

**Minutes of the Future Council Scrutiny Committee
Wednesday, 2nd March, 2022 at 6.00 pm
In the Council Chamber, The Council House, Priory Road,
Dudley**

Present:

Councillor A Lees (Chair)
Councillor E Lawrence (Vice-Chair)
Councillors S Ali, R Collins, J Cowell, A Davies, J Foster, Z Islam, M Rogers, S Saleem and D Stanley.

Officers:

K Wright (Director of Public Health and Wellbeing), C Mellor (Head of Planning), V Popplewell (Principal Planning Officer), P Parker (Head of Communications and Public Affairs), C Marshall (Senior Account Manager) and K Taylor (Democratic Services Officer).

Also in Attendance:

Councillor P Harley (Leader of the Council) and Councillor I Kettle (Cabinet Member for West Midlands Combined Authority)
Six Members of the Public

56 **Apologies for Absence**

Apologies for absence were received on behalf of Councillors C Barnett, D Corfield and P Dobb.

57 **Appointment of Substitute Members**

Councillors R Collins and D Stanley had been appointed as substitute Members for Councillors P Dobb and D Corfield respectively, for this meeting of the Committee only.

58 **Declarations of Interest**

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

59 **Minutes**

Following comments made by Members, the Chair confirmed that the purpose of the additional Scrutiny Committee was to consider the outcomes of the Black Country Draft Plan Consultation, lessons learnt and next steps going forward. There would be further opportunity to scrutinise the Black Country Plan during the next municipal year if appropriate.

Arising from a question raised by Councillor J Foster in relation to matters arising, the Democratic Services Officer confirmed that consideration was being given to the inclusion of a standing item in relation to outstanding actions on future Scrutiny Committee agendas from the next Municipal Year.

Resolved

That the minutes of the meeting held on 19th January, 2022, be approved as a correct record and signed.

60 **Public Forum**

The Committee heard representations from a member of the public in relation to the proposed tram track near the Merry Hill Shopping Centre alongside the canal which would be positioned through the grass embankment. Support was requested for the relocation of the section mentioned to be placed on stilts above the canal waterway near to the embankment which would also protect the current open space.

Members supported the comments made and suggested that they be referred to Midlands Metro Alliance for consideration via the Director of Regeneration and Enterprise.

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

Resolved

That the Director of Regeneration and Enterprise be requested to forward comments made in relation to the relocation of the section of the tram track near the Merry Hill Shopping Centre to Midlands Metro Alliance for consideration.

61 **Black Country Draft Plan Consultation Update**



A report of the Director of Regeneration and Enterprise was submitted on the initial feedback on the Black Country Draft Plan (BCP) consultation. The Draft Plan was approved for consultation by all four Black Country Cabinets in July, 2021 and the public consultation commenced on 16th August and concluded on 11th October, 2021.

In presenting the report submitted, the Head of Planning confirmed that approximately 19,500 respondents had commented on the Plan, which was significantly greater than previous consultation responses including the Black Country Core Strategy and Black Country Plan Issues and Options. An initial analysis suggested that the total number of representations submitted by Dudley residents and stakeholders, totalling 7,471 together with seven group responses and petitions, was a significant proportion of responses received amongst the four local authority areas.

A summary of the group responses and petitions was outlined at the meeting, and it was noted that the number of respondents of the Friends of Homer Hill Park and Cradley had been confirmed as 366. It was further reported that several responses had been received from landowners on sites allocated in the Draft Plan, objections to sites that had been omitted from the Plan for allocation and support received for the proposed designation of Corbett Meadow as a Local Green Space and that the Green Belt in Halesowen would not be released.

The main reasons given for objections to both specific allocations in the Black Country Plan and the general principle of release of green belt and open space for development were outlined in paragraph 17 of the report submitted. A range of responses to the proposed policies in the Draft Plan was also summarised in Appendix 1 to the report submitted.

The process and analysis of the responses which would be combined with further evidence to assist in the formulating of recommendations to the Cabinet on the Publication Plan was referred to and it was confirmed that representations would be published online week commencing 14th March, 2022 to enable members of the public and stakeholders the opportunity to view all the representations received, ahead of publishing the Publication Plan in the summer of 2022. A further public consultation exercise was expected to take place between August and October, 2022.

In summarising the next steps whilst considering amendments implemented during the consultation exercise, it was noted that emails and letters would be sent out to everyone that submitted a formal submission on the Black Country Plan during the last consultation (either individually or as a group submission). The lead submitter of all petitions would also be written to, and this would be supplemented by a multi-channel communication approach across Dudley Borough and the wider Black Country, utilising a mix of traditional and digital marketing channels, including Home Magazine, posters and media relations.



Officers would continue to be available to deal with enquires via telephone and email throughout the consultation and face-to-face drop-in sessions to be arranged at various locations across the Borough to deal with enquiries in relation to the Plan and the consultation process and how to respond to the consultation. It was anticipated that Information Technology equipment would be made available at the drop-in sessions to assist people in accessing information on the consultation and the online consultation portal to submit representations. Guidance notes on how to respond to the consultation, both online and in written form, would also be made available alongside electronic and paper comments forms.

