

**Minutes of the Future Council Scrutiny Committee
Thursday, 15th July, 2021 at 6.00 pm
In The Town Hall, Dudley**

Present:

Councillor A Lees (Chair)
Councillor E Lawrence (Vice-Chair)
Councillors S Ali, C Barnett, D Corfield, J Cowell, A Davies, P Dobb, J Foster, Z Islam,
J Roberts, M Rogers and S Saleem.

Officers:

H Martin (Director of Regeneration and Enterprise), P Mountford (Head of Planning and Regeneration), C Mellor (Planning Manager), V Popplewell (Principal Planning Officer), M Johal (Senior Democratic Services Officer) and G Gray (Assistant Democratic Services Officer)

Also in Attendance:

Councillor C Bayton - Cabinet Member for West Midlands Combined Authority
Councillor P Atkins (Observer)

9 **Chair's Comments**

The Chair welcomed everyone to the meeting of the Future Council Scrutiny Committee and advised that the meeting would be webcast for viewing online.

10 **Apologies for Absence**

Apologies for absence were received on behalf of Councillors P Harley and S Phipps and K O'Keefe (Chief Executive) and I Newman (Director of Finance and Legal).

11 **Declarations of Interest**

No member made a declaration of interest in accordance with the Members' Code of Conduct.

12 **Minutes**

Resolved

That the minutes of the meeting held on 9th June, 2021, be approved as a correct record and signed.

13 **Public Forum**

The Committee heard representations from a member of the public in relation to the tram and railway network. Concerns were raised regarding the conversion of the Bus Network and part of the Urban Railway Network into the Metro Tram system. It was commented that no consultation or vote had been undertaken with either Councillors or the general public and that the costs involved to implement the tram network was far greater than the cost to rebuild the existing railway lines. Issues were also raised concerning the restoration of the heavy rail passenger services from Derby to Devon through Dudley. The Committee were informed that it would be unfeasible to build provisions into the Dudley tramline to allow for the return of passenger, freight and goods trains together with trams all on one set of tracks. It was commented that an unused train line between Brierley Hill and Stourbridge currently existed and it was considered that the Council should decide on whether to allow trams or trains to be placed on this set of tracks.

A Member acknowledged the comments and concerns raised and requested that information be provided by the Director of Regeneration and Enterprise on what had been undertaken with regards to costing and work towards the proposal of using the railway lines and whether this would be a financially viable option.

In responding the Director of Regeneration and Enterprise advised that information would need to be obtained from Transport West Midlands, that the facts and data put forward would need to be clarified. A report would be submitted to a future meeting of the Committee.

The Chair, on behalf of the Committee, thanked the member of the public for his attendance and the comments raised.



Resolved

That the Director of Regeneration and Enterprise be requested to submit a report to a future meeting of the Committee providing feedback on issues raised.

14 **Black Country Plan – Approval of Draft Plan for Consultation**

A report of the Director of Regeneration and Enterprise was submitted on the Black Country Plan (BCP) to seek approval of the Draft Plan for Consultation.

The Chair introduced the report and stated that the BCP was a draft plan only at this stage and consultation would take place between the period August to September, 2021. The consultation would provide an opportunity for all stakeholders, including the public to make comments, and subsequently the Plan would be submitted to the Secretary of State within two years for examination.

The Director of Regeneration and Enterprise presented a summary of the BCP including the background to the plan, what the Black Country Plan priorities were and the housing and employment need figures. The employment need evidence indicated that further additional employment land would be needed over the planned period and that employment land was essential to provide employment for residents, to attract new residents to the Black Country and to support new businesses which would provide jobs and safeguard existing businesses.

The Plan had a number of key priorities and remained committed to the prioritisation of Brownfield land and to urban regeneration. The housing provision had been made up of two and a half thousand sites across the Black Country and had worked to maximise supply in the urban area by a number of methods, however, it was noted that there was still a shortfall. There were challenges with Brownfield land and viability remained a key issue due to public funding being needed to regenerate a high proportion of Brownfield land. Work would continue with the Combined Authority and other public bodies to deliver the plan and priorities of Brownfield sites.

