around 28,000 dwellings, despite Green Belt release being explored. Whilst SSDC has raised points through the Draft Black Country Plan consultation which it considers may reduce this shortfall, it is common ground that there is likely to be a very significant shortfall arising from the Black Country and that this requires discussion under the Duty to Cooperate. Following the cessation of work on the Black Country Plan in autumn 2022, DMBC are now preparing a Local Plan for the Dudley area and held a Regulation 18 consultation in late 2023.
8. DMBC and SSDC have constructively engaged on an ongoing basis to address the housing shortfalls of the HMA, including the shortfalls of the Black Country authorities⁵. This led to SSDC proposing a 4,000 dwelling contribution to the unmet needs of the HMA, using the scale of locations set out in the GBBCHMA Strategic Growth Study. This was reflected in SSDC's November 2022 (Regulation 19) Publication Plan which proposed housing growth that included 4000 homes contribution towards the GBBCHMA shortfall but required significant Green Belt release in order to do so.
9. However, following a consultation on proposed changes to the NPPF published in December 2022, progress on the previous iteration of the plan was paused. This reflected an amendment to national Green Belt policy which subsequently came into force through the December 2023 NPPF. This confirmed that "Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated", and that "Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process". SSDC is also aware that the delay caused by the pause to the South Staffordshire Local Plan means that the Strategic Growth Study (2018) is no longer considered up to date in planning terms and therefore a

⁴ City of Wolverhampton Council, Walsall Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Dudley Metropolitan Borough Council

sound evidential basis for the previously proposed 4000 home contribution. SSDC no longer considers that all of the previous proposed Green Belt sites are justified by exceptional circumstances and given this and SSDCs previous proposed plan period (to 2039) being inconsistent with national policy, SSDC no longer consider the 2022 (Regulation 19) version of the plan to be sound and suitable to progress to submission.

10. Given this change of circumstances, SSDC has revisited its strategic approach and tested further spatial strategy options considering the ways in which housing growth could be distributed across the district. SSDC is now proposing an alternative strategy that brings forward suitable safeguarded land and open countryside sites but limits Green Belt release to its Tier 1 settlements. These are the most sustainable settlements in the District with access to rail links, and limited Green Belt release at these settlements aligns with NPPF para 146(b) to give first consideration to land which is previously developed and/or is well served by public transport. Under SSDCs revised capacity led strategy based on the most suitable and sustainable sites, SSDC will allocate sufficient sites to meet its own needs, plus a small surplus (currently 640 dwellings when accounting for our own housing needs based upon the 2023 Standard Method calculation) that could be attributed to unmet needs of the GBBCHMA.

11. DMBC and SSDC both recognise the importance of developing a common evidence base across the HMA as far as is feasible and practical in order to ensure that contributions to unmet needs are properly evidenced. SSDC is party to the 2022 GBBCHMA Development Needs Group Statement of Common Ground, which seeks to provide a programme of work and governance structure to address the housing shortfalls arising from the HMA as a whole. However, the parties acknowledge that changes to national policy that gives local authorities greater control over when to release Green Belt will likely impact the scope of further HMA-wide evidence to consider housing shortfalls and its potential solutions. Given the scale and complexity of the housing shortfalls arising in the HMA, the Development Needs Group Statement of Common Ground is considered to be the appropriate vehicle by which to consider the issue holistically.

Employment

12. SSDC and DMBC both sit within the South Staffordshire Functional Economic Market Area (FEMA). DMBC is also within the Black Country FEMA and SSDC is identified as being outside of the Black Country FEMA but still having strong economic links to it despite this. There is therefore clearly a strong functional link between DMBC and SSDC on employment matters.

13. The South Staffordshire Local Plan 2023-2041 proposes to deliver sufficient employment land on local and strategic employment sites to both meet its own needs and provide a surplus that could contribute towards cross-boundary shortfalls.

14. South Staffordshire's Economic Development Needs Assessment (EDNA) was prepared in 2022 and then updated in 2024. The update comprised details of the pipeline of employment land at 1 April 2023 and rolled forward evidence of labour demand covering the period 2023-2041. As part of its updated evidence base SSDC has identified gross residual needs of 62.4ha for the period 2023-2041 which includes an increased margin for churn and frictional vacancy that reflects the requirement to make sufficient provision for its

own needs upon a combination of strategic and non-strategic sources of supply commitments and allocations. The resulting contribution towards unmet need is an output of these updates to the evidence base.

