

Representations to Dudley Council's emerging Draft Local Plan Review Publication Stage Consultation Report (Regulation 19) (October 2024).

Representation prepared by:

16 November 2024



Goldfinch Town Planning Services (West Midlands)

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Goldfinch Town Planning Services (West Midlands) has been instructed to submit this 'made' Representations Statement report on behalf of our clients – a number of local residents who are the property owners of established residential properties located

On behalf of our clients, we are submitting strong planning policy objections to the council's emerging Local Plan Review.

This Representation is submitted in connection to the above Local Plan Review public consultation stage, which runs until 5:00pm on Friday, 29th November 2024.

This Local Plan Representation has been submitted by e-mail to the following public consultation address on the 16th November 2024:

planning.policy@dudley.gov.uk

On behalf of our clients, Goldfinch Town Planning Services welcomes the opportunity to enter into constructive and meaningful dialogue with Dudley Council's Planning Policy Team in connection to the council's emerging Local Plan Review.

Limitations

This document has been prepared for the stated objective and should not be used for any other purpose without the prior written authority of both Goldfinch Town Planning Services (West Midlands) and our various clients referred to further above. Both Goldfinch Town Planning Services (West Midlands) and our clients accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned.

**Representations to Dudley MBC's emerging Local Plan (Review)
Draft Publication Stage Consultation Report (Regulation 19)
(October 2024).**

- Comment Form

Part A – Personal Details

Please indicate which of these best describes you / your role in responding to this consultation	
Resident or Individual	
Planning Agent or Consultant	
Property Developer or Investor	
Landowner	
Local Business	
Land and Property Agent or Surveyor	
Local Authority	
Public service provider. e.g. education establishment, health, etc	
Public agency / organisation	
Community or other Organisation	
Local Residents	X
Statutory Consultee	
Charity	
Other (please specify in space below):	

Type of Representation: Is this Representation supporting or objecting to Dudley Council's emerging Local Plan (Review) Draft Publication Stage Consultation Report (Regulation 19) (October 2024)?			
Supporting		Objecting	X
We are neither supporting or objecting to this specific public consultation stage		Supporting with concerns	

Part B

Name of organisation submitting representation	Goldfinch Town Planning Services (West Midlands) on behalf of various local residents living along Stourbridge Road (Halesowen) and Witley Avenue (Halesowen).
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3. To which part of the Local Plan relate?	
Paragraph	See further below Representation
Policy	See further below Representation
Policies Map	

4. Do you consider the Plan is:					
(1) Legally compliant		Yes		No	X
(2) Sound		Yes		No	X
(3) Complies with the duty to co-operate		Yes		No	X

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See our Representation further below.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See our Representation further below.

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.
After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

	No, I do not wish to participate in hearing session(s)		X	Yes, I (Goldfinch Town Planning Services) wish to participate in hearing session(s)
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Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Our clients are objecting to the Dudley Local Plan Regulation 19 – Part Two report. In particular, proposals to bring forward a proposed new housing site allocation within the Dudley Local Plan (DLP) via Site reference = DLP H042. Site name: Land located at the rear of existing residential property numbers 294 to 344 Stourbridge Road (A458) (Halesowen). Proposed use: Residential. Indicative capacity: 25 new build residential units. Dudley Council's site classification: Greenfield. (The site allocation in question is referred to on page 213 of the Dudley Local Plan Regulation 19 – Part Two report).

We have concerns and are raising strong urban green space planning policy objections that the site bordering Stourbridge Road (Halesowen) has been included as a proposed new housing site allocation (for 25 new build residential units) within the council's Publication Stage Report (Reg 19) (October 2024). The area in question forms a critically important "stepping-stone" broadleaved woodland natural urban green space wildlife habitat, which forms an integral part of the wider green infrastructure network, and which connects to larger strategic wildlife corridors sites located within the nearby surrounding heavily urbanised area. It is therefore afforded a strong level of green infrastructure/ wildlife corridor focused planning policy protection under paragraph 185 of the Revised NPPF (December 2023), and at the local level, by existing adopted Black Country Core Strategy (2011) Policy CSP3 'Environmental Infrastructure'.

