



The countryside charity  
West Midlands

# Black Country Plan

## Update on Urban Capacity

### Report to CPRE West Midlands Region by *Gerald Kells*

#### June 2021

#### 1. Introduction

In March 2020 I reviewed the updated evidence for the Black Country Plan Review, published by the Association of Black Country Authorities (ABCA)<sup>1</sup> for West Midlands CPRE. In particular considered the Urban Capacity Study and Green Belt Review.

As well as the updated Strategic Housing Land Availability Assessments for the four boroughs (dated December 2019).

ABCA have now updated their Urban Capacity Study and new SHLAAs have been produced for 2020. This updates the situation with regards to housing need and supply.

According to their website a (Reg 18) consultation on a Draft Plan is timetabled for August - September 2021 and a (Reg 19) consultation in August - September 2022.

This paper reviews the updated housing assumptions, although it should be noted the position in relation to Green Belt evidence has not changed and so is reproduced from my earlier report. Moreover, the BEAR (Black Country Employment Area Review) will not be published until the consultation in August, which means that it is still hard to assess the assumptions in regards to the reduction in surplus employment land since the Issues and Options stage of the Plan.

I have also not considered the progress of all the adjoining local plans since my last report. The next stage of the consultation on the South Staffordshire Plan is expected in Autumn 2021 and because of the strong ties with the Black County it will be important that there is co-ordination in relation to any potential overspill. The controversial M54 Junction3 proposals north of Cosford have been removed from the Consultation Draft (Reg 19) Shropshire Plan.

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<sup>1</sup> <https://blackcountryplan.dudley.gov.uk/t2/p4/>  
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## 2. Background

The four Black Country Boroughs, Dudley, Sandwell, Walsall and Wolverhampton are reviewing their Joint Core Strategy under the auspices of the Association of Black Country Authorities (ABCA).

In 2017 they produced an Issues and Options Report which I considered in a report for West Midlands CPRE in August 2017 which formed part of CPRE's submission.

At the time the Black Country Authorities claimed they needed roughly 78,000 homes and had a shortfall of 22,000 to 2036. This pre-dated the Government's Standard Methodology for establishing housing need. As I pointed out at the time it was not a figure which matched the economic analysis from Oxford Economics which assumed that the population would lose 6,000 households to job opportunities elsewhere.

There were elements of the supply side I found unsatisfactory. In particular, although there was an allowance for small windfalls, there was none for larger windfalls, even though changes in the economy and retail suggest these may well come forward in the plan period.

Moreover, while it was suggested the 22,000 short-fall could be reduced by the use of redundant employment land the figure of 10,400 homes which was given was not based on consistent data across the four boroughs.<sup>2</sup>

## 3. Black Country Call for Sites and the Green Belt

A call for sites was then sent out in July 2017 and closed in June 2019.<sup>3</sup> Details of the responses for sites within the Black Country Boundary were set out in a note from ABCA and an interactive map was produced which shows all the sites, including a significant number in South Staffordshire and Cannock Districts, some of which I understand are going through the relevant local plan process in those districts and some of which are not.

The on-line map does not include sites in other authorities, for example, those identified in the M54 in Shropshire such as the Bradford Estate site north of Cosford at Jn3 of the M54. That proposal includes 3,000 homes identified as being to meet needs in the Black Country and 50hectares of industrial land identified as meeting Shropshire's industrial land need.

To roughly gauge the extent of developer interest in the Green Belt I summed up the total area of sites based on the submitted data to the call for sites and got a figure of 2,399 hectares. A further 613 hectares is identified in South Staffs and Cannock. Leaving aside land identified for industrial use, the Black Country sites (or those crossing boundaries) added up

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<sup>2</sup> Para 3.16 of the Issues and Options Report

<sup>3</sup> <https://blackcountryplan.dudley.gov.uk/t5/>

to 45,364<sup>4</sup> homes while the sites in Cannock and South Staffordshire were 10,881 homes. In total nearly 3,000 hectares of Green Belt is identified or capacity for 56,000 homes.

Even discounting a significant number of sites, it can be seen that the level of development interest far exceeds the needs of the Black Country on any count.

This is, of course, a purely arithmetical exercise. It can be assumed that significant amounts of these sites will, and should, be discounted. Controversial sites, such as Seven Cornfields (site 180), straddling the boundaries of Wolverhampton, Dudley and South Staffordshire, for example, face significant opposition and are considered 'high risk' in the LUC Green Belt Study, which I consider later.

There are also sites in the largest area of Green Belt (round Walsall) which have a long-standing planning history and have significant amenity and nature conservation value or would lead to settlements coalescing. Significant areas there are also classified as 'high risk'.

It would clearly be preferable to accommodate the Black Country's growth within the conurbation itself rather than in the Green Belt at all. Work being currently undertaken by the West Midlands Combined Authority's Housing Delivery Group supports that approach.

Two of their six priority corridors are inside the Black Country (Walsall-Wolverhampton and Sandwell to Dudley) and four of their five priority town centres (Bilston, Dudley, Walsall and West Bromwich).<sup>5</sup>

#### 4. Housing Need

It is against that background that the Black Country Councils have now twice reviewed their calculations in advance of publishing their plan. The most up to date data on housing supply and urban capacity<sup>6</sup> was published in May 2021 from ABCA.

