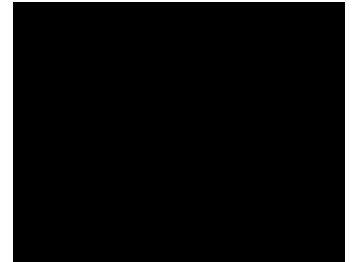




Our Ref: P1818/JP/hr
 Date: 29th November 2024

Planning Policy Team
 Dudley Council
 Council House
 1 Priory Road
 Dudley
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BY EMAIL ONLY: planning.policy@dudley.gov.uk

Dear Sir / Madam

**Dudley Local Plan Regulation 19 Consultation
 Response by Worcester Lane Limited**

Harris Lamb Planning Consultancy is instructed by Worcester Lane Ltd. (“WL”) to submit representations to the Dudley Local Plan (Regulation 19 consultation document) and welcome the opportunity to comment at this time.

As the Council will be well aware, the Government has recently concluded consultation on revisions to the National Planning Policy Framework (**‘The Framework’**) and as we understand it this is likely to be published before Christmas. Notwithstanding this, the new Framework includes transitional provisions that set out how plans will be examined if they are submitted prior to, or within 1 month of, publication of the updated Framework. It also sets out what must happen if a plan is not submitted and which has a housing requirement of over 200 dwellings lower than the updated standard method figure as would be the case for Dudley. Revisions to how Green Belt should be dealt and the need to review it are also proposed to be updated. Whilst the Framework remains as draft at the current time, these representations are submitted in accordance with the December 2023 version. However, should the Plan not progress towards submission, or if the Council decide to pause or undertake further consultation on the plan, WL are keen to work proactively with the Council in order to progress a plan towards adoption.

WL are also concerned about the Council’s intention to report and recommend submission of the Plan for Examination to Members of its Cabinet just three days after the close of the consultation. We would like to remind you that the Minister of State wrote to the Planning Inspectorate on 30th July 2024 setting out the government’s expectations as to how plan examinations should be conducted. The Letter re-iterates that LPAs must not submit local plans unless they think they are ready for independent examination. It indicates that LPAs should not therefore submit deficient plans believing that Inspectors will use significant time and resource during examinations to ‘fix’ them.

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The letter emphasises that pragmatism should only be used in examinations where it is likely that a plan is capable of being found sound with limited additional work to address soundness issues. It sets out that pragmatism should not be used to address fundamental issues, which would be likely to require pausing or delaying the examination process for over six months overall. Any extensions to a six-month pause should only be allowed at Inspectors' discretion, where they are confident that LPAs can complete work in an agreed timeline.

We fail to see how the Council can be satisfied that the plan is not deficient, given that the representations will not have been examined in any detail before the plan is submitted. WL have incurred a great deal of time and resource in responding to the various consultations undertaken by the Council and are concerned that the submissions that have been made and are about to be made will not be properly considered.

Notwithstanding the above, we reiterate that WL are promoting land for residential development at Worcester Lane, Pedmore and have previously submitted details of the site to the preparation of the Dudley Local Plan Preferred Options Plan and Black Country Plan Preferred Options consultation that concluded in October 2021. A Vision Document has been prepared setting out the merits of the site, including a concept masterplan confirming the capacity of the site and concludes that there are no technical, physical or environmental reasons that would prevent the development and delivery of the site. The Vision Document stated that the site can deliver in the region of 70 dwellings and is considered suitable for removal from the Green Belt and allocation for development.

The land at Worcester Lane was proposed to be removed from the Green Belt and identified as part of a draft housing allocation (DUH206, DUH207 and DUH209) with a capacity to deliver 115 dwellings in the now withdrawn Black Country Plan. The area promoted by WL accounts for 70 of the 115 dwellings with the balance promoted by another party. Clearly we supported the Black Country authorities' intention to allocate the Site for housing and submitted representations in support of the Site's suitability to accommodate residential development. However, following the abandonment of the Black Country Plan the Site is no longer identified as a draft allocation and has been omitted from the Plan in its entirety.