Taking all these factors into consideration there still remained a shortfall, therefore, the BCP proposed the allocation of Greenbelt land in order to move towards meeting the housing and employment needs identified. Under the Duty to Cooperate, discussions were ongoing with a number of neighbouring authorities to provide additional housing and employment land in their areas to meet the needs of the Black Country.

The Plan was complex and very detailed with a challenging timetable, would be kept under constant review and the need to seek the views of residents would be a critical stage to the plan.



Following the presentation, Members asked questions, made comments and responses were given as appropriate:-

- Members raised concerns regarding the eight-week consultation period between August to September and whether this would be a sufficient amount of time for residents to put forward their queries and concerns. Given that the BCP would have a significant impact on residents; that the Plan was a substantial, complex document and bearing in mind the impending summer months and school holidays, it was queried as to whether residents would have adequate opportunity to submit their responses.

The Director of Regeneration and Enterprise advised that there was a statutory requirement to hold consultation over six weeks and that they had allowed for eight weeks; that there was a very challenging timetable to adhere to and it was critical that the timetable was followed as there would be significant consequences. It was acknowledged the importance of how the plan was phrased to residents and Officers and Members could assist by liaising with residents to get them engaged with the consultation process. It was advised that the consultation period would be used to engage with as many people as possible, however, due to the current climate, a majority of the consultation would be undertaken online. However, planning officers would be available to speak to members of the public on an appointment basis at Dudley Town Hall during August and September.

- In responding to a question raised by the Chair, the Principal Planning Officer confirmed that the Communications and Public Affairs team (CAPA) had an approved engagement strategy and they had a large network of communication channels to utilise to reach out to residents and hard to reach groups. Further to this, it was advised that a consultation database had been established whereby several thousands of people had signed up to in the last few months; that residents would be contacted through the database to inform them when the consultation period had started; that a significant Social Media campaign would be launched; a video had been produced to raise awareness and advertisements placed on buses as well as utilising local radio and press releases.
- A Member made observations that online engagement within smaller Wards may not be suitable and it was suggested that hard copies of the information be circulated to every home in the Borough.
- Concerns were raised about the difficulty in engaging with smaller Wards, plans to develop onto the greenspaces in those Wards and the impact it would have on residents. In responding the Director of Regeneration and Enterprise confirmed that during the consultation process, all questions and queries raised would be given due consideration. However, it was acknowledged that there were challenges in engaging and reaching out to people in certain areas.



- Arising from concerns raised it was recommended that the consultation period should be extended for a further four weeks so that additional public events could be held as the school holidays would have ended, and it would be safer to do so, given the fact that further residents were being vaccinated every day.

The Director of Regeneration and Enterprise advised that any request to extend the consultation timetable would need to be considered against the timescales required to progress the Plan to its next stage. This included sufficient time to summarise the consultation responses, update any evidence base work, amend the Plan and take the Plan through the various reporting mechanisms prior to going out to consultation next summer.

- It was queried whether public meetings would be held throughout the Borough; that the suggestion of canvassing leaflets or paper copies to residents be considered and the possibility of Officers promoting the consultation process at Community Forum meetings should they resume.

It was advised that a leaflet had been produced, which would be available on reception areas and community centres, copies of which would be made available to Members to distribute. The Principal Planning Officer noted the suggestion to use the leaflets to target specific areas and confirmed that Officers would be in attendance at the Community Forum meetings should they recommence during the consultation period.

- Concerns were raised regarding the complexity of the plan and it was queried whether the information could be simplified to make it easier for residents. The Planning Manager advised that a non-technical document was in the process of being produced to help make the document easier to find sites that were proposed for allocation; that there were Officers in Dudley who would be available on a help line throughout the consultation period to take telephone calls from the public; that face to face meetings would be held by appointment during the daytime and evenings for residents to attend to show plans and answer any queries; the draft Plan and large maps would be available in the libraries and council buildings as well as an interactive online map and that a further detailed map of sites that were allocated was in progress and could be posted to residents on request.
- A Member raised a query as to whether Dudley residents would have any influence on other Black Country Local Authorities that bordered the Dudley Borough and vice-versa.



