

Representation form

Dudley Local Plan Publication Plan

Consultation October 2024



DUDLEY LOCAL PLAN

We are inviting your views on the publication version of the Dudley Local Plan. This form should be used to make comments (known as representations) in response to the consultation.

Guidance notes are available to help you complete this form and can be found online at www.dudley.gov.uk/localplan

The consultation period begins on Friday 18 October 2024, and closes at 5pm on Friday 29 November

Comments can be submitted:

Online: On our online portal available here www.dudley.gov.uk/localplan

By email: planning.policy@dudley.gov.uk

By post: Dudley Local Plan, Planning Policy, Planning & Regeneration, Council House, Priory Road, Dudley, DY1 1HF.

Additional copies of this response form can be downloaded at www.dudley.gov.uk/localplan or a copy can be posted to you - please call us on 01384814136.

This form has three sections:

Section A: Personal details

Section B: A declaration which you will need to read and sign

Section C: Your representation/comments on the Plan, Sustainability Appraisal or supporting evidence.

Please note:

- 1 You can use this form to comment on more than one site and/or policy. For each comment, please tell us the site/policy reference that your comment refers to. A separate form C should be completed for each comment.
2. Responses must include your name and address.
3. Your comments cannot be treated as confidential. By completing this form, you agree to your details being shared and your name and comment (but not your address or other personal details) being made available for public viewing.
4. It is recommended that groups that share a common view send a single response rather than multiple copies of the same response. Please attach a list of the contact details of each person who supports the comments, including their names and addresses.
5. **Completed forms should be received by us no later than 5pm 29 November 2024.**
6. Paper copies of this form and guidance notes can be found in selected libraries - visit www.dudley.gov.uk/localplan for the full list and at Dudley Council House, 1 Priory Road, Dudley, DY1 1HJ.

Individual acknowledgement of receipt will not be possible.



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Part A - Personal details

Title	
First name	
Last Name	
Job Title (<i>where relevant</i>)	
Organisation (<i>where relevant</i>)	
House No./Street	
Town	
Post Code	
Telephone Number	
Email address (<i>where relevant</i>)	

Notes:

1. If you are responding as an individual (e.g. a resident) you do not need to fill in the job title and organisation boxes unless you are responding as a member of an organisation.
2. If you are an agent responding on behalf of an organisation please ensure that your details are in the Agent's details column and give the details of the client you are responding for in the Personal details column, only the title, name and organisation boxes are necessary.

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

Please note that copies of all comments received, including the name(s) of the respondent(s) will be made available for the public to view. All other personal details will remain confidential. Dudley Council will process your personal data in accordance with the Data Protection Act 2018. Our Privacy Notice is at the end of this form.

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Part B: Declaration

How we will use your personal information

The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act 2018. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004, and may be used by the council to contact you if necessary regarding your submission. Your name, organisation and comments will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and in order to protect personal data, we will not publish signatures, telephone numbers, addresses or email addresses on the internet.

Your details will be kept until the Local Plan is adopted plus a further ten years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. When other agencies are involved in Local Plan preparation, we may need to share details about you to enable us to work together for your benefit. Information will only be shared with third parties if they have genuine and lawful need for it. Information shared on this basis will not be reused for any other purpose. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

Please sign and date this form.

Forms signed electronically will be accepted.

Declaration:

By completing and signing this form, I agree to my name, organisation and representations being made available for public inspection on the internet.

Signature:



Date: 29/11/24

I understand that in submitting my representations, that my details will be added to the Dudley Local Plan Consultation database and I may be contacted at future stages of the local plan process.

All personal data will be processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulation ("GDPR"). If you do not wish to be contacted further, please advise us.

No, I do not wish to be contacted about the Local Plan

A copy of our privacy notice is available at <https://www.dudley.gov.uk/privacy-disclaimer-statement/regeneration-and-enterprise-dudley-local-plan-privacy-notice/>

Thank you for taking the time to provide your response.

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Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

Title of document	Duty to Cooperate Statement (October 2023)		
Paragraph/section		Policy	DLP1
Site		Policy Map	

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

1. Legally compliant Yes No
2. Sound Yes No
3. Complies with the Duty to co-operate Yes No

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. 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.

The emerging Dudley Local Plan (Regulation 19 version) states that 699 dwellings are required to be exported through the Duty to Cooperate. Point 3 of policy DLP1 states that:

“...Those development needs that cannot be accommodated within the Dudley administrative area will be exported to sustainable locations in neighbouring local authority areas.”