As stated above the level of need for 2016-2036 at the Issue and Options stage was set at 78,105 homes, including 2,689 homes for previous under-delivery. I have undertaken the standard methodology calculation of housing need for 2020-2039 (based on the 2014-based ONS household projections (2020-2030) and 2020 market housing affordability ratio) and added the 35% 'uplift' (MHCLG Dec 2020 policy statement) to Wolverhampton's total, which would result in a total requirement of 75,639.

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<sup>4</sup> This is my calculation based on the housing numbers given for each site, and if not given, an assumption of 30 dwellings per hectare.

<sup>5</sup> For Committee Papers see <https://governance.wmca.org.uk/mgCommitteeDetails.aspx?ID=150>

<sup>6</sup> <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4c/>

Black Country Housing Need 2020-2039 (including affordability uplift) <sup>7</sup>	Annual rate	With 35% extra for Wolverhampton	Plan Period (19 Years)	Plan Period (19 Years +35% for Wolverhampton)	Green Belt land Requirement based on supply figure of 37,481 <sup>8</sup> given in Urban Capacity Study.
SM ONS 2018	3324	3599	63156	68381	<b>30900</b>
SM ONS 2016	2947	3161	55993	60059	<b>22578</b>
SM ONS 2014	3711	3981 (4004 UCS)	70509	75639	<b>38158</b>

The figure in the Urban Capacity Study (the SM 2014-based ONS projection) is slightly higher at 4004 per annum, (76,076 over the 19-year period). I believe this is because it relies on a base of 2019-2029.

It is the Government which has perversely required Local Authorities to continue to use the outdated 2014 assumptions in local plan preparation; not because of specific evidence to support that, but to meet their national policy-driven housing targets.

This is partly on the assumption that post-recession, housing formation will increase if new housing completions increase, even though fiscal and economic constraint may stop that being the case.

Furthermore, in its statement of 16 December 2020, the MHCLG required a 35% uplift for the largest 20 cities, including Wolverhampton. The purpose of this is purely to reach the target of 300,000 dwellings per annum nationally. This increases the overall Black Country figure to 75,639 and creates a shortfall of 38,158 based on the Urban Capacity figure given in the latest Urban Capacity Study. It should be noted that not all local authorities are simply adding on the 35% and seeking to identify land to meet that need, because of the potential impact on Greenfield sites which would run contrary to the purport of the statement.<sup>9</sup>

However, if one uses either of the more up to date household projections, 2016 ONS and 2018 ONS, the need is considerably lower.

<sup>7</sup> See Calculation Tables in Appendix A

<sup>8</sup> This is the supply figure given in the 2021 Urban Capacity Study but is not necessarily correct (see below).

<sup>9</sup>See Bradford District Local Plan, City of Bradford Metropolitan District Council - Draft Bradford District Local Plan 2020-38. para 3.5.27:

*It is also clear that Government through its focus upon a housing uplift of 35% for the largest urban areas and cities is showing greater intent for the development in these types of locations rather than necessarily greenfield / Green Belt locations. At this point therefore the Council is not proposing to identify a further set of safeguarded land sites, however this decision will be in due course reviewed in light of the outcome of the call for sites exercise and further work undertaken on the extent of growth options around strategic growth locations including urban areas and land to the east of Holme Wood through potential investment options in the form of the South East Bradford Access Road (SEBAR).*

The difference of 15,580 with 2016ONS is highly significant and represents the differences in assumptions on things such as mortality and migration, but also significantly an assumption that household size will not decline as rapidly as previously expected.

In the most recent ONS household projections for the UK (2018) the population reaches 72.4 million by mid-2043, an even slower growth rate than in the 2016-based projections, that is to say a reduction of 0.9 million in mid-2043. However, those projections also substantially alter the distribution of houses. A key reason for this is changes in the underlying NHS registration data which means the 2018 figures rely on only two-year trends. As a result, the Black Country shortfall with similar assumptions rises to 30,900, which is still 7,258 less than the ONS2014 figures, which remains significant in the context of potential Green Belt release.

The above needs to be seen in the light of the Oxford Economic Analysis which supported lower housing need in the Black Country. In other words, using the 2014-based housing projections are artificially increasing housing requirement figures, and causing proposals for the unnecessary release of Green Belt; most of the arithmetic shortfall disappears if the most recent projections are used.

Far from failing to meet genuine housing need, reducing the overall numbers could help ensure it was met where it occurred, i.e., within the Black Country and Birmingham conurbation.

It should also be noted that, while the National Planning Policy Guidance discourages the use of a methodology which results in a lower housing requirement, there are appeal decisions (e.g., Appeal Ref: APP/Y2620/W/20/3248468 Land off Beresford Road, Holt) where a Council has successfully argued that the 2014-based ONS household projection figures are not appropriate to use.