We also object to the considerably adverse residential amenity impacts of this proposal on established residential occupiers and the considerable highway safety/ traffic generation being caused by this proposed new housing site location on heavily constrained highway networks. The proposal site has particularly tightly constrained and very poor-quality vehicular access.

On this basis, the emerging Local Plan Review is failing the "Sustainability" test of Soundness set out within paragraph 35 (indent d) of the Revised NPPF (2023), and strongly conflicting with wildlife corridor/ green infrastructure focused guidance set out under paragraph 185 of the Revised NPPF. And, at the local-level, strongly conflicting with adopted Black Country Core Strategy (BCCS) (2011) Policy CSP3 Environmental Infrastructure.

The Council's Planning Policy Team is not promoting the most environmentally sustainable patterns of new development within borough, and the approach being taken by the council on these matters is therefore in direct conflict with a range of sustainable development focused guidance as reinforced within paragraphs 7, 8, 10, 11, 16 (indent a), 35 (indent d), 38, and 157 - 159 of the Revised NPPF (December 2023).

We object to the continued poor quality of the evidence base being used by the Local Planning Authority to support Local Plan preparation – particularly with regards to green infrastructure/ wildlife corridors protection, nature conservation, urban air pollution and climate change resilience matters. We have concerns that the emerging Local Plan Review is essentially being supported by a huge mountain of heavily out-of-date, not fit-for-purpose and insufficiently robust supporting background technical evidence, and does not therefore conform with the planning policy approach expected by paragraphs 16 (indents a and b), 31, 35 and 185 of the Revised NPPF (2023).



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Conclusion

Our clients strongly object to the proposed inclusion of proposed new housing site allocation site reference number: HO42 (site reference: (CFS/ SHLAA/ Dev Strat – 358) (being proposed for 25 number new build residential dwellings) (proposed housing site located at the rear of existing residential property numbers 294 to 344 Stourbridge Road (A458), Halesowen). The proposed new housing site allocation in question is referred to on page 213 of the ‘DLP – Part Two Report’ (October 2024).

We respectfully request that this emerging proposed new housing site allocation is now fully removed from Dudley Council’s Local Plan Review (2024/ 2025), and the site location afforded suitably robust urban green space planning policy protection on the main Policies Map of the Local Plan (via a suitable wildlife corridor/ urban green space planning policy protection designation) within the council’s emerging Local Plan Review.

Our clients maintain their view that the site in question forms a critically important “stepping-stone” broadleaved woodland natural urban green space wildlife habitat, which forms an integral part of the wider green infrastructure network, and which connects to larger strategic wildlife corridors located within the nearby surrounding heavily urbanised area. It is therefore afforded a strong level of green infrastructure/ wildlife corridor focused planning policy protection under paragraph 185 of the Revised NPPF (December 2023), and at the local-level, by existing adopted Black Country Core Strategy (2011) Policy CSP3 ‘Environmental Infrastructure’.

Our clients also object on the basis that developing this site for new housing development would substantially harm the residential amenity and outlook of nearby established residential occupiers which overlook the site located along Stourbridge Road (Halesowen), and would cause unacceptable highway safety impacts on the Stourbridge Road (Halesowen) due to the levels of vehicular traffic being generated by the new housing proposal. Developing this site for new housing would also adversely affect and make the local area less resilient to the effects of future climate change pressures as discussed further below.

It should not therefore be being proposed and taken forward for new build housing development within Dudley Council’s emerging Local Plan Review (2024/ 2025). It is considered that Dudley Council’s emerging Local Plan Review (Publication Stage Plan) (Regulation 19 public consultation report – October 2024) is therefore currently not promoting the most environmentally sustainable patterns of new housing development, in direct conflict with the Sustainability test referred to below.

As such, we maintain our view that Dudley Council’s emerging Local Plan Review (Regulation 19) (October 2024) is therefore failing the “Sustainability”

tests of Soundness as specified under paragraph 35 (indent d) of the Revised National Planning Policy Framework (NPPF) (December 2023).