The omission of the Site from the Plan is a result of a wider change in strategy that the Council is now advancing, which focuses new development on previously developed land within the urban area. As part of the preparation of the new Local Plan the Council is not proposing to release land from the Green Belt to meet its development needs favouring exporting the need to other yet undefined locations in the Housing Market Area ("**HMA**").

The current Framework (2023) states there is no requirement to review or change Green Belt boundaries when plans are being prepared, but it continues to allow authorities to choose to subject to demonstrating exceptional circumstances. Notwithstanding the shortfall in housing that the Council has identified against its needs the Council does not consider that this constitutes sufficient reason to review the Green Belt. In not reviewing the Green Belt boundaries WL consider that a number of adverse social and economic consequences of not meeting housing needs will arise. These will directly impact on local people and local businesses, who will suffer if the needs are not met. In this instance, we consider not delivering the housing need identified will have substantial social and economic impacts for thousands of people. In failing to plan accordingly to meet housing needs when suitable land is available, albeit it is in the Green Belt, we consider that the whole plan is unsound and the strategy does not stand up to scrutiny. The overriding solution to addressing our concern is to allocate more land for housing, including where necessary, removing land from the Green Belt to do so.

Duty to Cooperate

In light of the Council's strategy of not meeting its needs in full within its own administrative area it instead is proposing for its unmet need to be met by other authorities in the HMA. There is already significant pressure across the HMA from constrained authorities who cannot meet their development needs within their administrative boundaries, with ten of thousands of homes and hundreds of hectares of employment land needing to be found. The number of authorities able to assist with this overspill in the HMA are limited and the evidence suggests they cannot be relied upon when the numbers they have proposed in their emerging plans to assist with addressing the overspill do not even scratch the surface. Consequently, where authorities have the land available, we consider they should be using this unless there is an overwhelming persuasive reason as to why that land should not be developed, with the argument that 'it is Green Belt land' not standing up to scrutiny, when it is inevitable that most of the overspill would need to be on land currently designated as Green Belt if the development needs identified are going to be met.

Further to the above, we consider that not only should Dudley be meeting its own housing need, but that it should also be assisting with meeting the overspill from other authorities, such as Birmingham, Sandwell and Wolverhampton, with whom it has a strong functional relationship and that it can provide the land in the locations to help meet the overspill from these authorities close to where the need is arising. We acknowledge that these residents might not fall in your administrative boundary, but when so many people stand to suffer from the lack of land to meet the development needs identified we would implore the Council to not allow administrative lines to stand in the way of helping these people.

We set out below the size of the shortfall across the HMA. However, the number of dwellings that are required and which are not currently accounted for in emerging Local Plans of the HMA authorities is significant and indicates that no agreement has been reached on how and where these are to be met. Paragraph 24 of the Framework states that local planning authorities are under a duty to cooperate with each other on strategy matters that cross administrative boundaries, whilst paragraph 26 states that effective and ongoing joint working is integral to the production of a positively prepared and justified strategy. It goes on to state that "*In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.*"

In light of the levels of emerging unmet need that exists in the HMA, we consider the failure of the Council to adequately state where its unmet housing need is to be met indicates that it has failed in its duty to cooperate with its adjoining neighbours in agreeing cross boundary issues. This point is accentuated by the fact that Birmingham, Sandwell and Wolverhampton are all also saying that their unmet needs will also be met elsewhere in the HMA. No agreement has been yet been reached by those authorities as to where their needs will be met either. The result being that housing needs will not be met and more people will be faced with poorer housing choices than should be the case.

In light of the proposed strategy and failure to reach meaningful agreement with any of the other HMA authorities on where the 699 dwelling shortfall is to be met, we consider that the Council has failed in its duty to cooperate.

Below, we start by explaining why we consider WL's Site should still be identified as a residential allocation in the plan, address the concerns raised in the representations to the Black Country Core Strategy Review. We then provide our comments on the draft policies.

Proposed Housing Allocations – Land at Worcester Lane, Pedmore

WL object to the Plan on the basis that the land at Worcester Lane has been omitted as a draft housing allocation, when it has previously been supported by the Council as a draft housing

allocation in the Black Country Core Strategy Review Preferred Option and in the context of the significant pressure for authorities within the HMA to meet their own development needs and assist those who cannot wherever possible.

