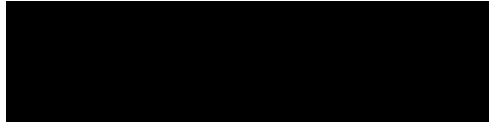


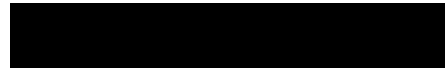


Our Ref: SHARE 111795350  
Your Ref: Local Plan – Regulation 19 Consultation

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29 November 2024

Dear Sir/ Madam,

**Dudley Local Plan Review - Regulation 19 Consultation (Publication Version)**

National Highways welcomes the opportunity to provide comments on the Publication Plan (Regulation 19) prepared for Dudley Metropolitan Borough Council (MBC), which is expected to cover the plan period from 2024 to 2041.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.

In relation to this consultation, National Highways' principal interest is ensuring the safe and efficient operation of the SRN, notably the M5 network which routes along the eastern boundary of the Council limits.

In responding to Local Plan consultations, we have regard to the Department of Transport's (DfT) Circular 01/2022 - Strategic Road Network and the delivery of sustainable development ('the Circular') which sets out how interactions with the Strategic Road Network should be considered in the making of local plans. Paragraph 28 of the Circular sets out that:

*The policies and allocations that result from plan-making must not compromise the SRN's prime function to enable the long-distance movement of people and goods. When the company assists local authorities in the development of their plans and strategies, the local authority should ensure that the SRN is not being relied upon for the transport accessibility of site allocations except where this relates to roadside facilities or SRN-dependent sectors (such as logistics and manufacturing). The company will also work with local authorities to explore opportunities to promote walking, wheeling, cycling, public transport and shared travel in plan-making, in line with the expectations set out in the NPPF and the Transport Decarbonisation Plan.*

In addition to the DfT Circular 01/2022, the response set out below is also in accordance with the National Planning Policy Framework (NPPF) and other relevant policies.

### **Previous consultations**

National Highways was previously consulted during the 'Regulation 18 – Draft Local Plan' consultation in December 2023. The total demand identified during 'Regulation 18 – Draft Local Plan' consultation was 72 hectares of employment land and 11,954 dwellings, over the plan period up to 2041.

### **Regulation 19 Local Plan (Publication version)**

The Regulation 19 Local Plan (Publication version) contains locally specific policies and strategic / non-strategic site allocations to support the housing and employment requirements across Dudley for the plan period. We note that when adopted, this Local Plan will replace all previous local plan documents that the Council has adopted, including the Black Country Core Strategy (adopted in 2011), Dudley Borough Development Strategy and the Brierly Hill, Dudley, Halesowen and Stourbridge Area Action Plans (AAPs). We also note that the Local Plan includes a schedule of policies that remain saved from the previous plans, along with the inclusion of few new policies as detailed in the Appendix 2 of the Regulation 19 Local Plan document.

National Highways agree in principle to the vision and objectives of the Regulation 19 Local Plan.

### **Housing and employment requirements**

Based on our review of the Regulation 19 consultation, we note that the housing and employment requirements have changed since the 'Regulation 18 Draft Local Plan' consultation. The housing demand for the plan period from 2024 to 2041 has slightly reduced to 11,169 dwellings (664 dwellings per year), which is less than the earlier

projection of 11,954 dwellings (659 dwellings per year) during the Regulation 18 consultation. The Regulation 19 Local Plan outlines a requirement to deliver 98 hectares of employment land over the plan period. This includes 72 hectares identified in the Economic Development Needs Assessment (EDNA) 2023, with an additional 26 hectares of existing operational employment land reallocated for housing and other uses.

### Housing

While the housing demand is set at 11,169 dwellings, the Regulation 19 Local Plan identifies a supply of 10,470 dwellings, leaving an unmet need for 699 homes. We welcome the Council's initiative to address this shortfall by working with neighbouring local authorities and Black Country Authorities through the Duty to Co-operate mechanism, which aims to accommodate some of Dudley's unmet housing needs within their own housing provision. We look forward to receiving an update on this in due course to understand how the impacts from the unmet housing need will be captured.

