

DRAFT

Statement of Common Ground
(SoCG)

between

Dudley Metropolitan Borough
Council and

Sandwell Metropolitan Borough
Council

Dudley Local Plan 2024-2041

Position at November 2024

Statement of Common Ground (SoCG) between Dudley Metropolitan Borough Council (DMBC) and Sandwell Metropolitan Borough Council (SMBC)

Introduction

1. This Statement of Common Ground (SoCG) has been prepared by Dudley Metropolitan Borough Council (DMBC) and Sandwell Metropolitan Borough Council (SMBC) thereafter referred to as “the parties” to inform the submission of the Dudley Local Plan 2024-2041.
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 Dudley Local Plan 2024-2041 and the Sandwell Local Plan (2024-2041) 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;
 - Minerals and Waste; and
 - Natural and Historic environment.

Geography covered by Statement of Common Ground

3. This SoCG covers the Local Planning Authority areas of Dudley Metropolitan Borough Council and Sandwell Metropolitan Borough Council.
4. Both parties are also within the Greater Birmingham & Black Country Housing Market Area (GBBCHMA)¹ and are within the Black Country FEMA². There are wider strategic housing and employment shortfalls arising over these geographies that are subject to separate statements of common ground dealing with these issues of which both authorities are party to.

Key Strategic Matters

5. Both parties have had on-going dialogue on cross-boundary planning and wider matters over the course of many years, discussing a broad range of planning issues including strategic matters. The key strategic matters included within this Statement of Common Ground being: housing provision; employment land; transport and infrastructure, gypsy and traveller accommodation, mineral and waste and matters relating to the natural and historical environment. These

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 Black Country EDNA 2017 and 2022 update

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. Both parties have been active members of the GBBCHMA Officer Group since it was established in 2017, and each authority has contributed to discussions relating to the delivery of unmet housing need within the HMA. Each authority 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. Both authorities are in agreement to an update to the Strategic Growth Study (2018) which will be commencing in 2025.
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. During this period, DtC correspondence from the Association of Black Country Authorities (ABCA) on behalf of the four Black Country Authorities was ongoing at key stages of the Black Country Plan preparation.
9. During the preparation of the Black Country Plan, the Black Country authorities declared an unmet need from their urban area as early as the Issues and Options consultation in 2017. In order to seek to address this shortfall in July 2018 a letter was sent from ABCA to all LPAs within the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), including constituent and non- constituent members of the West Midlands Combined Authority (WMCA) and other LPAs which have a physical and / or functional relationship with the Black Country. This 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 BCP. The responses to these letters were used to inform the development of the Black Country Plan and subsequent DtC engagement. Details of this correspondence is set out in Dudley MBC's [Duty to Co-operate Statement](#)
10. Further correspondence was followed-up by letter from ABCA dated August 2020. 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.

11. Alongside the above letters, the Black Country Authorities (including DMBC and SMBC) held two Duty to Cooperate meetings - in December 2017 and January 2020. The recipients of the letters were invited to attend. The purpose of the meetings was to provide an update on the scope of the BCP, 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.
12. A third Duty to Cooperate letter was issued by ABCA in April 2022. 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 Black Country 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 final element of the strategy was to seek the inclusion of an early review mechanisms in all emerging Local Plans given the anticipated shortfall arising from the then current round of Local Plan preparation.
13. In regard to contributions to the Black Country housing shortfall: as of April 2022, and updated in November 2024, the 'offers' from neighbouring LPAs to meet wider than-local housing needs were as follows:
 - South Staffordshire - 4,000 homes towards the needs of the GBBCHMA. This contribution was subsequently reduced to 640 following a further New Regulation 19 Plan consultation in 2024 in line with the revised NPPF 2023.
 - 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). The Solihull Plan was withdrawn from Examination in October 2024.
 - Cannock Chase - 500 homes towards the needs of the GBBCHMA. The Council submitted its Publication Plan for Examination on 29th November 2024.
 - Lichfield - 2,000 homes to meet Black Country needs out of a contribution of 2,665 to the GBBCHMA as a whole. This contribution was subsequently withdrawn following the withdrawal of the Lichfield Plan in October 2023.
 - Shropshire - 1,500 homes to meet Black Country needs (as set out in submission September 2021). This offer was the subject of a SoCG agreed between the ABCA and Shropshire Council.

