

## **Future Council Scrutiny Committee – 24<sup>th</sup> November, 2021**

### **Report of the Lead for Law and Governance (Monitoring Officer)**

### **Scrutiny Review – Black Country Plan**

#### **Purpose**

1. To consider an interim report on the scrutiny review relating to the Black Country Plan.

#### **Recommendations**

2. That the Committee note the outcomes of the scrutiny review undertaken during the public consultation on the draft Black Country Plan as summarised in this report.
3. That a report on the outcomes of the consultation be submitted to a future meeting of the Cabinet and that further scrutiny review work be undertaken by this Committee at the appropriate time in line with timescales to be agreed.
4. That the arrangements for any additional meetings of this Committee, together with the necessary timescales, be agreed following consultation with the Chair and Vice-Chair.

#### **Background**

5. From 16<sup>th</sup> August to 11<sup>th</sup> October 2021, a public consultation was held in relation to the draft Black Country Plan. During this period, three dedicated meetings of this Scrutiny Committee were held in relation to the Black Country Plan. The detailed reports, minutes and recordings of these meetings are available on the Council's website at the links below:

Future Council Scrutiny Committee – 15<sup>th</sup> July, 2021

[Minutes, Reports and Documents](#) : [Recording of the meeting](#)

Future Council Scrutiny Committee – 1<sup>st</sup> September, 2021

[Minutes, Reports and Documents](#) : [Recording of the meeting](#)

6. The focus of these meetings was the process for the ongoing scrutiny of the Plan and encouraging contributions from members of the public during the consultation period. A detailed record of all the contributions are included in the minutes of the meetings and will be considered alongside all the other feedback and representations received during the consultation period. The Council wishes to extend thanks to everyone who has participated in the consultation.
7. It has recently been reported that more than 5,800 people have submitted individual responses to the Black Country Plan consultation in addition to the receipt of substantial petitions and group responses. Planning Officers across the four Black Country Councils now have the major task of processing and analysing the website responses, emails, letters, comment forms and many other forms of communication in response to the consultation. The outcomes from the consultation, along with further evidence gathering, will inform the next version of the Plan - namely the 'Publication Plan'. This is due to be consulted on during 2022. A report will be submitted to a future meeting of the Cabinet and this will provide an opportunity for the Scrutiny Committee to undertake further work as the development of the Plan progresses. This will include the calling of any specialist 'witnesses' at the discretion of this Committee.
8. Despite the significant pressure on resources, Dudley Council has taken a leading role in carrying out scrutiny during the Black Country Plan public consultation period. This has enabled comments and suggestions to be considered during the 'live' consultation. On 6<sup>th</sup> October, 2021, a detailed presentation was given to the Committee on the significant work to encourage public participation, consultation and engagement. In response to comments made, the navigation through the Black Country Plan website was significantly improved enabling a simplified comment form. Additional comments forms were printed to fulfil requests from members of the public, elected members to be distributed at meetings and drop-in events. A direct mail flyer was delivered through Royal Mail in the week commencing 27<sup>th</sup> September, 2021. Face to face drop-in sessions and public meetings were held and supported by planning officers. This is alongside other communications and promotional activity undertaken within the constraints of the allocated budget.
9. On 6<sup>th</sup> December, 2018, the Cabinet approved a report on [Council and Corporate Consultation](#). This included a checklist to be used for corporate consultations. A review of this document will be included in the future Scrutiny Programme following consultation with the Communications and Public Affairs and Public Health teams and in the light of experience from the public consultation on the Black Country Plan.

10. At the last meeting of the Committee, a request was made for a recommendation to be formulated asking the Director of Public Health and Wellbeing to undertake an evaluation of localised data for Dudley on growth population figures which might give a more accurate indication of Dudley's future housing needs. Concern was expressed that the Government projections may be overestimated. If there are additional resource implications in undertaking this, it was recommended that consideration be given to the procurement of the work as needed. An update on this recommendation will be given at the meeting.

## **Finance**

11. The costs of preparing the Black Country Plan review is financed and funded jointly by the Black Country Local Authorities and through an external grant from the Ministry of Housing, Communities and Local Government of £560,000. The Council's contribution to the work is being met through mainstream budgets and resources dedicated to the production of Development Plan documents and other such statutory planning documents.

## **Law**

12. It is necessary to ensure that the Black Country Plan review is undertaken in accordance with various legal provisions as set out in the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework NPPF (and associated guidance) 2012. The Council's scrutiny arrangements are set out in Article 6 of the [Constitution](#) and the associated Scrutiny Committee Procedure Rules.

## **Risk Management**

13. Failure to have an up-to-date development plan that is based on sound evidence could result in the borough having insufficient land to meet the need for housing, employment and other land uses that are necessary to support the economic and environmental well-being of the area. It could also result in development being placed in inappropriate locations, leading to an inefficient use of resources, traffic congestion and other harm. Having a development plan in place is also essential to defend the Council's position in planning appeals. Without an up-to-date development plan, the Council/ Black Country Authorities risk intervention from central government and may compromise our ability to make decisions locally.

## **Equality Impact**

14. Preparation of the Draft Black Country Plan includes the carrying out of an integrated Sustainability Appraisal at each formal stage – and at later stages an Equality Impact Assessment. The Black Country Plan seeks to ensure that sufficient homes, shops and employment, social and recreational facilities are planned and provided for in that time to meet the needs of the communities in the Borough. This will include meeting the needs of children and young people by seeking to provide sufficient facilities for them as well as having a positive effect for future generations.

## Human Resources/Organisational Development

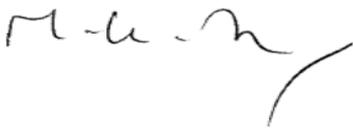
15. Work on the Black Country Plan is carried out by the Planning Policy Team in the Regeneration and Enterprise Directorate with assistance from officers in other Directorates where necessary.

## Commercial/Procurement

16. Preparation of the Black Country Plan has involved the commissioning by the Black Country authorities several pieces of evidence from external consultants. All procurement is carried out by Sandwell Metropolitan Borough Council on behalf of the Black Country authorities.

## Council Priorities

17. The Black Country Plan:
  - Supports the priority to '*Support stronger and safe communities*' through Local Plan preparation which will make provision for growth in housing and other land uses informed by public consultation so they can live in healthy places that build a strong sense of belonging and cohesion.
  - Supports the priority to '*Create a cleaner and greener place*' through the Local Plan preparation which will make provision of a comprehensive network of green infrastructure and an integrated and well-connected multifunctional open space network delivering opportunities for sport and recreation whilst establishing and supporting a strong natural environment.
  - Supports the priority to '*Grow the economy and create jobs*' through the Local Plan preparation which makes provision for land use allocations including employment and residential use, thereby encouraging economic growth, enhancing the district and providing certainty for investment.
18. The West Midlands Combined Authority declared a climate change emergency in July 2019 and committed to net zero carbon emissions by 2041. This means that the Black Country will be working towards meeting these targets through the policies and timescales within the Black Country Plan.
19. A Privacy Impact Assessment in line with GDPR requirements has been undertaken at previous stages of the Local Plan Review process.



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**Mohammed Farooq**

## Lead for Law and Governance (Monitoring Officer)

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### **Background Documents**

Report and Minutes of the Future Council Scrutiny Committee – 15<sup>th</sup> July, 1<sup>st</sup> September and 6<sup>th</sup> October, 2021