Table 5.1 of the Part One Regulation 19 Local Plan document indicates a total of 5,395 dwellings to come through as allocated sites. However, when reviewing the site allocation details available in Section 6 (Housing) of the Regulation 19 Local Plan Part Two document, this reflects a total of 4,569 dwellings. We welcome clarity on the allocations and recommend that you update this in the final version of the Local Plan for consistency.

On comparing the site allocations in the Regulation 19 consultation with those included in the Regulation 18 consultation, we noted that a few sites have been added, removed, and altered; however, we have no comments to make on this.

### Employment

The Regulation 19 Local Plan aims to deliver 22 hectares of employment land, leaving a shortfall of 76 hectares.

Upon comparing the site allocations for employment land between the Regulation 18 and Regulation 19 consultations, we note that the allocations remain the same with only two sites being removed now (Site IDs: DLPE02 and DLPE13 at the time of the Regulation 18 consultation).

We note that both employment and housing supply identified in the Regulation 19 Local Plan considers the existing planning applications, sites under construction, and windfall allowance.

We acknowledge receipt of the Final Draft Sustainability Appraisal report submitted in support of the Regulation 19 consultation and appreciate that you have undertaken an integrated Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) to evaluate the different growth options available before finalising the allocated sites as set out in the Regulation 19 Local Plan. We note that the allocation of sites has taken into consideration the location, availability of greenfield/ brownfield sites and sustainability to deliver a balanced spatial growth. We note that the new development allocations are focussed within the Regeneration Areas and Centres, which is likely to result in a more efficient use of land while enhancing the sustainable travel options. We welcome this approach.

### Sustainable Transport

We acknowledge that the Local Plan has specifically focussed on policies DLP41 - DLP48 to tackle climate change by reduction in carbon emissions, improving sustainable modes of transport and the development of energy efficient infrastructure which is welcomed.

We note that the following policies remain the same as included in the Regulation 18 consultation and welcome this. DLP 67 sets out the need for planning applications to demonstrate how the development ensures adequate accessibility and connectivity, and measures to improve sustainable transport. References have been made in Policy DLP 67 on how developers are expected to create an environment that encourages walking, cycling and public transport when designing their schemes.

Policies DLP 70 (The Movement of Freight), DLP 71 (Active Travel) and DLP 72 (Demand for Travel and Travel Choices) set guidelines on improving sustainable transport. We appreciate the effort taken in developing these policies and consider this to be aligned with the expectations set out in the National Planning Policy Framework and National Highways' Net Zero Strategy.

### Impact Assessment

As noted in our response during the Regulation 18 consultation, any potential sites anticipated to have an impact on the SRN in the area are recommended to be subject to consultation with National Highways, and appropriately assessed in line with the Department for Transport (DfT) Circular 01/2022 to determine the extent of their potential impacts on the SRN in the area. Depending on the scale of likely impact on the SRN in the area, the developer may need to identify suitable mitigation measures (if required).

We welcome that Policy DLP 69 requires all the developments to submit a Transport Assessment (TA) or a Transport Statement (TS) along with a Travel Plan (TP), based on the size and scale of the development proposed.

It is to be noted that the cumulative impact of the proposed site allocations also needs to be assessed in line with the DfT Circular for understanding the likely traffic impacts on the SRN in the area in terms of capacity & safety and identifying any possible mitigation measures (if required).

### Black Country Transport Modelling Report

During the Regulation 18 consultation, the 'Black Country Transport Modelling Report (2023)' was submitted as part of the evidence base, which included the draft scenario assessments. Following our high-level review, National Highways acknowledged that the modelling exercise would be revised as the Local Plan progresses and provided comments which had to be considered in the full scenario assessment process.

As part of the Regulation 19 consultation, we note that a revised modelling report (dated 2024) is available. We have reviewed this along with the following documents:

1. PRISM6 Model Validation Report
2. PRISM6 Future Year Report
3. Transport Modelling to Support Local Plans within the Black Country (July 2024)

Based on our initial checks, we have the following comments where we seek clarity to help us proceed with the review.