The inclusion of the Site as a draft allocation (in the emerging Black Country Plan) confirmed that in principle the Site was capable of being allocated for development and delivering new housing development to meet the needs of Dudley. Whilst the Black Country Plan has now been withdrawn the previous assessment work of the site and the conclusions drawn that led it to be included as a draft allocation cannot be discounted and indicate that the site is suitable for development.

In looking to demonstrate the suitability of the Worcester Lane site we have reviewed the comments submitted to the draft allocations in the Black Country Plan Preferred Options. A list of the general points made in response to the draft allocations are set out in the Summary of Consultation Responses report published by the Council alongside the draft Local Plan consultation. Whilst these are not all specific to the Worcester Lane they can be summarised as:

- Lack of existing infrastructure and amenities to cope with additional dwellings.
- Concerns over the existing road network and increased traffic.
- Loss of Green Belt.
- No exceptional circumstances to release Green Belt land.
- Detrimental impact on ecology and biodiversity.
- Loss of Grade 2 and Grade 3 agricultural land.
- Development would result in increased pollution in terms of air, noise and light particularly during construction.
- No economic benefit to the area and impact on house prices.
- Cumulative impact of other developments in the area.
- Brownfield first approach should be taken.
- General concerns regarding flood risk, global warming, heritage and landscape impacts.

We note the volume of representations attributed to the Worcester Lane site. However, the Vision Document (copy attached) prepared by WL set out our initial assessment of the site and sought to address the various technical and environmental matters which have subsequently been raised in the consultation responses. The Vision Document concluded that the site was deliverable in this context.

The loss of Green Belt is the key factor raised in the objections. As highlighted above, the release of Green Belt is not unique to this Site. The land outside the urban area in Dudley is all Green Belt and the same is true for the authorities surrounding Dudley with potential capacity to meet its development needs. Discussions with these authorities will not lead to the concerns around the loss of Green Belt land being resolved. It will just change the location of any Green Belt that is to be released. The reality is that the only way to address the objection that Green Belt land should not be released is to not meet the development needs identified for Dudley or the wider HMA, and not provide the homes and jobs needed for local people. This is clearly contrary to the Government's objective of significantly boosting the supply of housing and meeting identified needs as set out in the Framework.

Turning to the comments received and general areas of objection raised WL respond as follows:

- Existing infrastructure - an assessment of existing capacity in local GPs, schools, use services and sewage and water facilities would have been undertaken as part of the development. If this highlighted that there was a lack of capacity or that the proposed development would place additional demands on existing provision then the developer

would be required to mitigate the impact of the development through physical provision of new infrastructure or payment of developer contributions. The impact of the development could be mitigated through such an approach and thus the concerns regarding adverse impact on infrastructure are unfounded. Existing shortfalls in service provision in the local area are not as a result of the proposed development and it would only be the addition demand that any development would need to mitigate. This is not a reason that would prevent the site coming forward for development.

- Impact on the Highway - the proposed development, which at 70 dwellings, will result in a limited increase in traffic on the local highway network which is not considered to be severe and could be adequately accommodated on the network.
- The site is located in the Green Belt albeit that its removal from the Green Belt would have limited impact on the overall function of the Green Belt. The land at Worcester Lane is bound by a railway line, existing road infrastructure and residential development on three sides. In our view, the site makes a limited contribution to the five purposes of including land in the Green Belt.
- In light of the case presented above about the need to release Green Belt land to meet the Council's housing need, particularly in light of the wider issues in the HMA and the inability of other authorities to meet their housing needs in full WL consider that there are exceptional circumstances to consider the release of land from the Green Belt. As it stands, the Plan is effectively stating that adjoining authorities will have to release land from the Green Belt to meet Dudley's needs or that if Green Belt is not released needs will have to go unmet.
- An initial ecological survey had been undertaken which did not identify any significant constraints that would prevent the development of the site whilst options exist to deliver BNG on site.
- In respect of agricultural land, this has not been assessed at present so it is not clear if the objections of the loss of Grade 2 and 3 quality agricultural land are founded or not. Due to the size of the site the loss would be minimal.
- Issues relating to air quality and light pollution are matters that can be controlled during the construction process and through the detailed design of the end scheme. Noise has been assessed and the findings and recommendations are set out in the Vision Document. As such we do not agree that they are in principle reasons that would prevent the development going ahead.
- The development of new houses would have significant economic local benefits in terms of construction jobs during the construction phase as well as the use of goods and services in the local vicinity and the wider area involved in the construction of the dwellings to meet both market and affordable housing needs. Furthermore, during the construction process local shops and services would benefit from the construction workforce in the area. Following the completion of the development local shops and services would benefit through additional footfall and resident population in the vicinity of the facilities. It is a generally well regarded principle that a residential development would have significant economic benefits to the area. Furthermore, instead of impacting adversely on house prices the development can have a positive impact on a local area albeit that this is not a legitimate planning consideration.
- The site is located in Pedmore so would not impact directly on Kingswinford.