Moreover, the use of outdated figures was criticised recently by the Office for Statistics Regulation who said: *'We recognise that ultimately ONS cannot control the decisions of policy makers but ONS should be vocal in speaking up against those who choose not to use the most up to date and comprehensive figures, where there is not a reasonable argument for them to do so.'*<sup>10</sup>

Given the potential impacts of over-estimating the housing requirement for the Black Country on sustainable land-use patterns and on the Green Belt it would seem appropriate for ABCA to explore options to adopt a lower housing total.

## 5. Housing Supply

In terms of supply the Urban Capacity Study concludes there is an overall supply now given of 37,481 homes.

### *Housing on Industrial Land*

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<sup>10</sup> Review of population estimates and projections produced by the Office for National Statistics. OSR publishes its review of population estimates and projections produced by the Office for National Statistics - Office for Statistics Regulation ([statisticsauthority.gov.uk](https://www.statisticsauthority.gov.uk)) May 2021

However, in reaching this figure they significantly reduce the anticipated supply from industrial land from 14,800<sup>11</sup> to 3,826 on the basis that they consider 10,974 homes to be undeliverable from this source and some of that land may be needed for industrial use.

This is based on work undertaken in the BEAR (Black Country Employment Area Review). This has not yet been published, so it will not be possible to fully assess its assumptions until it is published along with the Plan.

However, one noticeable omission (carried forwards from previous updates) is Walsall where no surplus employment land is considered available for housing. The Walsall SAD suggests 75 hectares could be '*considered for release*', some 2,231 homes (at 35 dph and 85% use)<sup>12</sup>. The Walsall 2018 SHLAA gives a figure of 2,500 homes. However, no figure is in the current SHLAA.<sup>13</sup>

It seems unlikely that no land in the borough will be released from employment usage over this time but clearly there is uncertainty. The alternative approach (to allow for larger windfalls) is not taken up.

### *Windfalls*

The position on windfalls appears inconsistent in the urban capacity work. The Urban Capacity Report refers to 557 house per annum from windfalls from the 'mid 2020s'<sup>14</sup> based on 5-Year windfall completions (but only for small sites (under 0.25 hectares)). This is a reduction from the figure of 640 given in the previous update. This does not appear to tally with the SHLAAs where the annual rate given for all the authorities added together is 499.

However, the background to this is not entirely consistent. Both Sandwell and Wolverhampton seem to use a figure of 9 homes or less, as opposed to 0.25 hectares in Dudley. Walsall uses either. The figures are also all based on 10-year averages from 2010-2020 rather than 2015-2020. This reduces windfall assumptions in all the Boroughs because it includes recessionary years when windfalls were lower. It is unclear how much this impacts on Walsall where the raw data tables are not included in the SHLAA but it is particularly pronounced in Wolverhampton where the early completion rates are generally lower.

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<sup>11</sup> This is higher than the figure in the Issues and Options of 10,400 and the 12,350 from the 2018 SHLAA in the previous update, I assume it may include sites not in current use or be based on the 2020 SHLAAs or may have different assumptions about density. The BEAR may in due course make this clearer

<sup>12</sup> Urban Capacity Study Para 2.10

<sup>13</sup>Walsall 2018 SHLAA, Page 20

<sup>14</sup>Urban Capacity Study Para 2.1.24

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Small Windfalls (from SHLAAs)	Definition	10-year Average (Brackets give previous 5-year supply from 2019 SHLAAs)	Number of years	Totals in 2020 SHLAAs	Suggested Totals (all for 16 years)
Dudley	<0.25 hectares	176 (189)	16	2816	2816 (3024)
Sandwell	<10 homes	108 (136)	16	2176	1728 (2176)
Walsall	<0.25 hectares or < 10 homes	97 (103)	2	97	1552 (1648)
Wolverhampton	<0.25 hectares or < 10 homes	118 (140)	14	1624 (14 x 116 assumes 2 lost to demolitions per annum)	1888 (2240)
Total		499 (568)		6866	7984 (9088)

When totaling up in the SHLAA Wolverhampton only includes 14 years of windfalls as opposed to 16 elsewhere starting in 2023-24. They also include a ‘demolition’ deduction, In the case of Walsall only 2 years are included in the SHLAA, but the Black Country Urban Capacity Study totals seem to assume more, although when I add the missing 15 years to the SHLAA data for Walsall I arrive at a figure of 7,902 rather than 7,807, which suggests Walsall is counting one less year.

Taking into account the apparent discrepancy in Walsall’s figures 7887 windfalls appear to be included in the Urban Capacity Report calculations, whereas using the 5-year average would result in an overall figure of  $577 \times 16 = 9,232$ , a difference of 1345.

The other problem remains the question of larger windfalls. I cannot find data on this in the recent SHLAAs. Given that ABCA are reducing the amount of land currently in industrial use they assume will be available for housing and given also their approach to centres (see below) it seems to me that an assumption that larger windfalls will come forwards in the next twenty years has a sound basis. This could be estimated based on historic larger windfall provision.

The Housing Supply Background Report for the Options Stage said that, based on the number of large windfall sites not in industrial use which came forward in 2011-2016, a further 5,089 homes could come from that source between 2026-2036 if the trend were to continue. However, they cautiously suggested half that rate and (after a small amount of other discounting), came up with a figure of 2,233<sup>15</sup>.