- a. Clarification on how the impacts of Covid-19 on forecasts have been accounted for, ideally with reference to the guidance in TAG M4. We note that the report highlights that the previous local plan did not account for it, and that this was a red risk factor, but there is no reference to correcting for this, except for asserting that some elements of the lingering effects of Covid-19 are considered as part of NTEM 8.0. That is true, for the Behavioural Change CAS only (ref: Uncertainty Toolkit, para 5.30), but it's a different issue from assessing whether the base from which forecasting is undertaken needs adjustment (which is what M4 appendix B looks at).
- b. Clarification on when NTEM is referred to, which specific version and scenario is being used.
- c. Clarification on the forecasting approach: this appears to be presenting the results of a single forecast. In line with the advice in the Uncertainty Toolkit, what was the decision process for not exploring uncertainty?

- d. Information on the derivation of any new parameters developed (e.g. how were the parameters for new forecast years created, including the sources of inputs to the parameter calculations).
- e. Information that allows us to understand the stability of model outputs, how these change by area, etc. We would expect to see, as a bare minimum, demand model convergence, highway model convergence and stability, and network statistics (ideally by sector).

Please note that the above comments were also issued in our response to the Regulation 19 consultation for the Sandwell Local Plan. We have recently received an Addendum note from Sweco on behalf of the Sandwell Council, answering the above questions. National Highways is currently in the process of reviewing this and will issue our response in due course. We look forward to engaging with you in addressing the above comments to expedite the process.

### **Infrastructure Delivery Plan**

Based on our review of the Infrastructure Delivery Plan (IDP) dated October 2024 submitted along with the Regulation 19 Local Plan, we note that the transport modelling work was not completed during its preparation and therefore, the specific infrastructure and mitigation requirements are yet to be finalised. We look forward to reviewing the finalised list once it is available.

Nevertheless, the Infrastructure Schedule identifies the following priority transport schemes to be delivered during the Local Plan period.

- M6 Junction 10
- M5 Improvements (Junctions 1 and 2, including Birchley Island)
- M54 - M6/ M6 (Toll) Link Road

Details about the funding mechanism and delivery timescales are also outlined in the Infrastructure Delivery Schedule and provided below for ease of reference.

<b>S. No</b>	<b>Scheme Name</b>	<b>Lead delivery organisation</b>	<b>Timescales/ Phasing</b>	<b>Funding Mechanism/ Source</b>
1	M6 Junction 10	National Highways and Walsall MBC	Under construction	DfT
2	M5 improvements - Junctions 1 and 2	National Highways and Sandwell MBC	Not scheduled	DfT Major Road Network Fund WM LTP
3	M54 - M6/M6 Toll	National Highways	Anticipated end date - 2025	DfT

As mentioned in our previous response, the improvements at M6 Junction 10 are under construction through the Road Investment Strategy (RIS) scheme and is nearing completion. The 'M54 – M6 Link Road' scheme is committed for the second Road Period (RP2).

For M5 Junction 1 and 2, we understand that you propose improvements in the form of major junction upgrades to reduce the congestion and to enhance road safety. We look forward to work with you in developing the improvements required to better the operation of the network and to identifying their delivery and funding mechanisms which have not yet been established.

Additionally, we acknowledge that the IDP has identified several transport schemes to improve the active travel and public transport, which is expected to enhance the sustainable travel in the area.

**Duty to Cooperate**

For any developments which have an impact on neighbouring Local Authorities (LA), National Highways advises a joined-up approach in which National Highways, Dudley MBC and the other local authorities attend joint meetings with future developers. This will ensure that the interests of all parties are protected, and a combined solution is derived.

National Highways will actively work with Dudley MBC to develop and draft a Statement of Common Ground (SoCG) to deal with any strategic cross boundary issues as the Local Plan progresses.

Once again, National Highways welcomes the opportunity to comment on the Dudley Metropolitan Borough Council Regulation 19 Local Plan consultation. We look forward to working with the Council in a collaborative manner to aid and support the development and adoption of the Local Plan.

Please do not hesitate to contact me if you require any further information or clarification.

Yours Sincerely,