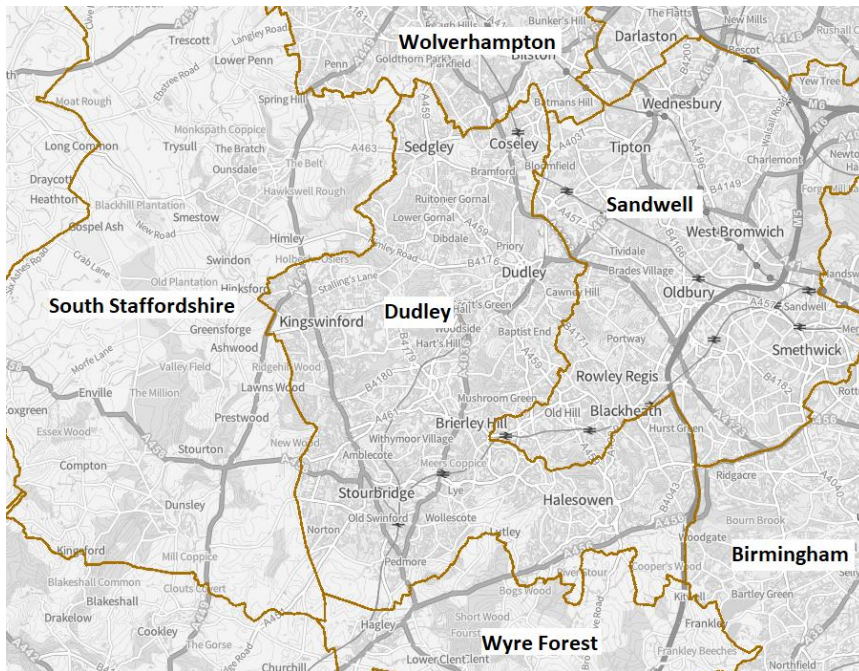
There is however, no confirmed agreement with other LPAs regarding the provision of this shortfall being exported to other LPA areas. Moreover, the Duty to Cooperate statement within the Regulation 19 version of the emerging Plan is dated October 2023, indicated it has not been updated since the version published with the Regulation 18 version of the Dudley Local Plan in Winter 2023. Thus ongoing engagement is not evidenced, as required by paragraph 26 of the NPPF.

From our review of the (presumably out of date) consultation documentation, other than 431 homes from Shropshire, it appears that there is no confirmation on the number of houses that neighbouring authorities are willing to accommodate to assist Dudley in meeting its unmet need. This level of detail is required to clearly understand the amount of housing that Dudley should be seeking from its neighbours to meet its unmet needs.

Paragraph 2.44 of the Duty to Cooperate Statement makes reference to the Black Country Authorities (BCAs) seeking to come to an agreement via a statement of common ground on how to apportion contributions to BCAs as a whole from neighbouring LPAs. As the BCAs are no longer progressing a joint Local Plan, Dudley should be approaching each LPA who has offered a housing contribution for them to provide a number for Dudley only. It is not just for BCAs to decide how to apportion this, but it should also reflect the specifics of the functional and administrative relationships between LPAs.

In respect of Dudley and South Staffordshire there is a particularly strong administrative relationship, due to the fact that Dudley shares around a third of its administrative boundary with South Staffordshire, and of that the majority of the Dudley built up area is up to the boundary with South Staffordshire, as is shown in the map overleaf:

Continued overleaf



Functionally, Dudley and South Staffordshire are connected by proximity and key connections such as the A449 and A458, and the Shrewsbury to Birmingham railway line (via Coseley railway station).

We also consider a functional relationship to exist in the form of the Dudley Travel to Work Area (TTWA). Clowes Development's site at Lawnswood Road, South Staffordshire is located within the Dudley Travel to Work area, along with areas of Dudley including Stourbridge, Kingswinford and Brierley Hill. TTWAs have been developed by ONS to provide an approximate self-contained labour market areas. These are areas where most people both live and work. They are based on statistical analysis rather than administrative boundaries. We consider that such measures should be used when determining the weight given to functional relationships with other Local Authorities.

Having reviewed the Local Plan evidence base published on the Council's website, we would assume that the Duty to Cooperate position would be elaborated on in more detail in Statements of Common Ground at the Regulation 19 Publication stage. We question why this is not the case, and there is no evidence of such SoCGs being drafted and regularly updated, as recommended by the PPG (PPG Paragraph: 020 Reference ID: 61-020-20190315). Dudley should also be mindful of the requirement for the Duty to Cooperate to be dealt with before submission of a Local Plan (PPG Paragraph: 031 Reference ID: 61-031-20190315). This is therefore a matter that requires close consideration now, and should not be left to examination.