14. 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. Duty to Cooperate correspondence and engagement continued between DMBC and SMBC as work on the Dudley Local Plan and Sandwell Local Plan progressed. DMBC held a Regulation 18 consultation in November 2023 and a Regulation 19 consultation in October 2024.
15. To support the production the Dudley Local Plan and to meet the requirements of the DtC, DMBC has continued the DtC work that was undertaken for the draft Black Country Plan by working with the other Black Country authorities (including SMBC) and to continue the engagement with neighbouring authorities and other relevant bodies on joint strategic matters.
16. Both parties have constructively engaged on an ongoing basis to address the housing shortfalls of the HMA, including shortfall across the Black Country Authorities and those particularly arising for Dudley in its Dudley Local Plan and Sandwell in the Sandwell Local Plan. In May 2023, SMBC wrote to the Black Country Authorities setting out the timetable for its local plan preparation and to seek views on a number of DtC matters, including unmet housing and employment needs and strategic transport. The letter also set out the need to agree an approach/methodology on apportioning the housing and employment land contributions that had been made to the Black Country Authorities to date. DMBC's response to this letter confirmed that up to date evidence for the Dudley Local Plan had demonstrated a shortfall in its housing and employment land supply and on this basis were unable to assist SMBC with its shortfall. The letter did confirm DMBC's support for a proposed methodology for apportioning any agreed contributions (housing and employment) from neighbouring authorities e amongst the four Black Country Authorities and that this should be formally agreed via statements of common ground.
17. In December 2023, DMBC wrote to all local authorities within the HMA and other local authorities to confirm the latest position with the Dudley Local Plan Regulation 18 and its supporting evidence base. This correspondence confirmed that up to date evidence suggested that Dudley had a housing shortfall of 1,078 homes. This shortfall was reduced to 699 homes at the Regulation 19 stage. This letter also set out DMBC's position with regards to its employment land position, gypsy and traveller pitch provision, waste and minerals and matters relating to infrastructure. Each of these matters are picked up in the following sections of this SoCG.
18. In June 2024, SMBC wrote to all local authorities within the GBBCHMA, including DMBC, and outlined SMBC's preferred approach to the Duty to Cooperate (DtC) in respect of strategic housing issues and requested that DMBC fully engaged with this work. In response to this letter, DMBC confirmed its agreement to be part to a SoCG between the two parties. It also confirmed the timetable for the preparation of the Dudley Publication Plan (Regulation 19) and indicated that the evidence produced to support the Regulation 19 Plan

had demonstrated a shortfall in housing, employment and gypsy and traveller provision and confirmed that due to these shortfalls, DMBC was unable to assist with meeting any of the unmet needs arising in Sandwell.

19. DMBC and SMBC 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, including the preparation of a joint evidence base where required. A GBBCHMA Officer Group Statement of Common Ground has been produced which will seek to address the housing shortfalls arising from the HMA as a whole and identify how those contributions which have been made towards meeting the HMA shortfall will be apportioned between the receiving local authorities, including the Black Country Authorities. Given the scale and complexity of the housing shortfalls arising in the HMA, the GBBCHMA Statement of Common Ground is considered to be the appropriate vehicle by which to consider the issue holistically as opposed to a bi-lateral SoCG between DMBC and SMBC.

Employment

20. Both parties sit within the Black Country Functional Economic Market Area (FEMA). There is therefore clearly a strong functional link between DMBC and SMBC on employment matters.
21. Prior to the cessation of the Black Country Plan in October 2022, DMBC, along with the other Black Country Authorities, was party to several DtC correspondence from ABCA to other local authorities as set out in para 8-12 above. This correspondence and ongoing discussions also considered the emerging employment land shortfall across the four Black Country Authorities.
22. 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. This contribution was agreed in a formal SoCG between ABCA and Shropshire Council in 2021 and an updated addendum in September 2024.
23. Furthermore, 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.
24. 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. 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 and confirmed in a further updated South Staffordshire FEMA SoCG in September 2024. A separate WMI SoCG has been produced as part of the ongoing Duty to Co-operate work for the Black Country FEMA.