It was also confirmed that the Planning Team would take responsibility for organising and leading public meetings, if necessary, given that the Covid-19 pandemic position had changed since the consultation during 2021.

Members asked questions, made comments and responses were given, where appropriate, as follows:-

- The Chair commented positively on the comprehensive report given and acknowledged the improvements made during the process which had resulted in a successful consultation exercise.
- Councillor J Foster paid tribute to local communities and organisations in highlighting their concerns and submitting representations to the proposed Black Country Plan in order to protect local green spaces and green belt.
- Councillor S Saleem expressed thanks to the support provided by Officers in responding to issues raised in relation to the Kingswinford North and Wall Heath area and to the Wall Heath As One Group, communities, residents and Ward Members for their extensive work and support during the consultation exercise. It was further stated that Kingswinford North and Wall Heath had submitted the highest number of objections to the two sites proposed in the locality and welcomed and echoed comments made previously by the Leader of the Council in that the views represented could not be ignored and the plans to build on Dudley Green Belt land should be withdrawn.
- Councillor Z Islam referred to the challenges faced during the consultation process and recognised the participation, lessons learnt and improvement to communication which was demonstrated in the report given. The participation by communities was greatly acknowledged which highlighted the importance of effective consultation. The need to ensure sufficient engagement at the next consultation stage with smaller communities in order to protect small green spaces was essential.
- The complex nature of processing all representations including petitions and group responses was outlined by the Principal Planning Officer.



- In responding to a question by the Vice-Chair in relation to traffic analysis, the Head of Planning confirmed that the first phase in modelling existing transport interventions had concluded, and that a meeting had been scheduled for Thursday 3rd March, 2022, with the four Black Country Lead authorities where a request would be made to ascertain when the data would be available. Once available the information would be shared with the Committee via e-mail accordingly.
- Reference was made to the response from the Public Health Intelligence Team to a request made by the Committee confirming that they did not have the relevant skills or experience to advise on the datasets used to determine population growth. The Director of Public Health and Wellbeing assured the Committee that she was satisfied that the Office of National Statistics national formula adopted was a robust approach utilising accurate 2014 data and that there was no reason to challenge the data sets. It was further noted that the Office of National Statistics data had been reviewed by the Office of Statistical Regulation arising from concerns raised in relation to the large increase of household projections based on the migration of international students and recommended that the figures were fit for purpose and that detailed work be undertaken in small areas with significant numbers of student accommodation. The 2021 census data was expected in May, 2022 and further work would be commissioned to utilise the data prior to the publication of the next stage of the Plan.
- Councillor I Kettle shared his concerns that 2014 data had been utilised and he considered that the area and country had significantly changed since that time.
- In responding to comments made, the Leader of the Council stated that the seven metropolitan leaders had expressed the same concerns, and that a meeting with the Secretary of State had been requested, however due to restructures, a response had not yet been received.

- The Vice-Chair referred to the significant response to the consultation and asked the Leader of the Council and Head of Planning whether they considered that building on greenbelt was appropriate.

The Head of Planning considered that the number of submissions was high for a technical document and assured that all comments would be taken on board in order to shape the recommendations put forward to Members based on targets set. The need for additional housing was emphasised, and it was believed that the sites proposed within the plan were appropriate for consideration at this time.

In responding, the Leader of the Council applauded the tremendous response by the public and considered that the proposed Draft Plan was appropriate to undertake the necessary process required. It was suggested that in order to undertake effective consultation, comments and representations submitted should be noted and considered accordingly.

- Councillor J Foster suggested that improvements were needed to the Scrutiny process which she believed had not been effectively undertaken during consideration of this matter and it had demonstrated strengths and weaknesses within the current process. It was suggested that a review be undertaken to ensure a fit for purpose scrutiny process and that consideration given to the inclusion of all relevant documentation including minutes of meetings pertaining to the matter. Scrutiny reviews should have a clear process to include invitations to independent expert witnesses in order to act in the public interest.
- Arising from comments made, the Chair suggested that any constitutional comments be forwarded to Democratic Services for consideration. It was believed that the Scrutiny process had been robust as demonstrated by the outcomes of the consultation. It was confirmed that Members were invited to submit questions to witnesses that attended a meeting held in October, 2021, and the Chair referred to improvements made following suggestions made by Members. It was also stated that public meetings in ward areas had been well attended, and despite the additional Scrutiny meetings, approximately 30 members of the public attended Committee meetings in relation to the Black Country Plan. It was further acknowledged that Dudley Council was the only authority within the Black Country to undertake a full scrutiny review of the Black Country Draft Plan.

- Councillor J Cowell referred to the objections of The Wildlife Trust to the term 'brownfield-first' being utilised in the Black Country Plan as such sites could have a high biodiversity value and sought clarification on the national policy definition of previously developed land that excludes sites 'where the remains of the permanent structure or fixed surface structure had blended into the landscape'.

In responding, the Leader of the Council clarified that disused brownfield sites that were covered in grassland did not materialise into green spaces and reiterated the importance of utilising brownfield sites where possible in order to prevent building on green belt land.