That source of supply appears to have been excluded in this latest evidence, but there is no justification given for why such an assumption has not been continued with. Even at the same

<sup>15</sup> Paras 4.22-4.25

cautious rate, the figure would amount to 3,572 homes if one took the same 16-year period as for small windfalls.

Added to the discrepancy of 1,345 small windfalls, this would account for an additional supply of 5,897 homes from windfalls.

### *Demolitions*

The position on demolitions is also inconsistent. Wolverhampton assumes the loss of two dwelling per annum, Dudley has identified 342 in total and Sandwell is assuming a loss of 20 per annum, 340 in total. The Urban Capacity Report only refers to the Dudley Housing.<sup>16</sup>

The Urban Capacity Report then considers further supply that might come forward from policy initiatives in the urban area.

### *Discount Rates*

The discount rate was originally set at 10% for sites with planning permission and 15% for other sites.

Those discount rates were based on the discounts accepted by the Inspector at the Examination of the current Black Country Core Strategy. However, that report was in 2010 based on an Inquiry undertaken when market conditions were very different and may not reflect current attitudes of developers. An adjusted figure could have been included, even as a sensitivity test.<sup>17</sup>

In line with more up-to-date work (for example, the Black Country HMA Strategic Growth Study (GL Hearn) suggested 5% for sites with Planning Permission) and, by their own admission, the removal of many constrained industrial sites, they have reviewed the level of discounting and adopted a figure of 5% which appears more realistic.

They are also considering whether this should be reviewed further given both the impact of the recession on delivery during the previous plan and the potential to unlock more difficult sites in the period up to 2039. That is a welcome approach.

### *Density*

The Urban Capacity Report then considers the possibility of increasing density. As it explains:

*A density uplift assessment has been undertaken of all identified SHLAA sites which are unlikely to have gained planning permission by 2024 and which have an indicative capacity of 10 homes or more. Where the site is located within a Strategic Centre or Town Centre a minimum density of 100 dwellings per hectare (dph), net of open space, major roads and other uses, has been assumed, unless there are character constraints (e.g., listed building,*

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<sup>16</sup> Urban Capacity Study Para 2.1.13-2.1.14

<sup>17</sup> Inspector's Report by Nigel Payne, published in October 2010



*conservation area, low density local character). Where a site is located outside a Strategic Centre or Town Centre a minimum density of 40 dph net has been assumed. This is because, in the majority of cases, improvements to accessibility can be made to ensure minimum access standards apply even where a site falls outside the 40 dph buffer. Where a site falls within the 45 dph buffer, as set out in Map 1 of Appendix 4, a density of 45 dph has been assumed.<sup>18</sup>*

This results in an increase in 476 dwellings, although there are none included for Walsall who claim in their SHLAA that sites are likely to be allocated before the plan is adopted. This uplift is based on emerging policy proposals for the Black Country Plan, so it would seem logical that the increase is included in urban capacity calculations for the plan and that Walsall should seek to achieve densities in line with emerging policy on sites that might come forward earlier where possible.

### *Centres*

Lastly the report considers the four strategic centres and reviews those of allocations. Again, there is relevant evidence still to come and the Centres Study is anticipated to be released with the Published Plan.

8,173 homes are already identified and a number of centres have area action plans in place which will expire before the end of the plan period. The prospect of a further 1,300 houses are identified as potentially coming from this source, with a significant uplift, although Walsall which recently adopted its Town Centre AAP does not identify any additional supply, although clearly this may need to be reviewed in the light of post-COVID retail contraction. Moreover, other smaller centres in Walsall (and the other three boroughs) may also contribute to housing supply.<sup>19</sup>

The approach to town centres may need to be considered further when the Centres Study comes out but the comments, for example, on Walsall that 'the Walsall Town Centre AAP gives priority to main town centre uses and does not allocate specific sites for housing, other than two small sites.' may not tally with the commercial reality of centres, especially post-COVID. Mixed use developments may be appropriate on existing retail sites which includes housing specifically support the viability of these centres.

Indeed, the economic realities in and around town centres that emerges post-COVID (as well as at other retail and leisure sites) may well increase housing supply beyond the levels identified in the Urban Capacity Study.

It is perhaps worth reiterating that the justification for the uplift of 35% in Wolverhampton (which currently works out at 5,130 houses in the Plan period) given by the Government is that much of it will be on exactly those kinds of sites. The Black Country might wish, as Bradford has done, to ringfence that need outside general housing need and consider how it could be accommodated in the urban core.

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<sup>18</sup> Urban Capacity Study, Para 3.1.18

<sup>19</sup> Urban Capacity Study Para 3.1.22-3.1.33

The report also suggests there may be some further land releases from urban open space but this is likely to be limited.<sup>20</sup>

### Total Supply

Taking all this into account the Urban Capacity Report suggests a capacity of 39,257 homes and conclude there is a shortfall of 36,819 homes (See Table 7 below).

There is also more potential for additional housing to be promoted in urban centres as redevelopment comes forwards (although this may partly coincide with larger windfalls).