15. The EDNA update (2024) suggests that strategic sites (excluding WMI) within SSDC's area can contribute a surplus of 27.6ha to the unmet needs of other local authorities. In addition to sites in the current pipeline, SSDC is proposing to allocate an additional strategic site at M6 Junction 13 that will add an additional 17.6ha to the pipeline of sites. This recognises that allocating additional land will increase the pipeline of sites to more closely reflect recent take up (which has had a sub-regional component 'built in' due to recent large-scale completions, predominantly at i54). It also recognises that the site provides the only significant opportunity to deliver a non-Green Belt site in the district, at a location identified as a potential broad location for strategic employment land in the West Midlands Strategic Employment Sites (2021). The result of this addition to the pipeline is that the surplus of employment land that is available to unmet needs of other authorities increases to 45.2ha.
16. Additionally, the SSDC Local Plan will allocate the consented large-scale strategic rail freight interchange called West Midlands Interchange (WMI) within SSDC's area. The South Staffordshire EDNA (2022) indicates that only 18.8ha of WMI is attributable to South Staffordshire's needs, indicating that the rest may be able to contribute to unmet needs in the wider WMI travel to work area. Supporting work commissioned to examine the apportionment of WMI⁶ suggests it can provide additional surplus B8 employment land to a wider travel to work area including the Black Country authorities, equating to 67ha of B8 land to the four Black Country authorities making up the Black Country FEMA. The remaining land supply from WMI aside from the South Staffordshire, Black Country and Cannock apportionment has not to date been formally stated as necessary to meet needs by other local authorities in the WMI travel to work area. This may increase the apportionment of land from WMI which could potentially be apportioned towards the unmet needs of the Black Country FEMA.
17. DMBC have prepared an Economic Development Needs Assessment (EDNA) 2020-2041 with the other Black Country authorities examining employment land requirements across the Black Country FEMA. This identifies a shortfall of 153ha of employment land across the Black Country FEMA, (taking into account 78ha of supply from windfall sites across the Black Country Authorities). The current EDNA identifies that DMBC has a shortfall of 73ha (note: this individual DMBC shortfall does not take into account the 78ha of employment land supply from windfall sites which is applied across the whole of the Black Country Authorities).⁷ The Black Country EDNA recommends that in meeting this shortfall the Black Country authorities should engage with neighbouring Local Plan areas with a strong or moderate economic relationship to the Black Country FEMA through the duty to cooperate process. DMBC (and the three other, Black Country authorities) have therefore been in duty to cooperate discussions with SSDC and other local authorities to identify whether SSDC could contribute towards its employment land shortfall. However, in October 2022, the Black Country Councils confirmed that work on the Black Country Plan had ceased, and that

⁶ West Midlands Strategic Rail Freight Interchange: Employment Issues Response Paper – Whose need will the SRFI serve? (Stantec, Feb 2021)

⁷ The figures are subject to change through the plan making process and further information becoming available.

the four councils would be preparing individual local plans. These plans are informed by an update of the Black Country EDNA (October 2023), which confirmed the employment land scenario and associated shortfall arising in each of the local authority areas and the associated sum across the FEMA as a whole

18. The minimum proportion of employment land oversupply that can be attributed towards the Black Country (including DMBC) and the role of other authorities within the South Staffordshire FEMA in contributing to unmet needs is to be addressed through a separately drafted statement of common ground covering the entire South Staffordshire FEMA geography. SSDC and DMBC consider that this FEMA-wide statement of common ground is the appropriate mechanism by which to address these strategic employment needs, whilst acknowledging that the Black Country FEMA authorities (including DMBC) will also need to hold duty to cooperate discussions with other local authorities holding strong or moderate functional economic relationships with that area in addressing employment shortfalls. This separate statement of common ground is also considered a more appropriate mechanism by which to address SSDC and DMBC's stances on needs relating to the evidence base on West Midlands Strategic Employment Sites.

Cross boundary transport impacts

19. SSDC and DMBC are committed to continue working together in partnership, alongside Staffordshire County Council, with the aim of ensuring the necessary transport and highways improvements are implemented to support sustainable growth across both authorities. SSDC's are proposing four strategic housing site allocations, however none are within close proximity to the Dudley administrative area. No other cross-boundary transport issues have been identified at this stage. However, SSDC and DMBC will continue to work together to ensure that any cross-boundary transport matters arising are addressed.

Infrastructure

20. SSDC and DMBC will work together where required, with the aim of ensuring the necessary infrastructure improvements are delivered to support sustainable growth across both administrative areas
21. Necessary infrastructure (including school places) will be delivered within South Staffordshire. Therefore, no cross-boundary infrastructure issues have been identified at this stage. SSDC, Staffordshire CC and DMBC will continue to work together to ensure that any cross-boundary matters arising are addressed.