- The Local Plan has a brownfield first strategy albeit that in promoting such a strategy it is unable to identify sufficient land to meet its housing need in full. As such, if the full housing needs of the Borough are to be met then some greenfield land is required in order to meet this. The brownfield first approach will not result in the housing needs of the Borough being met hence why we are promoting a greenfield site as a proposed housing allocation.
- In respect of the other matters including flood risk, global warming, heritage, landscape and general design considerations these are matters that we consider could be dealt with through the planning application process and would not present an in principle reason as to why the site should not be allocated.

In light of the above, the objections raised to the inclusion of the site in the Preferred Options Black Country Plan are matters that do not present an in principle objection to the development of the site. Whilst clearly there was a significant level of objection to the draft allocation and the matters raised are in WL's view capable of being addressed through the allocation and planning application process.

Notwithstanding the above, the WL site has been identified as part of a larger site having an indicative capacity of 115 dwellings (although the area promoted by WL accounts for 70 of these in total). When developed this would deliver a policy compliant level of affordable housing which would contribute to addressing the housing needs of the Borough and adding to the supply of affordable housing across the District. The delivery of affordable housing being a significant benefit of releasing Green Belt sites, due to the abnormal costs associated with delivering the previously developed sites that make up nearly the entire supply identified by the Council. In bringing the site forward, WL consider that its removal from the Green Belt would result in limited harm to the function and role of the Green Belt around the conurbation.

We now turn to the draft plan and the vision, objectives and policies within it.

The Vision for Dudley Borough by 2041

The Vision for Dudley sets out a number of areas that the Council wish to see achieved through the delivery of the Local Plan. These include making Dudley an attractive and desirable place to live, work and visit, having strong, inclusive resilient and thriving communities which enhance health and social wellbeing and providing a wide range of housing that will meet people's needs through their various life stages and is affordable to live in. We are generally supportive of the Vision in that it is aspirational and seeks to deliver the development needs of its residents over the Plan Period. We particularly welcome the intention to deliver a wide range of housing that will meet people's needs.

Objectives and Strategic Priorities

Table 4.1 sets out the Council's strategic objectives and priorities. We note Objective 1 is the conservation and enhancement of a natural and built environment including the strategic priority of addressing the climate and ecological emergency. We also welcome Strategic Priority 4 of fostering economic growth and investment and Strategic Priority 6 of creating thriving neighbourhoods by providing new and affordable homes in range of sizes, types and tenures to meet the Borough's housing needs. Similarly, we welcome Strategic Priority 7 that seeks to deliver the resources, infrastructure and services to support growth.

DLP1 Development Strategy

Policy DLP1 sets out the Council's targets for the delivery of new homes and employment land. In respect of new dwellings 10,470 new homes are proposed along with the development of at least 22.6 hectares of employment land. WL have significant concerns about the proposed development strategy and specifically around how the Council intends to meet its housing needs over the Plan Period. We also have similar concerns in respect of

how its employment land needs will be met and we set out our detailed comments on these points below.