In terms of densities, as well as increasing density to 35 dph an increase in densities at sustainable locations and for the highest density housing, including flats, could help to increase housing supply and meet specific affordable housing needs.

However, it seems to me that there is reason to believe the actual urban supply will be higher, and most particularly from small windfalls and from larger windfalls.

**Table 7 Black Country Potential Housing Shortfall 2020-2039**

<i>(no. homes)</i>	<b>Existing housing supply 2020-39 (as of 2020)</b>	<b>Potential supply from density uplift</b>	<b>Potential extra supply from Strategic Centres (max est.)</b>	<b>Existing housing supply (2020) plus potential</b>	<b>Local Housing Need 2020-39</b>	<b>Potential shortfall 2020- 2039</b>
Dudley	11,064	234	350	11,648	11,989	341
Sandwell	8,510	144	200	8,854	27,873	19,019
Walsall	7,807	0	0	7,807	16,568	8,761
Wolverhampton	10,100	98	750	10,948	19,646	8,698
<b>Black Country</b>	<b>37,481</b>	<b>476</b>	<b>1,300</b>	<b>39,257</b>	<b>76,076</b>	<b>36,819</b>

From Urban Capacity Study (page 31)

The level of discounting could also be reviewed on sites with planning permission, to ensure the 5% is not too high.

A very conservative estimate would be that supply could be increased by 5,897 (as set out above) based on an allowance for both small and large windfalls, but a further allowance for housing on the identified potential industrial sites in Walsall may not be included in this area of supply, albeit these may partly coincide with the larger windfall allowance.

On this basis, there is reason to increase the urban supply assumptions and for CPRE to support policy goals, such as higher density targets, to achieve this.

<sup>20</sup> Urban Capacity Study Para 3.1.34

It would take more detailed work to put figures on the overall additional supply but it does not seem unreasonable at this stage to consider the shortfall to be closer to 25,000 homes, if one relies on the 2014 ONS household need figures, and perhaps only 15,000 if one relies on the 2016 figures.

Removing the somewhat arbitrary Wolverhampton increase of 35% would reduce the figures to potentially 20,000 (ONS2014) and 10,000 (ONS2016)

As well as reducing pressure on the Green Belt (and the countryside more widely,) a more realistic supply figure would encourage housing to be in sustainable locations and help reduce the need to travel.

## 6. Industrial Land Supply

The Urban Capacity Report also briefly refers to a shortfall of Industrial Land, which it now puts at 553 hectares (down from 563 in the previous report), although the evidence to justify this increase raises some questions in my mind (especially given the reduction in industrial land they now earmark for housing, which does not on the face of it appear to have been factored in).<sup>21</sup>

An updated Economic Development Needs Assessment is due to be published in the Autumn when the Plan is put out to consultation, but at present there is no more detail to go on.

I assume this is still based on the ‘SuperSEP’ approach and is, therefore, relying on optimistic economic development assumptions for the sub-region.

One concern in terms of Industrial land is that while the Urban Capacity Study states that land in South Staffordshire could contribute to needs of the Black Country, they only consider 30-35% of the proposed Distribution Site at Four Ashes (80-100 hectares) to be relevant. This would seem conservative, but it also raises the question of whose need Four Ashes does serve, since it is not required for South Staffordshire’s own need according to the SSDC 2018 Economic Development Needs Assessment<sup>22</sup>. Moreover, Shropshire in their M54 Strategic Options Study do not seem to identify it as meeting their need.<sup>23</sup>

Another assumption is in relation to the 90 hectares of additional land in South Staffordshire’s own plan. The Urban Capacity Study suggests only 20 hectares of this could be considered as meeting need in the Black Country based on the 2018 South Staffordshire EDNA.

However, the shortfall of 67 hectares in South Staffordshire is based on past completions of employment land, which would also include any employment land meeting Black Country

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<sup>21</sup> Urban Capacity Study Para 3.2.1

<sup>22</sup> <https://www.sstaffs.gov.uk/doc/179880/name/South%20Staffs%20EDNA%20Final%20Report%2007%2009.pdf/>

<sup>23</sup> <https://shropshire.gov.uk/media/12921/m54-strategic-options-study.pdf>

need (by definition). Given the very close links between South Staffordshire and Wolverhampton, with considerable cross-boundary commuting flows, the separation of the two in this way seems problematic. Indeed, of the four key sites identified in the South Staffordshire Site Allocation Document (SAD)<sup>24</sup>, three are on the boundary of Wolverhampton.

Moreover, other sites that are being promoted in other neighbouring authorities would appear to be meeting Black Country need. As said above the M54 Jn 3 site, which includes 50 hectares of industrial land is specifically being identified by its promoters as meeting Black Country housing need but Shropshire's employment need.<sup>25</sup>

A further 123 hectares is identified on other sites in that corridor, not including the Cosford airfield site which covers 250 hectares in total and, whose future is currently uncertain (due to future aviation and RAF operational needs). The M54 Strategic Options Study suggests an approach to its future is likely to be developed during the plan process. Notably, the approach of Shropshire Council is also based on an optimistic economic need assessment which they claim requires population growth above their demographic need.<sup>26</sup>

I have not considered in detail other local authorities but it seems clear that, while the updated EDNA may assist, there seem to be a number of adjoining local authorities all promoting employment land which in the end meets the same need and that the success of one or the other is likely to come at the cost of the other. Without a more joined up approach to economic need assessment, I am dubious about the robustness of these figures.