Gypsy & Traveller Provision

22. SSDC has identified a 162 pitch need for Gypsy and Traveller households in South Staffordshire over the local plan period, including 92 pitches within the first 5 year period⁸. SSDC considers that latest evidence from Council's Gypsy and Traveller evidence base indicates that all suitable sites (including Green Belt options) which have capacity to reduce this shortfall have been maximised. It also indicates that all public land options in the District (including Green Belt options) have been explored for their potential to provide **new** public site options which could address specific families' needs and thereby reduce the shortfall.

⁸ South Staffordshire Council Gypsy and Traveller Accommodation Assessment - Final Report August 2021

Despite these efforts, SSDC can only deliver 37 pitches within the plan period on sites which would address its unmet pitch needs. This leaves a very significant shortfall, even against the District's 5 year pitch need, which is a strategic cross-boundary issue to be discussed with adjacent authorities and other authorities within the same housing market area.

23. SSDC has written to all adjacent and housing market area authorities on multiple occasions during the plan preparation regarding the potential shortfall in Gypsy and Traveller pitch needs within the District. Following on from the publication of SSDC's Gypsy and Traveller Accommodation Assessment (GTAA) in late 2021, SSDC wrote to all HMA and neighbouring authorities in January 2022 setting out the extent of the pitch shortfall, despite the Council's efforts to maximise all suitable and deliverable sites (including within the Green Belt) which would address the unmet need. This letter then requested authorities examine their ability to contribute to its unmet pitch needs, specifically in the form of extra supply on publicly run sites where pitches could be ensured for the families in need within SSDC. It then wrote again to these same authorities in August 2022, providing an update on extra efforts that SSDC had made to identify new public sites within the District upon Staffordshire County Council land. Despite these efforts, the letter communicated that a significant shortfall still remained and that SSDC required assistance in addressing its unmet pitch needs through new or expanded publicly run sites. In August 2023 work began on an update to SSDC's GTAA to assess need over the updated plan period to 2041, and neighbouring authorities were advised of this in a further letter in October 2023.
24. A March 2022 response from the Black Country local authorities indicated that no additional sites had been put forward to meet local need for new pitches through the draft Black Country Plan consultation, previous call for sites or site identification work. Therefore, the Black Country authorities considered it unlikely that they would be able to meet pitch needs arising in neighbouring authorities, including South Staffordshire, through the Black Country Plan review. However, no details were given about efforts made to examine the potential for expanded or new public site provision, nor was a follow-up response received to SSDC's subsequent August 2022 letter.
25. Subsequently, correspondence dated 11th and 18th December 2023, has confirmed that DMBC's one existing public/Council owned Traveller site is fully occupied with a waiting list. DMBC indicated that no site submissions had been received for Gypsy and Traveller sites and despite undertaking a recent assessment of a number of Council owned sites (including public land), only one site was identified that would suitably accommodate a permanent transit site. This site has since secured planning permission. DMBC has confirmed that as part of the work on the Reg 18 Draft Dudley Local Plan, it is likely that the Council will have a shortfall in meeting its own Gypsy and Traveller sites. If it is not possible to meet this shortfall, the remaining need will be met within the "broad location" of the Dudley urban area through the planning application process. DMBC also indicated that work was ongoing internally to consider the potential to improve capacity for existing sites(s).

Matters of Disagreement on Gypsy & Traveller Provision

26. SSDC is largely content with the approach DMBC has taken to maximise supply in the Dudley area. However, SSDC continues to request DMBC explore any publicly owned land in the Green Belt which would be a suitable location for a public site as requested in its letter dated December 2023. DMBC has confirmed that the Dudley Local Plan is an urban led

strategy and that a review of the Green Belt does not form part of the Plan's overall spatial strategy.

Natural Environment

27. SSDC and DMBC are committed to continue working together in respect of matters relating to the natural environment where these are applicable to the authorities.
28. No cross-boundary issues have been identified at this stage.

Signatures

We confirm that the information in this Statement of Common Ground reflects the joint working to address identified strategic matters that has been undertaken between South Staffordshire District Council and Dudley Metropolitan Borough Council. The authorities will continue to work together to address cross-boundary issues on an ongoing basis.

South Staffordshire District Council

Name: Kelly Harris

Position: Lead Planning Manager

Signature:



Date: 04/11/2024

Dudley Metropolitan Borough Council

Name: Cllr Patrick Harley

Position: Leader of Dudley Council

Signature:



Date: 25 October 2024