We consider that the Local Planning Authority is therefore taking forward an insufficiently robust, not planning policy compliant, not fit-for-purpose and unsound Local Plan Review forward to the later Examination in Public (EIP) stage. Given the emerging Local Plan Review's continued ongoing failure and continued refusal to promote the most environmentally sustainable patterns of new housing development within urbanised parts of the Dudley Metropolitan Borough. Particularly within the Halesowen urban area, which continues to suffer from a failed and ineffective environmental protection approach.

The council's emerging Local Plan Review (2024) fails the "Sustainability" test of Soundness as specified under paragraph 35 (indent d) of the Revised NPPF (2023).

The 'Sustainability' soundness test for Local Plan Reviews – paragraph 35 (indent d)

Paragraph 35 (indent d) of the Revised NPPF (2023) is perfectly clear that: "...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (indent d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework..."

Summary of key issues

Our clients are specifically objecting to the inclusion of proposed new Housing site reference: HO42 (site reference: (CFS/ SHLAA/ Dev Strat – 358) referred to on page 213 of the 'DLP – Part Two Report' (October 2024), being brought forward through Dudley Council's emerging Publication Stage (Regulation 19) (October 2024) Local Plan public consultation report. The site allocation is proposing to deliver 25 number new build residential dwellings.

In order for our clients to remove their objections, Dudley Council's Planning Policy Team would need to fully remove the above proposed new housing site allocation from its emerging Local Plan Review (October 2024) (Regulation 19), and provide this critically important and sensitive natural green space area stepping-stone site with appropriate and suitably robust natural green space planning policy protection. Via a suitably robust, defensible, permanent/ very long lasting, and fit-for-purpose designation on the main Policies Map of the council's emerging Local Plan Review (2024/ 2025).

The site subject to this Local Plan Representation should be fully removed as a proposed new housing site allocation from Dudley Council's emerging Local Plan Review (Regulation 19) consultation report for the following reasons:

1. The site forms an important "stepping-stone" natural urban green space wildlife habitat connecting to larger strategic wildlife corridors.
2. The proposals to develop this area of mature and semi-mature urban woodland for new housing will result in the loss of privacy and will result in overlooking. This will materially harm and damage the residential amenity of established residential occupiers that directly overlook this natural green space site. This will affect their residential amenity and outlook. The proposals will materially harm the ability of these established residents to be able to continue to enjoy their homes and property peacefully, therefore conflicting with protecting their human rights under Article 1 of the Human Rights Act (1998).
3. The significant imbalance in the spatial distribution of new housing development across the Dudley Metropolitan Borough being brought forward through the council's emerging Local Plan Review (2024/ 2025) needs to be urgently addressed by Dudley Council's Planning Policy Team, within a significantly more heavily revised, more fit-for-purpose and environmentally sustainable planning policy approach. The Halesowen urban area within the vicinity of the Stourbridge Road (A458) is being completely over-loaded within increasingly unsustainable levels and environmentally damaging patterns of new development. The local area is already at maximum capacity levels and cannot accommodate any further new development growth within the inner urban area.

The council's planning policy team is promoting irresponsible patterns of new development and damaging the environmental quality of the local area.