In respect of the Borough's housing target the policy sets out that the Council will deliver at least 10,470 net new homes over the Plan Period. Paragraph 5.12 confirms that the local housing need for the Borough is in fact 11,169 homes as calculated by the Standard Method. Paragraph 61 of the Framework confirms that Councils should use the standard method as the starting point for establishing a housing requirement for the area. It goes on to state that there may be exceptional circumstances that justify an alternative approach to assessing housing need. The Council are not claiming that there are exceptional circumstances that warrant divergence away from the use of the standard method. As such, it must be concluded that the housing requirement is 11,470 dwellings. However, the Plan identifies a shortfall of 699 homes that are required but where sufficient capacity within the Borough to accommodate has not yet been identified.

If the 699 dwellings are to be accommodated in adjoining authorities, as the Council is proposing, this would likely result in those authorities immediately adjoining Dudley, which also have significant areas of Green Belt, having to release land from their Green Belt in order to meet Dudley's needs. If land has to be released from the Green Belt in order to meet the development needs it is WL's view that Dudley should be looking at opportunities within its own administrative area first, including land in its Green Belt, before looking to its adjoining neighbours. If adjoining authorities take the same viewpoint as Dudley and decide that they also do not need to release land from the Green Belt, housing needs arising from Dudley and across the HMA are not going to be met.

The Plan does not elaborate on the Council's decision not to release land from the Green Belt to meet its needs, particularly when it highlights that there is a shortfall of what is needed against what land is available to accommodate this need, instead stating in the supporting text at paragraph 5.11 that needs will be met via the Duty to Cooperate (please see our comments above this). WL consider this to be a short-sighted approach particularly when land is available albeit it is in the Green Belt, which could help meet the Council's housing needs over the Plan Period. This point is particularly pertinent when under the Black Country Plan Preferred Options version the Council had proposed to release land from the Green Belt to meet the Council's needs as well as the unmet needs arising in the wider Black Country authorities. Whilst the current Framework does not require Green Belt to be reviewed, it does state that it can still be reviewed in exceptional circumstances. WL contend that exceptional circumstances exist that warrant a review of the Green Belt. These include:

- Worsening affordability as demand outstrips supply,
- Worsening delivery and provision of affordable housing,
- Increased homelessness
- Worsening overcrowding and living conditions,
- Increased pressure on private rental sector with associated issues of unsecure tenancies and susceptibility to rent increases,
- Increasing ageing population with resultant increase in demand on social and health care services,
- Economic impacts on the working age population as those adults who are able to work may not have suitable accommodation to live in thus resulting in increased commuting distances, worsening impacts on congestion and air quality, and
- The inability to attract workers into the HMA could have significant repercussions for the wider economy if the right type of houses are not available for those wanting to live and work in the conurbation.

The land at Worcester Lane was identified as a draft allocation in the Black Country Plan Preferred Options as a housing site capable of accommodating 115 dwellings. Clearly in preparing this plan, which the Council were a key party to, it was considered that the Site was

suitable to accommodate residential development sufficient for it to be identified as a draft allocation. The Site was considered suitable and deliverable and WL remain of the view that it should be included as a draft allocation in the Plan. In allocating the land at Worcester Lane, it could potentially reduce the shortfall in housing that is required but unable to be currently accommodated in the Borough whilst also freeing up capacity in adjoining authorities for them to meet other unmet needs arising in the HMA. We set out above why we consider that the Site is suitable for development and why it should be allocated as a site for housing in the Borough Plan.

The issue of unmet housing need arising across the HMA and how this will be addressed is a key issue that the Plan will need to address and one that other authorities in the HMA will also need to deal with. Whilst the Dudley Local Plan identifies a relatively modest shortfall in housing land there are wider issues specifically arising in the HMA that may compound the issue of where and how housing need is met. Sandwell Council has recently concluded consultation on its Regulation 19 Plan which identifies a shortfall of 15,916 dwellings that the Council need but which are unable to accommodate within its own administrative area. The Council is also proposing that this shortfall will be met by its adjoining neighbours, of which Dudley is one. Furthermore, Birmingham City recently concluded consultation on its Regulation 18 plan in August which identified a shortfall of 46,153 homes and Wolverhampton have also recently taken a report to its Cabinet seeking approval to go to consultation on its Regulation 19 plan. The Council has a shortfall of 10,398 dwellings. Both Councils have stated that they will be looking to its adjoining neighbours.