25. In October 2023, DMBC 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 identified 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 2023 EDNA identified that DMBC had 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).
26. 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. Both parties have engaged widely with West Midlands local authorities through the preparation of the West Midlands Strategic Employment Sites (2024).
27. The Black Country EDNA 2023 which informed the preparation of the Dudley Local Plan Regulation 18 and 19, suggests an employment land need of 72ha for Dudley. This need increased to 98ha when taking into account an allowance for the replacement of existing employment land due to losses to alternative development. The Draft Dudley Local Plan (Regulation 18) 2023-2041 proposed to deliver 25ha of employment land on local and strategic employment sites to meet some of its own needs. The Publication Dudley Local Plan (Regulation 19) published in October 2024, updated Dudley's employment land position. Dudley MBC's shortfall at Regulation 19 stage is 50ha. When making an allowance for loss of existing employment land to alternative uses this shortfall increased to 76ha. This was evidenced in the Dudley Local Plan Regulation 19 consultation which was published between 18 October and 29 November 2024.
28. In December 2023, DMBC wrote to all local authorities within the Black Country FEMA and other local authorities to confirm the latest position with the Dudley Local Plan Regulation 18 and its supporting evidence base. This correspondence confirmed that up to date evidence suggested that Dudley had

an employment land shortfall of 73 ha. This shortfall has increased to 76ha at the Regulation 19 stage.

29. The minimum proportion of employment land oversupply that can be attributed towards the Black Country (including DMBC) and the role of other authorities within Black Country FEMA in contributing to unmet needs will be addressed through a separately drafted statement of common ground covering the entire Black Country FEMA geography. Both DMBC and SMBC consider that this FEMA-wide statement of common ground is the appropriate mechanism by which to address these strategic employment needs and will continue to engage jointly and hold ongoing duty to cooperate discussions with other local authorities holding strong or moderate functional economic relationships within this area in addressing employment shortfalls.

Cross boundary transport impacts

30. Both parties are committed to continue working together in partnership with the aim of ensuring the necessary transport and highways improvements are implemented to support sustainable growth across both authorities and the wider sub-region.
31. Both parties have engaged in the preparation of a joint -evidence base to inform the plan preparation process and will continue to work on developing shared evidence based where required.
32. Ongoing Duty to co-operate correspondence and representations on each other's local plans (Dudley and Sandwell local plans) have picked up a number of proposed or existing site allocations within proximity to each other local authorities' administrative area. At the time of writing this statement of common ground no cross-boundary transport issues have been identified at this stage. However, DMBC and SMBC will continue to work together as the local highways authorities to ensure that any cross-boundary transport matters arising are addressed including as part of the planning application process for individual sites.

Gypsy & Traveller Provision

33. DMBC has identified a 46 pitch need for Gypsy and Traveller households in Dudley Council Borough over the local plan period. DMBC has reviewed 15 sites, including public land, and has not been able to identify additional new sites. Despite these efforts, DMBC can only deliver 13 pitches within the plan period on sites which would address its unmet pitch needs. This leaves a shortfall of 33 pitch need, which is a strategic cross-boundary issue to be discussed with adjacent authorities and other authorities within the same housing market area. DMBC indicated that 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.

34. DMBC wrote to all adjacent and housing market area authorities in December 2023 regarding the potential shortfall in Gypsy and Traveller pitch needs within the Borough. Following on from the publication of Black Country Gypsy and Traveller Accommodation Assessment (GTAA) in late 2022 and an update to Dudley's Gypsy and Traveller needs requirement in 2023.
35. Whilst no response to this letter was received from SMBC, several Duty to Co-operate meetings were held in 2023/2024 to discuss strategic and cross boundary matters. SMBC indicated that they were unable to assist in meeting any of Dudley's unmet needs as work on their own local plan (Sandwell Local Plan) had evidenced a shortfall in its own Gypsy & Traveller needs provision. This was confirmed in the Regulation 19 Sandwell Local Plan which identified a shortfall of 4 pitches.