4. The scale of development is completely unacceptable for this sensitive urban green space location. The proposals are not promoting sustainable patterns of development.
5. This scale of excessive and completely disproportionate new residential development growth being proposed within this proposed new housing site allocation is just completely unacceptable. Based on 4 cars per household, the proposed 25 number new build residential units will generate an additional 100 vehicle trips on the already heavily constrained, heavily pressured and unsafe highway network. Which already suffers from severe levels of traffic congestion. 100 additional vehicle trips accessing this proposal site will be absolutely disastrous for the local community, given the tightly constrained and unsafe highway access leading to the site. The housing allocation will result in enormous adverse residential amenity impacts affecting local communities living along Stourbridge Road (Halesowen). The proposals are just completely unsustainable, and should now be prevented from progressing any further within the council's emerging Local Plan Review (2024/ 2025).
6. No transparent transport assessments have been generated to support the various proposed new housing site allocations coming forward across the urban area, including for the proposed new housing site allocation at Stourbridge Road (Halesowen) - subject to this specific objection response. The transport evidence is obscure and far too vague, and therefore provides insufficiently robust evidence. This is particularly relevant given the completely unsafe, tightly constrained and dangerous character of the highway access leading to the proposed new housing site allocation (located off Stourbridge Road – Halesowen).
7. Robust, defensible and up-to-date photographic evidence contained with this Local Plan Representation demonstrates that the site in question forms a green field site, which contains areas of semi-mature urban woodlands, and extensive heavily vegetated green space areas.
8. The site contains areas of mature and semi-mature urban broadleaved woodland which provides beneficial wildlife habitats. The site positively supports wildlife corridor connectivity and movement of vulnerable protected species.
9. The site forms a sensitive greenfield site.
10. The approach being taken within the emerging Local Plan will worsen the effects of the Black Country Urban Heat Island Effect and cause increased levels of surface water run-off (creating flood risk pressures), given that greenfield sites (green space vegetated surfaces) within the inner urban area will be replaced by heavily urbanising brick, concrete, tile and macadam surfacing. Making the surface water run-off position far worse. We have concerns that the Council's Planning Policy Team appears to have no understanding of the urban heat island effect concept or surface water run-off issues.

11. The Sustainability Appraisal (SA) accompanying the emerging Local Plan Review is not being informed by sufficiently robust or credible green infrastructure background technical evidence. In particular, robustly-based wildlife corridor focused green infrastructure assessments as expected by paragraph 185 of the Revised NPPF (2023). The SA's assumptions are therefore based on flawed, insufficiently robust and missing evidence.
12. The proposals will have a highly damaging impact on the street scene, visual amenity, appearance, townscape quality, local distinctiveness, attractive woodland green space landscape setting and character of the local area. Particularly affecting established overlooking residential occupiers located along Stourbridge Road (Halesowen). The proposals will therefore conflict with adopted Black Country Core Strategy (BCCS) (adopted February 2011) Policy ENV2 'Historic Character and Local Distinctiveness'.
13. The LPA is not promoting climate change resilience measures within its proposed spatial planning policy approach being taken towards the distribution of new development. We are alarmed that the council's planning policy team considers it appropriate to re-develop established urban woodlands within heavily constrained urban areas for new housing development. The plan making approach being taken forward by the LPA strongly conflicts with climate change resilience focused national planning guidance set out under paragraphs 157 to 159 of the Revised NPPF (December 2023).
14. Given its green infrastructure sensitivity, positively contributing towards wildlife corridor connectivity, the site in question subject to this Local Plan Representation consultation response, has a strong level of planning policy protection afforded by wildlife corridor focused guidance set out in paragraph 185 of the Revised NPPF (2023). And at the local-level, by existing adopted Black Country Core Strategy (BCCS) (adopted 2011) green infrastructure policies CSP3 (Environmental Infrastructure) and ENV1 (Nature Conservation).
15. Stepping-stone wildlife habitats are given particularly strong levels of planning policy protection under paragraph 185 of the Revised NPPF (2023).
16. Paragraph 185 of the Revised NPPF (December 2023) reinforces that: "...To protect and enhance biodiversity..., plans should (indent a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological network, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping-stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and (indent b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity..."
17. Particular planning policy emphasis is given towards protecting stepping-stone natural green space wildlife habitat sites within the above NPPF guidance, which strongly reflect the characteristics of the proposed new housing site allocation wooded urban green space subject to this Local Plan Representation objection response. This is a completely inappropriate location for new housing.