Taking into account the shortfalls in Dudley, Birmingham, Sandwell and Wolverhampton these total 73,166 dwellings which are needed but which are not currently accounted for in the emerging plans of these authorities. Neither is any agreement reached on how these needs are to be met elsewhere in the HMA. WL consider that Policy DLP1 is unsound on the basis that it is not positively prepared, not effective and not consistent with national policy. As drafted, the strategy will result in housing need going unmet meaning those looking for a house in the Borough will be faced with reduced choice, increased affordability issues and a poorer standard of living by having to live in cramped and overcrowded living conditions. The failure to plan accordingly across boundaries and reach meaningful agreement with the other HMA authorities is contrary to the guidance in the Framework that seeks to address cross boundary matters.

In order to address WL's concerns the Council should look again at all sources of land that are available within the Borough, including land in the Green Belt, in order to identify sufficient land so that it can meet all of its housing needs within its own administrative area. In doing so, it will reduce pressure on other HMA authorities to make land available meet unmet need arising in the conurbation. In reviewing the Green Belt, the land at Worcester Lane, Pedmore should be removed from the Green Belt and allocated for housing development.

Policy DLP 3 Areas Outside the Growth Network

Part 5 of the policy confirms that the Council's Green Belt boundaries will be maintained and protected from inappropriate development. In light of the comments we have set out in respect of policy DLP1 above WL object to this approach on the basis that maintaining the Green Belt and seeking to direct growth to only previously developed sites will result in housing need being unmet and a shortage of employment land being delivered through the Plan unless the Council is able to agree with other authorities in the HMA for them to accommodate some of this unmet need. To date we cannot see that any agreement of memorandum of understanding has been signed that demonstrates where these needs are to be met. WL reiterate that the release of land from the Green Belt within Dudley will help ensure that Dudley is able to meet its housing requirement of 11,169 in full within its own administrative areas without having to resort to its adjoining neighbours. The decision to not release land from the Green Belt to meet Dudley's needs in full will have a number of adverse consequences for the supply of new

homes and particularly the delivery of affordable homes, making the aspiration for home ownership beyond the reach of many who live in the Borough.

WL object to Policy DLP3 and consider it unsound on the basis that it is not positively prepared nor will be it be effective and that by not reviewing the Green Belt to meet the Council's housing needs in full within its own administrative areas will result in a number of problems associated with lack of adequate housing, housing affordability and knock on economic impacts arising from a lack of working age people able to live and work in the Borough.

To address our concerns we contend that a review of the Council's Green Belt should be undertaken and sufficient land released, including land at Worcester Lane, Pedmore, and to be allocated for additional housing development.

Policy DLP 10 Delivering Sustainable Housing Growth

We have set out above our comments in respect of the proposed housing requirements and the Council's strategy for meeting the housing need within its own administrative area. Notwithstanding this approach there is still a shortfall of 699 dwellings that are required but which sufficient land is yet to be identified to accommodate.

Putting the shortfall aside we have a number of concerns about the sources of housing land supply that the Council sets out in Table 8.1 of the Plan.

In respect of sites with planning permission or prior approval it is not clear whether an implementation allowance has been applied to this source of supply. Typically, a 10% of implementation allowance would be applied to such sites.

Table 7 of the SHLAA also identifies potential supply from occupied employment sites albeit that a 15% non-implementation allowance has been applied to this source. It is noted that reliance on redevelopment of existing employment sites was a key theme for delivering new houses through the adopted Black Country Core Strategy. However, the intended strategy was not wholly successful as issues relating to the release of multi-ownership employment sites did not result in significant new residential development coming forward. Furthermore, retention of employment sites in employment use proved commercially as viable, if not more viable, than developing for residential use. The outcome being that a number of employment sites that had been earmarked for residential development remained, and continue to remain, in employment use. It is questionable whether the same reliance on existing employment sites to deliver new residential development in the current Plan would have resulted in a different outcome. Furthermore, the Plan also identifies a shortfall in employment land. Loss of existing employment sites would add further pressure to identifying alternative and additional employment land. As such, the application of only a 15% non-implementation allowance seems on the low side and that a much higher non-implementation allowance should be applied. Due to the uncertainties associated with this source of supply coming forward and making any meaningful contribution to the supply of housing there is an argument to say it should be removed completely from the potential supply of new homes.