It was advised that other comments from residents that border the Dudley Borough would be valid; that work had been undertaken with Black Country Local Authorities that share boundaries to enable residents to comment on sites and that responses would be provided as part of the Black Country consultation exercise. In terms of potential sites outside of the Black Country, and where those authorities were in the plan process, residents would have the opportunity to comment on their plans.

- It was considered that the period of time from September 2021 to July 2022 to respond to comments was extensive and that more could be done to extend the consultation process. It was recognised that more resources to deal with responses would be needed should the consultation period be extended to October 2021.

The Director of Regeneration and Enterprise reported that the consultation process was in conjunction with the four neighbouring authorities and to change the dates would require all four authorities to be in agreement. It was noted the consultation period was critical to engage as many people as possible and that it would be difficult to establish resource requirements until the comments were received.

The Planning Manager clarified that between September 2021 and July 2022, Officers would need to produce the next publication plan; draft the plan; respond to technical comments in depth; produce documentation for submission to Cabinet from all four authorities; allow for the possibility of significant changes and therefore this was not an extensive period to produce the publication document.

- A Member raised concerns regarding the impact building on Greenbelt sites would have on residents and it was queried whether questions, as part of the consultation exercise, would allow residents to submit their views. It was also queried whether Members would be able to view the content and questions before publication.

It was reported that the questions produced were of a standard format and the impact on residents could be expressed in the consultation and would be responded to. A summary document could be made available to Members.

- A Member made reference to a map showing the railway line from Brierley Hill to Pensnett and queried whether this would be part of the Plan. Queries were also raised on whether Officers had undertaken discussions concerning the Western Orbital Relief Road.

The Director of Regeneration and Enterprise confirmed that the map showed an asset of a disused railway line, which had not been part of the Plan and that no active discussions were ongoing regarding the Western Orbital Relief Road.



- A Member queried whether consideration had been given to increase capacity of road provision, additional school places and General Practitioners (GP's) to accommodate the impact from additional housing.

It was confirmed that meetings had been carried out with other sectors such as Education, Highways, Utility Providers and Clinical Commissioning Groups (CCG's), which highlighted matters surrounding infrastructure provision as well as existing provisions. Section 106 Agreements had provided additional education provisions; that the GGC was looking into increasing capacity in Health Care as part of the service plans and that transport modelling would be implemented over the next few months. However, it was acknowledged that the wider infrastructure would need to be reviewed.

- A Member made reference to the housing allocation list as it was considered that some Boroughs were releasing significant amounts of residential property compared to the Dudley Borough. It was queried whether consideration was being given to alleviate the pressure of building on Greenbelt areas where it was not needed.

It was confirmed that the areas stated had specific allocations and those allocations had already been supplied previously. Other Boroughs had a smaller amount of Greenbelt land and were landlocked, however, neighbouring Boroughs had more employment land, which was needed by the Dudley Borough.

- A query was raised regarding the sites removed that had previously been allocated for housing. The Principal Planning Officer clarified that a review of the sites had been undertaken on the BCP regarding the existing supply, and it had to be demonstrated that the sites were developable, available and achievable, therefore, unsuitable sites (such as occupied employment sites, where the owners had indicated their intentions to remain operating) had been removed.
- A Member identified two sites that had rated highly in the Black Country Greenbelt study for urban sprawl and considered that this could be a positive for those sites.

It was determined that across the Black Country the five purposes in the study was prevalent in most cases. All the Greenbelt land owned by Dudley were largely met by the five purposes but there were still different degrees of harm and this would be a key factor in the rating.

- A Member queried whether the option of Compulsory Purchase Orders (CPO's) had been considered as part of the Plan.