18. There is an increasing shortage and significant under-supply of urban green space “stepping-stone” natural green space areas, particularly within heavily urbanised parts of Halesowen and Cradley Heath. This important urban green space planning policy issue has not been sufficiently taken into account by the LPA. The plan-making approach is therefore insufficiently robust, not planning policy compliant, not fit-for-purpose, potentially vulnerable to later challenge, and contains significant gaps in green infrastructure focused technical evidence base coverage. The emerging Local Plan Review is promoting environmentally damaging and unsustainable patterns of development within the local area.
19. Stepping-stone natural green space sites should be given appropriate natural green space planning policy protection and greater planning policy importance and recognition within council’s emerging Local Plan Review (2024/ 2025). These types of sites, similar to the site subject to this Local Plan Representation objection response, should not be being viewed as potential new housing development sites. There appears to be a significant problem of urban cramming development pressures within sensitive urban green space areas within the council’s emerging Local Plan Review. A failed environmental protection approach is being taken forward.
20. The council has not even got an up-to-date, defensible or sufficiently robust Green Infrastructure (GI) background technical evidence base study document in place to support the emerging Local Plan Review preparation. This is an alarming situation given that stepping-stone wildlife sites directly located within the middle of strategically important landscape-scale green infrastructure networks are being actively proposed for complete destruction for new housing development.
21. Dudley Council’s Planning Policy Team should already be aware of the significant ecological importance of natural green space stepping-stone sites for supporting biodiversity populations, and their vital positive contribution towards supporting the wider green infrastructure network, and supporting habitat recovery. By allowing fragile and vulnerable populations of wildlife species to move between different habitats within the urban area. We have concerns that these types of sites are being forced-through (against local community wishes and despite facing strong levels of local community opposition) and proposed for new housing development within the council’s emerging Local Plan Review (2024/ 2025).
22. The woodland urban green space containing mature and semi-mature native deciduous tree species positively contributes towards the residential amenity, landscape setting, local distinctiveness, character and appearance of immediately adjoining established residential occupiers located along Stourbridge Road (A458) (Halesowen), which directly overlook the proposed new housing site.
23. Dudley Council’s Planning Policy Team has failed to take on board critically important guidance in paragraph 185 of the Revised NPPF (2023) in its plan-preparation approach and its policy shaping exercise, when identifying new sites for housing within the Dudley Metropolitan Borough inner urban area. This

aspect is supported by robust and defensible evidence, given that the LPA is proposing the re-development of some sensitive wildlife corridors (such as the site subject to this Local Plan Representation) for new housing development within its Regulation 19 Local Plan Review (October 2024).

24. Dudley Council's Planning Policy Team is promoting inappropriate, damaging and unsustainable patterns of new development within the local area, by taking forward these types of sensitive wildlife corridor stepping-stone sites forward for new housing.
25. The position is perfectly clear, Dudley Council is not promoting the most environmentally sustainable patterns of new development within borough within its emerging Local Plan Review, and the approach being taken by the Council on these matters is therefore in direct conflict with a range of sustainable development focused guidance as reinforced within paragraphs 7, 8, 10, 11, 16 (indent a), 35 (indent d), 38, and 157 – 159 and 185 of the Revised NPPF (December 2023).
26. To help clarify the position for Dudley Council, put quite simply, there is a clear limit to how much new development a specific part of the urban area can continue to accommodate. We have concerns that the Council and its town planners, surveyors, transport engineers and urban regeneration specialists are all still failing to grasp these critically important and basic issues. The Halesowen urban area continues to be over-loaded with increasingly unsustainable patterns of new development, which is damaging to the local environmental quality, and damaging to the health and well-being of local residents.
27. The significant spatial imbalance in the distribution of new development across the Dudley Metropolitan Borough is highly concerning. The environmental quality of the urban area is being severely damaged as part of a seemingly increasingly more desperate urban cramming planning policy approach.
28. Which will be significantly damaging to the environmental quality and character of the local area, and damaging to the health and wellbeing of the thousands of local residents who live within this heavily populated and heavily urbanised area.
29. The site subject to this Local Plan Representation falls fully inside a green infrastructure network as designated within the existing adopted Black Country Core Strategy (BCCS) (adopted February 2011). This further reinforces the sensitivity of the proposed new housing site from a green infrastructure perspective.
30. Dudley Council's Planning Policy Team has completely neglected and disregarded the importance of ecological networks within heavily urbanised areas within its Local Plan preparation approach. The now advanced preparation stage emerging Local Plan Review (Reg 19) (Autumn 2024) is not based on a platform of robust, fit-for-purpose or credible evidence.
31. The emerging Local Plan Review (Reg 19) (Autumn 2024) proposed spatial development distribution (the severe and completely unsustainable urban cramming approach to development) is promoting inappropriate, damaging and

unsustainable patterns of development within the local area. Causing large “industrial-scale” ecological habitat damage and destruction to a number of sensitive wildlife corridors within the Dudley Metropolitan Borough inner urban area, in direct conflict with a range of green infrastructure focused NPPF guidance.