A windfall allowance of 184 dwellings per year has also been allowed for. Whilst the Framework confirms that where an allowance is made for windfall sites as part of the anticipated supply there should be compelling evidence that they will provide a reliable source of supply. The windfall allowance that has been allowed for equates to nearly 25% of the total housing requirement which is a significant proportion of the overall supply that is expected to come forward on non-allocated sites. It is also noted that the windfall allowance is on top of the supply that is also identified on occupied employment land sites and other sites within town centres and the regeneration corridors.

In respect of occupied employment land sites such as those identified in Brierley Hill there is again a question mark over whether these will come forward and specifically when they will come forward for development. Whilst Table 8.1 indicates that these would not start contributing to the supply until 2028 there is no certainty that this source of supply will contribute to the overall supply of housing as anticipated.

Table 8.1 also includes a centre uplift allowance which accounts for a number of sites increasing the density of development that that site is capable of accommodating. Whilst in theory this may be possible there is a question mark over whether this would actually deliver as intended. Due to the uncertainty that this will occur and the limited contribution it makes to the overall supply this element of the supply should also be removed.

A further source of supply is from a redevelopment of offices in Brierley Hill waterfront. This has been included on the basis that office demand has decreased following the Covid pandemic and that the office capacity would be available for redevelopment for housing through the plan period. There is a degree of uncertainty over whether this would happen or not and as such it cannot be guaranteed that the element of supply would be deliverable. If it did take place this would be considered a windfall and doesn't need to be identified a separate source of housing in the supply. Furthermore, recent 'return to the office' mandates issued by some high profile employers nationally may lead to more firms following suit and requiring a higher physical presence in offices. If this is the case, the demand for office space may see an uptick in the coming months and years and potentially reducing this source of supply.

Totalling up all the sources of supply in Table 8.1 equals 10,470 homes. This is the same number as the proposed housing requirement set out in the Plan. The Plan does not propose to over-allocate against the housing requirement in case for whatever reason certain sources of the supply do not come forward as expected. As it stands, all sources of the supply would have to come forward to meet the housing requirement (albeit it would still be 699 short). This risks the housing requirement not being met in full if sites do not come forward as anticipated. Clearly, if the Council were to over-allocate against the housing requirement this would identify additional sites for housing that could meet the Standard Method housing requirement that the Council are currently stating that they cannot meet in full.

WL therefore object to Policy DLP10 on the basis that it is not effective, and as it is, the sources of supply that have been identified would not be sufficient to meet the housing requirement as proposed and that due to various reasons relating to non-implementation or delivery of certain sites/sources of supply there would be a shortfall in supply against the housing requirement. In order to address WL's concerns additional land should be made available to protect against any non-implementation that may occur and to allow flexibility in meeting the needs.

Policy DLP 11 Housing Density, Type and Accessibility

The policy specifies the density and type of new housing that should be provided, with new housing development to be informed by the need for a different type and range of size of accommodation, levels of accessibility and the need to achieve high quality design. The policy then goes on to state that developments of 10 or more homes should provide a range of house types and sizes and that developments of 10 or more homes should achieve the density target set out within the policy. These range from 100 dwellings per hectare on sites that are within strategic centres or town centres, down to 45 dwellings per hectare where a site is accessible for a high density housing site or 40 dwellings per hectare for a moderate density housing development. In seeking to achieve the density targets set out above we note the evidence contained in the Dudley Housing Market Assessment (2024). This sets out the size of housing required within each tenure within Dudley for owner-occupied, rented, shared ownership or social rented / affordable rented properties. What is clear is that for all 4 of these tenures nearly 50% of the properties are required to be 3 or 4 bedroom properties. Three or four bedroom dwellings tend to be houses as opposed to apartments and would therefore deliver

a much lower density development than a wholly flatted scheme. Densities of 45 or 100 dph are unlikely to be met if larger 3 or 4 bedroom houses are proposed. Even achieving a density of 40dph with family housing will prove challenging.