The other issue in relation to industrial land supply is how much is needed for larger sites, either for logistics or manufacturing. In some ways this is a discrete element of industrial land supply which is most poorly considered at a sub-regional level.

I would suggest further consideration is given to the overall issue of employment land need in the Black Country when the updated EDNA is published.

However, my initial reading of the Urban Capacity Study report, as discussed above, leads me to have some concerns about the robustness of the analysis of employment land. Some of this may become clearer once the Plan is produced, but at this stage the figure of 553 hectares should, in my view, be subject to considerable scepticism.

## 7. Black Country Green Belt

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<sup>24</sup> <https://www.sstaffs.gov.uk/planning/site-allocations.cfm>

<sup>25</sup> See the Representation by Bradford Rural Estates to the Consultation by Shropshire Council on Strategic Sites, Housing and Employment Need promoting land at Jn3 of the M54.

<sup>26</sup> Urban Capacity Study Para 3.2.1

The position that ABCA is taking on specific Green Belt releases will not be clear until the Black Country Plan is published. In ABCA's response to the Shropshire Strategic Sites Consultation, which preceded the release of the Urban Capacity Study, they set out a significant amount of their current thinking.<sup>27</sup> They referred to the level of outstanding need as now being 26,000 homes and 380 hectares of employment land up to 2038: both lower than in the Urban Capacity Report.

They also claimed to have fulfilled the NPPF requirements<sup>28</sup> and:

- a) made as much use as possible of suitable brownfield sites and underutilized land;*
- b) optimized the density of development;*
- c) engaged with neighbouring authorities about whether they could accommodate some of this identified need, as demonstrated through the statement of common ground.*

They went on to suggest that the two largest areas of Green Belt within the Black Country boundary, Walsall and Dudley, could provide 5,000 homes each based on Market Conditions although this conclusion did not seem to take account of the constraints that may exist in those areas.

At a meeting of WM CPRE with Dudley Council in 2020<sup>29</sup>, it was confirmed that officers are currently reviewing the Green Belt sites put forwards in the Call-for-Sites consultation which are within the Black Country boundary, as well as other sites they themselves might have identified.

The sites they finally propose (not necessarily in the indicative proportions in the Shropshire letter), will be published when the Black Country Plan is put out for consultation in the Autumn.

In doing so they will need to take account of the Green Belt Study undertaken by Land Use Consultants (LUC)<sup>30</sup>. LUC have also done similar reviews elsewhere, including for Shropshire. These reviews seek to assess parcels of land within the Green Belt against the five tests set out in Paragraph 134 of the NPPF:

- 1. to check the unrestricted sprawl of large built-up areas;*
- 2. to prevent neighbouring towns merging into one another;*
- 3. to assist in safeguarding the countryside from encroachment;*
- 4. to preserve the setting and special character of historic towns; and*

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<sup>27</sup>See <https://shropshire.gov.uk/planning-policy/local-planning/local-plan-partial-review-2016-2036/evidence-base/>

<sup>28</sup> NPPF Para 137

<sup>29</sup> Attended by WM CPRE and representatives of local residents, 13 January 2020

<sup>30</sup> <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4i/>

*5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

LUC then considered the level of harm in removing them from the Green Belt. This, of course, is not by itself an assessment of whether the ‘exceptional circumstances’<sup>31</sup> required in a plan for Green Belt release exists, but sets out the relative merits of releasing parcels of land.

There may also be other considerations in regards to a specific parcel of land being released, for example ecological, landscape, sustainability or transport considerations, but those are dealt with separately.

It should, however, be noted that this approach to Green Belt Assessment, while it may be necessary, has limitations which are hard to overcome. Firstly, the parcels do not necessarily coincide with a specific development proposal. Secondly the impact of proposals may be cumulative. Thirdly the various tests do not necessarily marry up, so where parcels safeguard countryside they are less likely to prevent neighbouring towns merging and vice versa. Lastly, the fifth test is hard to assess in this way as it may depend as much on what is proposed as opposed to its exact location.

Another important thing to stress in this case the assessment is only for Black Country sites, so it does not compare alternative sites in other plans, such as the M54 Jn 3 Proposal, even though this is subject to a similar process as part of Shropshire’s Green Belt assessment.

And, lastly, it is important to stress that the Green Belt within the Black Country boundary is not evenly spread. Walsall has by far the largest amount, with significant Green Belt in Dudley but much less in Sandwell and Wolverhampton.