32. The public consultation approach undertaken by Dudley Council's Planning Policy Team has been unfair and inadequate, resulting in substantial prejudice.
33. The majority of residents bordering the above proposed new housing allocation were completely unaware of the Autumn 2024 Regulation 19 Local Plan consultation.
34. The public consultation approach taken towards this Regulation 19 consultation (Autumn 2024) has not proved “effective” or fit-for-purpose, and has therefore failed to respond robustly to guidance reinforced within paragraph 16 (indent c) of the Revised NPPF (2023), which is clear that: “...Plans should: (indent c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees...”
35. Within heavily urbanised areas, Council's should have a significantly more pro active and effective approach towards tackling the harmful effects of climate change – biodiversity loss, tackling urban heating, urban air pollution, reducing flood risk.
36. Dudley Council's plan-making approach towards clearing areas of deciduous urban woodlands within the Halesowen urban area is making the local area less resilient to future climate change pressures. For example, the carbon storage potential of trees is being lost, the proposals are adversely affecting local biodiversity, making the effects of the Black Country Urban Heat Island Effect far worse, making the local area more vulnerable to traffic related harmful urban air pollution and surface water run-off flood risk pressures, etc. The approach therefore strongly conflicts with climate change focused guidance set out within paragraphs 35 (indent d), 157 - 160 and 164 of the Revised NPPF (December 2023).
37. The proposals to clear this area of sensitive urban woodland strongly conflict with Dudley Council's own declaration of a climate change and ecological emergency, made by Dudley Council during Summer 2020.
38. Our clients continue to object to the continued incremental loss, urban encroachment and further re-development of the last remaining few areas of sensitive and significantly reducing supply of natural urban green space areas within the Halesowen inner urban area. The local area now has a significantly reducing supply of urban green space areas. The local area is just being completely over-loaded with increasingly unsustainable patterns of new development.
39. There is absolutely no point in Dudley Council declaring a climate change and ecological emergency and taking forward a climate change action plan, if the council's planning policy team has absolutely no intention whatsoever of ever

promoting sustainable patterns of new development within its own emerging Local Plan Reviews (Development Plan Reviews).

40. We are concerned that Dudley Council has made a pledge within its climate change and ecological emergency to improve the climate change resilience of the local area, without a clear and committed pathway to delivery. The council should not be supporting the destruction of sensitive urban woodlands within heavily urbanised parts of the borough, if it is serious about delivering on its multiple climate change resilience pledges. Based on recent press reports coverage in local press arenas, it is also noted that the council is under severe financial pressure and financial strain which is likely to potentially further hinder its ability to deliver on its various multiple climate change pledges. There still however needs to be a detailed audit and review undertaken by the LPA to identify why specific failings have taken place in respect of the council's climate change resilience action plan, and failure to deliver on the multiple pledges made. The council cannot continue to let down local communities in respect of these important issues.
41. The proposed urban cramming approach of re-developing large areas of sensitive urban green space and urban woodlands for thousands of new homes within the borough is promoting inappropriate, damaging and unsustainable patterns of new development within the local area. The position is clear, Dudley Council's emerging Local Plan Review is delivering huge levels of environmental damage within heavily urbanised parts (which contain sensitive urban green space areas and critically important wildlife corridors) of the Dudley Metropolitan Borough, contrary to the Sustainability test discussed further above under the conclusions section.
42. The LPA is causing huge levels of environmental vandalism and damage on an "industrial-scale" across large parts of the borough, contrary to the Sustainability test as discussed above.
43. The urban woodland provides important bat foraging habitat. All bat species and their roosts and bat foraging habitats in the UK are legally protected by the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations.
44. We object to the continued poor quality of the background technical evidence base being used by the Local Planning Authority to support Local Plan preparation. Particularly with regards to urban green space, sustainable development, urban air quality, nature conservation, climate change resilience and green infrastructure (GI) (wildlife corridor) focused planning policy matters.
45. Having assessed the evidence, Goldfinch Town Planning Services continues to maintain its view that the green infrastructure focused background technical evidence base being used to support Local Plan preparation, and the Local Plans accompanying Sustainability Appraisal (SA) report are both all clearly unsound, not sufficiently robust or fit-for-purpose, and therefore fail to satisfy test requirements specified under paragraphs 7, 8, 10, 11, 31, 35 (indents b and d) and 185 of the Revised NPPF (2023).