It was advised that the smaller sites or CPO's would not be visibly seen in the Plan as these would have been assigned as windfall allocations.



- The view was taken that a more detailed scrutiny exercise should be undertaken to cover the issues raised and to scrutinise the plan and the consultation process further, which would enable the Committee to obtain a more detailed response from Officers.
- Following comments made concerning certain groups engaging with planning hiring professionals (such as Planning Aid) to assist in understanding the Plan, should they feel it necessary, it was commented that although it was a possibility, Officers were on hand to support and help residents understand the Plan and to help frame their opinions on the plan.
- A Member queried as to whether funding had been issued to carry out the advertisement of the consultation process and if a social media campaign had been considered.

It was stated that each of the Black Country authorities had allocated a budget to fund the preparation of the Black Country Plan and this included a budget towards consultation. In addition, funding had been received from Government which was contributing towards work on the Plan.

- Following comments made regarding the importance of maximising the consultation period, ensuring residents knew from the outset what opportunities were available, a query was raised on whether Officers were prepared for the consultation process.

It was confirmed that a date to carry out the consultation was still in progress, however, there would be some flexibility based on the need of Members or the public. Letters would be distributed to residents who had signed up to the consultation database which would include contact information to speak to Officers. Arising from previous consultations it was recognised that social media platforms provided large responses and it was also intended to utilise radio channels. It was noted that there had been some uncertainty around public events due to the Covid 19 Pandemic.

- A Member raised queries concerning the comments made in relation to the timeframe of the consultation being dependant on responses; the type of response received and what assistance could be provided to residents to ensure that legitimate responses were received.

The Director of Regeneration and Enterprise confirmed that every comment would be relevant and responses would be looked at individually. There would also be a number of engagement events that would be carried out together with support being available from Officers.



A Member raised concerns with regard to there being no consideration to infrastructure requirements concerning roads and public transport. It was noted that the Dudley region had a target date of 2041 to reach zero carbon emissions and there was a need to look into how this target would be achieved and how the properties being built would fit into the environmental agenda.

It was advised that there were policies in place around the climate agenda and any new properties that were built would be subject to building regulations to meet certain standards.

- Reference was made to the proposed Planning changes by the Government and it was queried what impact these changes would have on the BCP in terms of planning permissions.

It was confirmed that the advice in terms of the local plan process was to continue with the plan. With regard to permitted development, there was a possibility that there would be changes, however, these could be to Dudley's advantage.

- Further comments were made concerning the infrastructure for transport not being in line with the developments proposed and the level of impact additional housing would have.

The Planning Manager confirmed that there would be ongoing issues with developments, however, this would be partly due to funding being delivered for infrastructure as part of the development. It was confirmed that the necessary funding would be considered at the relevant time. The plans for infrastructure would become more apparent as the BCP developed and that the detail on this would be included at future consultations.

- A Member requested that a copy of the consultation, together with the questions be posed through the consultation process, be circulated to Members of the Committee.
- It was queried what resources were available to produce hard copies for residents and whether residents would be able to view and identify specific areas from a hard copy of the plans. It was considered that should the report be shortened, and vital information removed, residents would not be able to read the report in full and submit informed questions.

It was advised that a summarised document would be available to raise awareness of the Plan, however, the consultation document would be the Draft Plan, which would be available at Council Buildings. A hard copy of the response form would be available to residents to submit their comments.

- It was again proposed that the consultation process be extended for a further four weeks as well as additional scrutiny meetings be held on the BCP to review specific complex issues of the plan whilst the consultation process was ongoing.

Resolved

- (1) That the Cabinet be recommended to consider an extension of the consultation period by up to four weeks.
- (2) That, following consultation with the Chair, additional meetings of the Committee be arranged, alongside the consultation exercise, for an in-depth scrutiny review to be undertaken in connection with the Draft Black Country Plan.
- (3) That Members of the Committee be requested to email Democratic Services on specific areas they wished to explore as part of the scrutiny review.

The meeting ended at 8.15pm

CHAIR