Waste and Minerals

36. Both DMBC and SMBC (along with the other Black Country Local Authorities) have engaged in the preparation of joint - evidence base documents on strategic matters relating to future waste and minerals needs, cross boundary matters and wider strategic matters with waste and mineral authorities both in the wider West Midlands and beyond. This engagement has informed the plan preparation process for both authorities and both authorities will continue to work on shared evidence based where required. Work has included joint evidence prepared as part of the Black Country Local Plan (which continues to inform the policy approach of individual Local Plans) and input into wider evidence and monitoring such as the Local Aggregate Assessment for the West Midlands.
37. Both DMBC and SMBC are members of West Midlands Resources Technical Advisory Body (RTAB) which oversees co-operation between waste authorities and the West Midlands Aggregates Working Party (WMAWP) which works on cross-boundary issues relating to minerals. Both Councils commit to working with both these forums on a continual process to address cross boundary matters at the regional and national level where relevant.
38. Duty to Co-operate discussions have been on-going between the two authorities and as part of the wider Black Country Authorities. DMBC wrote to neighbouring local authorities and wider strategic authorities in November 2023, including SMBC, and subsequent meetings regarding waste and minerals have taken place amongst the Black Country Authorities. The DtC correspondence with SMBC in November 2023 set out specific matters relating to potential strategic waste movements from Dudley borough to Sandwell and queried whether there was a requirement for further engagement under the Duty to Cooperate.
39. In response, SMBC confirmed that did not regard the inert waste movements from Dudley to be of a strategic nature and that a statement of common ground

was not required. Both parties have agreed that there are no strategic cross boundary matters relating to mineral matters and no statement of common ground was required.

40. DMBC and SMBC, along with all Black Country authorities, will continue to engage on strategic waste and minerals matters as work on their Plans progress and will continue to engage with each other via RTAB and WMAWP.

Infrastructure

41. DMBC and SMBC will work together where required, with the aim of ensuring the necessary infrastructure improvements are delivered to support sustainable growth across the sub-region within which their administrative areas sit.
42. No cross-boundary infrastructure issues have been identified at this stage. Both authorities will continue to work together to ensure that any cross-boundary matters that may arise are addressed.

Natural and Historic Environment

43. DMBC and SMBC are committed to continue working together in respect of matters relating to the natural and historic environment where these are applicable to the authorities and the wider sub-region. Both authorities have engaged in the preparation of a joint evidence base to inform work on their local plan preparation.
44. No cross-boundary issues have been identified at this stage.

Preparation of a Shared Evidence Base

45. DMBC and SMBC, along with the other Black Country authorities, have worked on the preparation of a shared-evidence base to inform their plan preparation. Both authorities have engaged in wider shared -evidence base with authorities across the West Midlands region.
46. DMBC and SMBC, along with all Black Country authorities, will continue to engage on developing a shared evidence- base as and when required.

Matters of Disagreement

47. Whilst SMBC acknowledges the Dudley Local Plan's attempts at meeting the housing and employment land needs within the Borough. SMBC's representation to the Dudley Local Plan Regulation 18 and Regulation 19 consultation questions the Plan's conclusion that there are no exceptional circumstances to release Green Belt. SMBC considers that DMBC should review its Green Belt to accommodate the unmet needs arising in neighbouring local authorities, including SMBC, and the GBBCHMA.

48. DMBC has confirmed that the Dudley Local Plan is an urban led strategy and alongside the Duty to Cooperate process, most of the development needs in the Dudley Borough are being met to 2041. DMBC therefore considers that exceptional circumstances have not been triggered and a review of the Green Belt is not required as part of the Plan's overall spatial strategy.


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 Dudley Metropolitan Borough Council and Sandwell Metropolitan Borough Council. The authorities will continue to work together to address cross-boundary issues on an ongoing basis.

Dudley Metropolitan Borough Council

Name: Helen Martin

Position: Director of Regeneration and Enterprise


Signature: 

Date: 06/02/2025

Sandwell Metropolitan Borough Council

Name: Councillor Peter Hughes

Position: Cabinet Member for Regeneration & Infrastructure

Signature: 

Date: 28/01/2025