**Table 2.1: Green Belt land within each of the Black Country Local Authorities<sup>17</sup>**

Local Authority	Green Belt Land within each authority	Percentage of land covered by Green Belt within each authority	Percentage of Green Belt Land in England within each Authority <sup>18</sup>
City of Wolverhampton	800ha	11.5%	0.05%
Dudley	1,770ha	18.1%	0.11%
Sandwell	820ha	9.6%	0.05%
Walsall	3,940ha	37.9%	0.24%

From LUC Green Belt Study (page 17)

In terms of approach to the first two tests, the LUC Green Belt Study defines the West Midlands Major Urban Area beyond most of the Green Belt to include towns such as Brownhills, but when it considers the merging of towns it excludes some significant settlements, for

<sup>31</sup> NPPF Paras 136-137

example, Pelsall, Boxwich and Codsall. While these are smaller settlements, their position means that development which doesn't directly link larger settlements can in combination have a similar effect.<sup>32</sup>

In terms of the third test, the report acknowledges that there are degrees of countryside beyond simply the relation to the urban influence but suggests dealing with this would stray into landscape assessment.<sup>33</sup>

In terms of the fourth test, the report suggests little connection to historic towns, with only a weak relationship to Lichfield from the Walsall Green Belt. However, this does mean that weight needs to be given to heritage assessments which may form part of decisions on whether individual sites with equal status in Green Belt terms are released.<sup>34</sup>

**Table 3.2: Brownfield Land Register for each Local Authority**

Local Authority:	City of Wolverhampton Council <sup>48</sup>	Walsall Borough Council <sup>49</sup>	Dudley Borough Council <sup>50</sup>	Sandwell Borough Council <sup>51</sup>
Total area (ha) in Brownfield Registers	311.27	62.42	57.69	454.84

From LUC Green Belt Study, Page 34

And, lastly, in terms of the fifth test, it is concluded that the relative merit of sites cannot be established, although it includes a table of land currently on the Local Authorities' Brown Field Registers and acknowledge the impact Green Belt releases will have on brownfield re-generation.<sup>35</sup>

The LUC Green Belt assessment results in a number of maps setting out the results for each NPPF test, and finally, an overall rating of harm to the Green Belt of each parcel. This overall rating is represented in colour-coded maps.<sup>36</sup> Noticeably much of the land at the edge of Dudley is categorized as 'high' impact, as is much of the land between Walsall and its various satellite towns.

Land in green wedges is, in some case, given a low rating, even while it may act as part of an important green link, for example, between the Sandwell Valley and the outer edge of the conurbation.

The result of excluding small settlements can be seen, for example, in the higher harm given to parcels between Walsall and Aldridge as compared to the harm that would be caused by loss of relatively narrow parcels between both Aldridge and Walsall with Pelsall which has been excluded.

<sup>32</sup> See Maps on Pages 27 and 29 of LUC Green Belt Study

<sup>33</sup> Para 3.30, LUC Green Belt Study

<sup>34</sup> Para 3.31-3.39, LUC Green Belt Study

<sup>35</sup> Para 3.47, LUC Green Belt Study

<sup>36</sup> See Maps on Page 95-103 of LUC Green Belt Study

Lastly, a number of mitigations to Green Belt loss and suggestions for enhancing Green Belt are suggested.<sup>37</sup>

There is an Ecological Study published for the Black Country which maps the most sensitive sites<sup>38</sup>. Not surprisingly there appear to be some discrepancies with Green Belt harm, including higher ecological value in some green wedges.

There is also a Historic Landscape Study which includes a large number of detailed diagrams but I could not find an overall map which related easily to the Green Belt report.<sup>39</sup>

I have not assessed these reports in any detail but they will be important when examining the merits of specific sites which come forwards in the plan and the assessments which support their allocation.

## 8. Neighbouring Authorities

If the Black Country considered it still had a shortfall of housing or employment land after utilizing its own Green Belt it would need to seek contributions from other neighbouring authorities, although at present it is uncertain how they will respond.

In responding to overtures made in a letter from ABCA in Sept 2018 most adjoining local authorities were cautious about accepting their overspill until the position was clarified.<sup>40</sup> For example, Lichfield City Council's response said:

*'The recent letter we received set out that the Black Country authorities are focusing on continuing a brownfield first approach. Therefore, we would like to reiterate that we consider that all options for growth including green belt release need to be fully explored, and this is in advance of seeking assistance from other authorities to accommodate housing and employment needs arising from the Black Country.'*

Telford were also cautious:

*'In reference to your request that the Council consider its position regarding meeting some of the Black Country's unmet housing need, in order to consider this, we'd need more specific proposals and evidence regarding the quantum and type of development you are seeking Telford & Wrekin to accommodate as well as your strategy for meeting unmet need.'*

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<sup>37</sup> See LUC Green Belt Study, Section 8

<sup>38</sup>At <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4h/> See Map on Page 28

<sup>39</sup> At <https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4h/>

<sup>40</sup> See letters at <https://blackcountryplan.dudley.gov.uk/t3/>



*In addition to this we would need a clear indication as to how the necessary supporting infrastructure to facilitate ourselves accommodating unmet need, were this to be agreed, would be enabled and resourced.'*

Shropshire Council's response was the most positive. Clive Wright, the Chief Executive said:

*'We would welcome further discussions in relation to this potential as our work progresses, particularly in relation to the M54 corridor.'*

While he also acknowledged that sites in the corridor which are in the Green Belt might need to pass the 'exceptional circumstances' test (in fact all of them), he does not refer to the same concerns raised by other neighbouring councils.