The PPG (Paragraph: 031 Reference ID: 61-031-20190315) states that: "As the duty to cooperate relates to the preparation of the plan it cannot be rectified post-submission, so if the Inspector finds that the duty has not been complied with they will recommend that the local plan is not adopted and the examination will not proceed any further". The Duty to Cooperate should therefore be a key thread running through plan preparation, and is not something that can be retrospectively corrected. If Duty to Cooperate is not dealt with upfront during the plan preparation process in a clear and transparent manner, there is a danger of this legal requirement not being met, which is potentially fatal for the plan.

Continued overleaf

There is an emphasis on Dudley to seek agreements with its neighbours to ensure that the unmet need is met by its neighbours with functional and or administrative links. This is required to ensure legal compliance with Section 110 of the Localism Act (2011) and with Planning and Compulsory Purchase Act 2004 soundness against paragraph 35 of the NPPF in respect of being positively prepared, effective and justified.

Meetings with Neighbouring LPAs

We note that another way Dudley intends to evidence constructive engagement is through the publication of evidence such as that seen at appendices one and two of the DtC Statement. A number of meetings are recorded as having taken place with Duty to Cooperate partners. This lists out a number of meetings with different partners. A key issue is that none of the recorded instances of these meetings takes place in 2024, which suggests a lack of ongoing engagement (as required by paragraph 26 of the NPPF).

To evidence that this engagement has been meaningful, the minutes, actions and outcome of these meetings referenced in appendix one and two of the DtC statement, should be made public (albeit redacted where necessary). This would then suitably evidence cooperation. Otherwise it is not clear whether meetings have been useful in satisfying the requirement for ongoing and meaningful engagement.

We ask the BCAs to publish detailed minutes, lists of attendees etc. for the meetings referenced in appendix one and two, and furthermore provide a clear indication of the level of engagement that has been taking place with HMA LPAs.

Summary and Key Points for Dudley to Consider

Having reviewed and considered the evidence base made available in relation to the Duty to Cooperate, we assert that the following key points should be taken forward to ensure that the Local Plan review’s position in respect of Duty to Cooperate is legally compliant, and also sound as per paragraph 35 of the NPPF:

- Specific engagement should be made with South Staffordshire, due to its strong administrative and functional relationship with Dudley.
- SoCGs should be drafted and regularly updated now, as recommended by the PPG.
- Aside from Shropshire, there are no confirmed contributions from neighbouring authorities. This should be reviewed, and specific contributions towards Dudley’s unmet need confirmed in statements of common ground.

Continue on a separate sheet if necessary.

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Q4. 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 Q3. 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.

Suitable evidence should be provided of “on-going and meaningful” engagement having taken place between Dudley and its neighbouring authorities. This should be in the form of minutes, actions and agreed outcomes of these meetings referenced in appendix one and two of the DtC statement.

This is required to ensure legal compliance with Section 110 of the Localism Act (2011), compliance with paragraph 26 of the NPPF, and ultimately soundness against paragraph 35 of the NPPF in respect of being positively prepared, effective and justified.

Policy DLP1 should specifically state how the shortfall will be dealt with, backed up by evidence base, including relevant SoCGs. This includes an agreement on how to apportion contributions to Black Country Authorities (BCAs) as a whole from neighbouring LPAs. This is ensure that work is being done to evidence the Council’s position that the Duty to Cooperate has been met would be suitably justified as per paragraph 35.

There is no evidence in support of the draft Plan on whether engagement to date has been constructive and active in an attempt to resolve the strategic matter of unmet housing need and maximise the effectiveness of plan preparation.

Therefore, the plan should not be submitted until further evidence is produced in this regard, and a further Regulation 18 consultation is undertaken to ensure that any shortfalls in the availability of duty to cooperate information can be suitably dealt with before a further Regulation 19 consultation then takes place.

This will ensure that the Council has been able to suitably take into account the comments and queries of stakeholders before the plan is submitted.

Continue on a separate sheet 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.

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Q5. 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)

Yes, I wish to participate in hearing session(s)

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.

Q6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To provide oral evidence and engage in the examination discussions on this matter.

Please note, the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.

Completed representations forms can be submitted by emailing: planning.policy@dudley.gov.uk

Please enter **Dudley Local Plan Representation** in the subject field of the email.

Alternatively, completed consultation forms can also be submitted by post to: **Planning Policy, Planning Services, Dudley Council, Council House, Priory Road, Dudley DY1 1HF by 5pm 29 November 2024.**

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