

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.

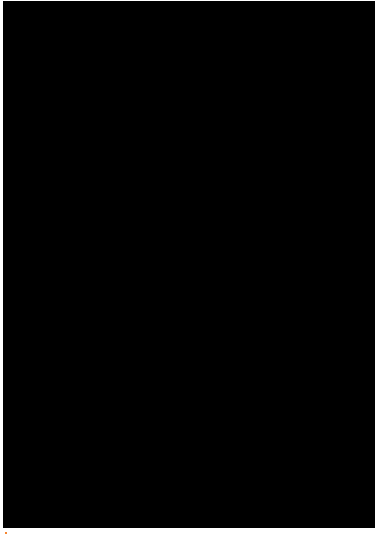

Individual acknowledgement of receipt will not be possible.



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Respondent No:		Representation No:		Date received:	
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Part A - Personal details

	1. Personal details	2. Agent's details (if applicable)
Title		
First name		
Last Name		
Job Title (where relevant)		
Organisation (where relevant)		
House No./Street		
Town		
Post Code		
Telephone Number		
Email address (where relevant)		

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	✓
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 below)	

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.

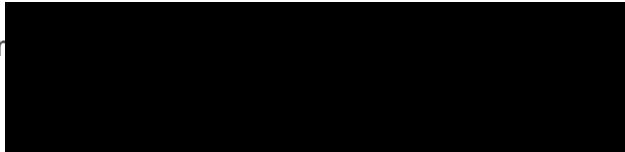
Please sign and date this form.

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

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	Dudley Local Plan Part Two (Centres and Site Allocations) – Publication Version (Regulation 19)		
Paragraph/section		Policy	Policy DLPBH1 (Development in the Brierley Hill Strategic Centre and Town Centre Core)
Site		Policy Map	Brierley Hill Strategic Centre Inset Policies 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 **(SEE COMMENTS IN BOLD BELOW)**
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.

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It is noted from the Dudley Local Plan Consultation Statement October 2024 that the Council do not consider it appropriate to include the Odeon cinema within the Core Area of Brierley Hill Strategic Centre and we are accepting of this view insofar as it would not prohibit its current operation and / or undermine the recent improvements made to linkages between the cinema and the wider shopping centre complex. The draft policy, alongside Draft Policy DLP24, also makes clear that this is an appropriate location for alternative main town centre uses should a need for the repurposing of the site arise during the lifetime of Plan (certainly not envisaged at this stage).

We also note and support the findings of the Black Country Centres Study Refresh (2024) which underpins this policy and is referred to in the supporting text. This, inter alia, makes clear that beyond 2024, town centres (including Merry Hill) are likely to need to consolidate their retail and shopping role further with more emphasis on place and non-transactional uses including high activity-based land uses such as health and education being located in more central locations. Furthermore, with the increasing drive towards more flexible planning there will inevitably be more mixed-uses within town centres and this should be encouraged and planned for through enabling planning policies.

Notwithstanding the above, we do have concerns regarding the soundness of Point 5 of Draft Policy DLPBH1 – this admittedly being a late observation on our part but one which we request is given further consideration before the Plan is submitted for examination on the basis that it has the potential to undermine the vitality and viability of Merry Hill Shopping Centre (a key objective of the Plan).

This part of the policy is considered unsound on the basis that it is unjustified to any reasonable extent. It furthermore contradicts with Paragraph 16 of the NPPF which states, inter alia, that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals:

- **The policy appears to relate to improving accessibility however, the requirement to ‘evidence the means to which proposals are compatible with the objectives of achieving sustainable development’ could theoretically cover various aspects of a proposal which would otherwise be covered by, inter alia, Draft Policy DLP41 (Increasing Efficiency and Resilience). The separation of the wording ‘Brierley Hill Strategic Centre should be accessible by a variety of means of transport, particularly walking, cycling and public transport’ from this part of the Draft Policy (now included at Point 4) only adds to the ambiguity as to what this policy requires applicants to demonstrate.**
- **There is no clear explanation put forward as to how the threshold for requiring applicants to ‘evidence the means to which they are compatible with the objectives of achieving sustainable development’ (in respect of proposals within the Merry Hill Centre Core Area or within well-linked edge-of-centre locations to that core area) has been arrived at (i.e. proposals for more than 500 sqm (gross floorspace)). This is presumably considered by the Council to be the tipping point at which existing and proposed sustainable means of travel at the Centre will no longer be able to support development – as to why this is the case does not appear to be set out / justified within the supporting evidence we have seen, nor is there any justification for this part of the policy in the supporting text. As is highlighted by Draft Policy DLPBHPS2 ((Priority Site) The Embankment / Daniels Land), Point 5c, ‘the site [i.e. the Merry Hill area] is highly accessible and has direct access to numerous alternatives to private car use’. It is furthermore the case that Phase 2 of the Black Country Metro tram extension has recently been approved with works set to begin in earnest in January 2025 (following the confirmation of Government funding announced in the October budget, through the City Region Sustainable Transport Settlement (CRSTS) and business case approval from the Department for Transport). On this basis, we do not see how a proposal in the region of 500 sqm in this location would be so impactful as to render the area unsupportable by existing and proposed sustainable means of transport. A proposal in the region of 500 sqm will not lead to a major uplift in visits to the Centre nor will it demand a modal shift in travel. It is an arbitrary figure and does not reflect what the impact of such a proposal will have.**
- **The 500 sqm figure is not clearly defined insofar as it could be misinterpreted as relating to proposals affecting 500 sqm of floorspace at the Centre leading to a burden on development that would be largely inconsequential in terms of accessibility, but which would serve to enhance its vitality and viability (e.g. operational works / change of use that do not create floorspace / lead to an increase in trips but which relate to floorspace > 500 sqm). It is furthermore unclear as to what ‘additional provisions’ would be deemed appropriate / considered proportionate, noting that the Centre is already highly accessible through various means of transport and will become even more accessible upon opening of Phase 2 of the Black Country Metro tram extension. Our client has also recently installed charging facilities across the scheme thereby encouraging those with electric vehicles to visit the Centre (<https://mymerryhill.co.uk/your-visit/parking/>). To all intents and purposes, there is limited scope to improve accessibility - it is also not the role of the local plan to retrospectively impose restrictions on the operation of an established and permitted development (through ‘parking regimes’ such as paid for parking across the scheme) through small scale development which will have limited impacts on existing travel patterns individually or cumulatively (developments only being required to mitigate their own impacts as is made clear by Section 106 of the TCPA).**

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.

Based on our comments above, we are of the view that unless justification for Point 5 of Draft Policy DLPBH1 is put forward (including justification for the proposed threshold) it cannot be concluded that it is sound. It also fails to comply with Paragraph 16 of the NPPF which states that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. As highlighted above, the Policy is open to misinterpretation to the extent that has the potential to place an unreasonable burden on sustainable development in an allocated town centre which is already highly accessible. Unless works to refine this policy to address the above are undertaken (in consultation with key stakeholders) we cannot in all consciousness support this part of the policy and request that it be deleted.

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:

In order to ensure our client's interests are protected and to provide a response to opposing views on policies affecting the future vitality and viability of Merry Hill / Brierley Hill Strategic Centre (where necessary).

It is also the case that the Merry Hill Shopping Centre forms a major part of the Strategic Centre and should thus be included in any debate regarding this centre-specific policy.

We also wish to participate in any discussion regarding Point 5 of the Draft Policy which we currently object to on grounds that it is unjustified (and thus unsound).

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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