Shropshire's response also referred to the further information on the housing supply side figures, particularly on urban capacity, as well as the Green Belt Review now published.

Subsequent to that letter from Shropshire, ABCA's response to the Shropshire Strategic Sites Consultation specific referred to contributions from other local authorities saying:

*The South Staffordshire Local Plan Issues and Options Report (2018) includes a preferred housing target which is based on a 4,000-home contribution towards the HMA, the Lichfield Local Preferred Options Consultation (2019) includes a proposal to test between 3,000-4,500 homes to meet the needs of the HMA, and the approved Cannock Chase Local Plan Issues and Options consultation (2019) proposes that the Plan will test accommodating between 500 and 2,500 homes of unmet need from the HMA. In total, these proposals could deliver up to 11,000 homes over and above locally generated needs towards the unmet needs of the HMA. However, this contribution would not necessarily be exclusive to the Black Country and would need to have regard to any shortfalls across the HMA as a whole, including needs arising in Birmingham, where appropriate. This 'discounting' would reduce the contribution towards the Black Country, and a significant shortfall would remain.*

So, in mathematical terms, if the Black Country provided 10,000 homes in the Green Belt, as per the letter, along with these contributions the total provided to meet the Black Country deficit would amount to 21,000 homes.

ABCA also conclude their letter to Shropshire by specifically referring to the proposed site at Junction 3 of the M54 as having: *'the potential to deliver a strategically significant 'game changing' housing and economic development opportunity to the mutual benefit of Shropshire and the Black Country.'*

It is important to note, however, that this was at a time when there was a proposal for some 10,000 homes on that site as opposed to the 3,000 later proposed, and which have now been removed from the draft (Reg 19) Shropshire Plan, currently awaiting examination.

And it is also important to stress that the need for such a 'game changing' opportunity in the Green Belt would depend on the need and supply figures in the Black Country.

On the other hand, as long as the current Black Country figures for housing need and supply are assumed, the progress of other plans such as South Staffordshire's, where a 4,000 contribution to Black Country Need is being assumed to continue and sites may be allocated on that basis.

In their 'Local Plan Review - Spatial Housing Strategy & Infrastructure Delivery October 2019'<sup>41</sup> document which they consulted on in December 2019, which follows on from their own Issues and Options Consultation, South Staffordshire say:

*A number of points were raised by local residents, developers and statutory bodies to the options for both the amount and location of housing growth in the district. Having considered all of these responses, the Council remains of the view that planning for its own housing needs, plus a contribution of up to 4,000 dwellings towards unmet needs in the wider housing market area, is the most appropriate housing target for the Local Plan review at this point in time. This is a proactive approach taken by the Council to address the unmet needs of the housing market area in a timely manner. However, if there is evidence that the extent of the housing shortfall across the housing market area has significantly reduced prior to the Local Plan review's submission, the Council will reduce its contribution to the unmet needs of other authorities proportionately.*

A Reg 18 consultation on the South Staffs Local Plan is anticipated in 2021.

The overspill of industrial land need from the Black Country to other Council Area is also open to question given that, even if the assumptions in the Urban Capacity Study were correct, a large part would be accommodated by the West Midlands Interchange proposal at Four Ashes (some 300 hectares).

There is, of course, the specific risk that given the potential for overprovision of industrial land, and given the optimistic economic development strategies of competing local authorities, the industrial element of sites such as the M54 Jn 3 (Bradford Estate) site do not materialize, leaving them as unsustainable dormitory settlements for the conurbation and for well as other urban centres such as Telford.

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<sup>41</sup> <https://www.sstaffs.gov.uk/doc/181104/name/LPR%20SHSID%20Final%20October%202019.pdf/>

## 9. Conclusions

While substantial new material has been published and updated by ABCA, there are still significant areas where up-to-date assessments are not available, specifically:

- Updated Economic Needs Assessments (EDNA)
- The Black Country Economic Area Report (BEAR)
- Updated Centres Analysis

It is also likely that specific Green Belt sites will be identified when the Plan is produced.

In my view, there are serious questions which will need to be addressed. Most notably:

- The overestimation of need due to the use of the 2014-based ONS household projections for calculating housing requirements.
- The adoption of the somewhat arbitrary 35% increase to housing in Wolverhampton.
- The underestimation of the urban supply of housing and future housing opportunities, including windfalls.
- The double counting of industrial land across authorities.
- The impact of Green Belt allocations on urban regeneration, climate change targets, transport, environment, biodiversity and landscape.

This report suggests that at least 5,000 more homes could conservatively be added to the supply and this is consistent with a shortfall closer to 25,000 (using the 2014-based ONS household projections) or 15,000 (using the 2016-based ONS projections). These would be reduced further if the 35% 'uplift' for Wolverhampton is not included as part of the general housing requirement.

The figure of 563 hectares of employment land is also in my view potentially too high. A further review of employment land is needed which properly considers cross-boundary supply which is already meeting Black Country need.

Given these issues, I am also concerned about whether 'exceptional circumstances' for release of Green Belt can be said to have been demonstrated.