46. Dudley Council's planning policy team does not appear to have in place a suitably robust, fit-for-purpose, credible or effective plan-of-action (which once formally adopted, could result in the potential delivery of a Local Plan without a Plan), within its emerging Local Plan Review and its policy approaches - in order to address these extensive wildlife habitat planning policy concerns and failings. Despite the council having recently declared a climate change and ecological critical emergency, and despite having had existing adopted Black Country Core Strategy (BCCS) (adopted February 2011) Policy CSP3 "Environmental Infrastructure" policy in place now for at least the last 14 years. There has been an ongoing failure to deliver policy CSP3 requirements within large parts of the borough's urban areas now for at least the last 14 years, since February 2011 - when the existing Black Country Core Strategy was originally adopted. The site allocation subject to this November 2024 Local Plan Representation at Stourbridge Road (Halesowen) is strongly protected by policy CSP3, but yet the council's planning policy team still chooses to ignore policy CSP3 and continues to damage sensitive urban green space areas within its emerging Local Plan Review.
47. This is a disappointing situation and is letting down local communities who value their natural environment, and the multiple health benefits that it brings to local communities. As evidenced by the recent coronavirus (COVID-19) lockdown restrictions across the UK, which highlighted the importance of natural green space areas (sites local to people's doorsteps/ close to home) for supporting public health and making local communities more resilient to deal with the effects of global health pandemics. These local green space areas became particularly important to local communities - for supporting their physical and mental health well-being during the pandemic.
48. These critically important global health pandemic factors described above have not been effectively shaped into the Local Plan preparation approach, particularly with respect to the importance of natural green space areas for supporting community well-being.
49. The 'Local Plans Consultation Portal' (Opus Consult) is unclear, not fit-for-purpose and highly confusing for members of the public and other key stakeholders. This creates a restrictive approach and forms a barrier to effective community engagement, in direct conflict with paragraph 16 (indent c) of the Revised NPPF (2023). These types of public consultation portals which are both highly ineffective, take far too long in terms of timescale for members of the public to use, and unnecessarily complex, and are not effective ways for Local Planning Authorities to consult local communities for Local Plan Reviews. LPA's should now therefore start to finally begin to accept that these types of public consultation portals are completely ineffective, as well as a considerable waste of Council Tax payers money, given that these IT systems are very expensive to maintain due to the high financial service charges costs from the private sector IT companies that own and manage these consultation portals. The public consultation approach undertaken by the LPA is therefore ineffective, is inadequate, results in substantial prejudice – particularly towards

some very elderly residents who may not have access to a computer, and does not result in a clear, transparent and effective community engagement approach. We would strongly encourage the LPA to consider using more effective and fit-for-purpose public consultation approaches in the future, when it is preparing future Local Plan Reviews.

50. The Representations have not been displayed from the previous Regulation 18 public consultation stages clearly on the council's website. This has placed local communities, planning consultants, local businesses, and other external stakeholders at a considerable disadvantage, as nobody has been able to view previous earlier public consultation responses. It appears that the information has been withheld from the public. Why have the earlier Representations made at the earlier Regulation 18 Local Plan Review plan preparation stages not been made easily available to members of the public?
51. The public consultation approach taken towards this Regulation 19 and Reg 18 public consultations has not proved "effective" or fit-for-purpose, and has therefore failed to respond robustly to guidance reinforced within paragraph 16 (indent c) of the Revised NPPF (2023), which is clear that: "...Plans should: (indent c) be shaped by early, proportionate and effective engagement between plan- makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees..."
52. Legislation protecting bats and their roosts: All bat species and their roosts and bat foraging habitats in the UK are legally protected by the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations.
53. Disturbing bats or their roosts is a criminally prosecutable offence. Both private sector developers and Local Planning Authorities progressing new development schemes and woodland works, all have a legal obligation and duty to fully consider bat protection issues when considering new development proposals. Bat protection and conservation issues should be taken into account by LPA's when preparing green infrastructure policy approaches (including wildlife corridor protection measures) coming within emerging Local Plan Reviews.