- Councillor D Stanley confirmed that the site listed as DUH 210 – Viewfield Crescent, Dudley was located in Sedgley within the Upper Gornal and Woodsetton ward. The need for statistical data in relation to transportation and traffic to be presented as figures and not percentages in order to be fair and transparent was emphasised.
- In responding to a question raised by Councillor D Stanley in relation to the review of brownfield sites and derelict properties and houses within the Dudley Borough, the Head of Planning confirmed that there was a comprehensive understanding of brownfield sites in Dudley and the Black Country, and an overview of the work undertaken in relation to derelict sites was outlined.
- It was noted that a generic letter would initially be sent to everyone that submitted a formal submission on the Black Country Draft Plan during the last consultation, however a formal response would be provided and available online once the Publication Plan had been published. A further report would also be produced summarising all representations and comments together with officer responses and updated evidence.
- Councillor D Stanley emphasised the importance of addressing the pressure on local services including schools, dentists and hospitals due to increased number of residents and constraints on existing capacity, and that some employment land should be retained in order to attract employment and investment to the Dudley Borough.

The Principal Planning Officer confirmed that an Infrastructure Delivery Plan would be produced alongside the Publication Plan, which would demonstrate the infrastructure required for the Black Country Plan going forward. The shortage of employment land within Dudley was acknowledged, and it was noted that occupied employment land had been previously identified in the existing Black Country Core Strategy to be utilised for housing, however this had not been successful in view of the owner's decision to retain the land.



- Councillor Z Islam supported comments made on the improvements needed in relation to the Scrutiny process and stated that the proportion of objections submitted in comparison to supporting comments demonstrated an overwhelming majority objected to the proposed Black Country Draft Plan. An update was requested on the work commissioned by the West Midlands Combined Authority on the Urban Capacity of the Black Country.

The Chair confirmed that Gareth Bradford, Director of Housing and Regeneration for the West Midlands Combined Authority would be attending the next meeting of the Committee to provide an overview of the Housing and Regeneration Investments in Dudley.

The Leader of the Council suggested that the purpose of the work undertaken by the West Midlands Combined Authority included a review of brownfield sites that was rejected across the Black Country.

- In referring to challenges faced in independent expert witnesses attending future Scrutiny Meetings, Councillor I Kettle suggested utilising remote meeting facilities where appropriate.
- The Vice-Chair referred to the next consultation process and queried whether the website had been reviewed and documentation simplified for residents and stakeholders to complete. It was further queried whether a budget had been allocated for marketing going forward.

In responding, the Head of Planning confirmed that the website had been procured by the four local authorities for the duration of the process and work would continue to simplify the system. It was anticipated that a simple form where users could type directly into the document and submitted by e-mail would be developed for the next consultation process. It was noted that an accumulative budget had been allocated across the four local authorities for marketing, and that it was essential that a consistent approach was utilised in the consultation exercise across the Black Country.

- Councillor J Foster considered that not all greenfield and brownfield sites were equal and referred to brownfield sites that were valued by communities and emphasised the need to identify genuine brownfield sites in order to preserve valuable spaces. The establishment of the Derelict Sites Working Party was welcomed and it was suggested that that there were a number of sites within the Brockmoor ward that would mitigate the need to use the two green spaces proposed within the locality.
- Reference was made to National Empty Homes week and the need to consider opportunities available with the number of empty properties within Dudley in order to prevent utilising green belt and green spaces.



- Councillor J Foster raised concerns in relation to the lack of reference and aspirations to build affordable housing within the Black Country Draft Plan and requested that further consideration be given to this matter.

In responding, the Head of Planning endorsed the need to utilise empty homes and renovated accordingly, however all empty homes were identified and calculated within the Plan. It was further commented that any additional identified brownfield sites would be incorporated into the supply.

- Councillor S Ali expressed his thanks for the comments and representations submitted in response to the Consultation that highlighted the importance of greenbelt and green spaces. It was suggested that there was still opportunity for the Scrutiny Committee to scrutinise the proposed Black Country Plan at future meetings providing an opportunity to invite independent witnesses as a basis to formulate recommendations to officers to further strengthen the case against development on green belt and green spaces.
- Arising from comments made in relation to the scrutiny process, Councillor M Rogers confirmed that a Scrutiny Development Session had been arranged for all Chairs and Vice-Chairs of Scrutiny Committee on Monday 21st March, 2022.

In concluding the debate and following consideration given to comments made, the Committee agreed to recommend the removal of all green spaces and green belt sites in Dudley Borough as identified within the Black Country Plan.

The Chair, on behalf of the Committee, thanked officers for their attendance and excellent work undertaken in relation to the Black Country Draft Plan Consultation.

Resolved

- (1) That the report on the initial feedback on the Black Country Draft Plan consultation, be noted.
- (2) That the Cabinet Member for Regeneration and Enterprise be recommended to consider the removal of all green spaces and green belt sites in Dudley Borough as identified within the Black Country Plan.

The meeting ended at 7.45pm

CHAIR



FC/95