APPENDIX 1 – Site Photographs

All site photographs within this document were taken by Goldfinch Town Planning Services (West Midlands) on the 12th November 2024. This Local Plan consultation response is therefore based on a platform of sufficiently robust, defensible and up-to-date evidence, consistent with guidance reinforced within paragraph 31 of the Revised NPPF (December 2023), which confirms that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..."

Photograph 1

View of the proposed new housing site. Robust, up-to-date and defensible evidence provided within these various photographs demonstrates that this area provides an important natural green space "stepping-stone" site which forms an integral part of the wider nearby strategic wildlife corridor green infrastructure network. Which should remain protected in Dudley Council's emerging Local Plan Review (2024/ 2025). These urban green space areas/ stepping-stone natural green space sites are afforded strong levels of planning policy protection under paragraph 185 of the Revised NPPF (2023). The site also positively enhances the green space landscape setting, appearance, character, visual amenity, setting and local distinctiveness of the surrounding area.



Photograph 2

Evidence within this photograph demonstrates that the site provides a critically important and visually attractive urban green space woodland setting which positively contributing towards enhancing the residential amenity of overlooking established residential occupiers.



Photograph 3

Showing narrow and heavily constrained vehicular access leading to the proposed new housing site off Stourbridge Road (A458) (Halesowen).



Photograph 4

Established residential occupiers located along Stourbridge Road (A458) (Halesowen) which immediately back onto the urban green space site referred to in the above photographs.





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Goldfinch Town Planning Services (West Midlands) specialise in the following types of work:

- Urban green space and nature conservation planning policy specialists.
- All types of Local Plan Representations.
- Fully qualified town planners.
- Precision based and thorough town planning advice.
- Local Plan Planning Policy specialists.
- Objections to all types of planning applications on behalf of members of the public and community urban green space pressure groups.
- Auditing and monitoring the environmental performance and effectiveness of LPA Planning Policy and Development Management (DM) Teams on behalf of local communities, local businesses, environmental groups and other interested key stakeholders.
- Objections to Telecommunications masts
- Objections to urban green space re-development proposals.
- Number of years previous LPA Planning Policy Team experience previously spent working within the Black Country sub-region (West Midlands). Specialised in dealing with highly complex and very wide-ranging urban green space and nature conservation planning policy work.
- Providing local communities with a voice on all town planning matters.
- Preparation of Planning Statement Reports to support Planning Applications.
- Preparation of Pre-Application Planning Statement Reports to support emerging pre application proposals.
- Drone aerial view photography to support planning application objections.
- Expert witness at Public Local Inquiries specialising in objecting to open space re-development proposals on behalf of individuals and community urban green space pressure groups.
- Tracking and monitoring service available for community green space pressure groups to monitor the progress of LPA emerging Local Plan Reviews and subsequent public consultation timescales, to assist in timely consultation responses at all Local Plan Regulation 18 and 19 public consultation stages.
- Preparation of Green Infrastructure Studies (GI Studies) for LPA's and the private sector.
- Preparation of Green Space Audits (Open Space Needs Assessments) for LPA's and the private sector.
- Wildlife corridor enhancement specialists within both rural farmland and urban settings.
- Bat habitat enhancement specialists.
- Manufacture, supply and installation of bat boxes to help support habitat restoration work within both urban areas and rural settings.
- Bat Emergence Surveys (dusk surveys) to support planning applications or objections to planning applications.
- Bat foraging activity and commuting route dusk surveys to support planning applications or objections to planning applications.