Similarly, if high density development is to be achieved then this is likely to be comprised of 1 and 2 bedroom apartments and would not therefore deliver the full range of housing that the policy seeks nor meet the main size (by number of bedrooms) that the Council's evidence is saying is required.

Whilst it is noted that a range of densities are proposed in different parts of the Borough the Dudley Housing Market Assessment (2024) is clear that there is a significant demand across all tenures for 3 and 4 bedroom properties. If this need is to be met then sites and town centres or in the strategic centres, where new development is proposed to be focused, these areas and sites are unlikely to deliver the larger properties that are required. This reinforces WL's view that the range of different sites are required in order to help meet the housing needs of the Borough going forward.

A further consideration in seeking to achieve the density assumption set out in the policy also relate to meeting other aspirations and policy objectives in the Plan. This could include provision of open space, achieving high quality design and incorporation of National Described Space Standards and accessible housing. A combination of these and other policy considerations can and will impact on the density of development that can potentially come forward on sites.

WL therefore object to Policy DLP11 on the basis that it is not effective and will not result in the majority of housing needs, which are predominantly for 3 and 4 bedroom properties, being met. Meeting the actual housing needs of those in the Borough in need of a home appears to have been sacrificed for higher density flatted development where the actual need is for family housing. WL do not consider that sufficient land or suitable sites have been identified to deliver family housing whilst also achieving the density targets along with a number of other policy objectives and aspirations such as POS, car parking, NDSS and accessible homes.

In order to address our concerns, additional land for housing, such as the site at Worcester Lane should be allocated for development.

Policy DLP 12 Delivering Affordable, Wheelchair Accessible and Self Build / Custom Build Housing

The policy sets out the thresholds for providing affordable housing on different value zones throughout the Borough. It is not clear where the basis for the different thresholds has been derived from although it is assumed that this is down to the viability of specific sites in these areas being able to accommodate affordable housing.

The policy stipulates that on greenfield sites of medium value zones 20% affordable housing will be sought. It is noted that of the new allocations proposed in the Plan only 3.5% of the supply is on greenfield land. As such, there is very limited prospect that much affordable housing will come forward on these sites. Furthermore, the requirement to provide 10% affordable housing on previously developed sites on all sites in lower value zones and brownfield sites in medium value zones is likely to raise issues with the viability of such sites being able to deliver this. On unviable sites it will reduce the ability of developers to deliver affordable housing leading to affordable needs going unmet.

We note that the Worcester Lane site, which is located in a higher value area, is relatively unconstrained and is a greenfield site. In light of the lack of constraints affecting the site it would be one such site that could potentially deliver a policy compliant level of affordable housing (30%) making a significant contribution to the overall needs of the Borough. The

provision of affordable housing in an area that is well related to the countryside and the opportunities that this offers for residents is considered a significant benefit in contrast to providing affordable homes in town or strategic centres that are less accessible to the countryside. Paragraph 147 of the Framework confirms that where land is removed from the Green Belt measures for to offset this through offsetting or compensatory improvements to the environmental quality and accessibility of the Green Belt should be sought. In developing new housing at Worcester Lane, increased accessibility to the Green Belt can be achieved, particularly for occupants of the new affordable homes that will be developed.

The site would also be capable of delivering houses of different types and tenures rather than high density apartment schemes. Again, this would help meet identified needs as set out in the Dudley Housing Market Assessment (2024).

In respect of National Wheelchair Accessibility Standards WL object to the differentiation in the requirement to provide wheelchair accessible houses according to the different value areas that the proposed houses are to be built in. A wheelchair user in a low value area would have the same requirement for a wheelchair accessible house as a wheelchair user in a high value area. Wheelchair users are not therefore going to be solely located in high value areas and their needs would need to be accommodated irrespective of the value area that the house was to be built in.

In light of the fact that the Plan seeks to differentiate the delivery of wheelchair accessible properties between lower and high value areas indicates that the Council acknowledge that delivery of wheelchair accessible properties will have an impact on the viability of these developments. The inference being that there is an additional cost involved and that this can only be sustained where a higher land value can be sustained from the development. If this is the case then additional sites in higher value areas should be allocated in order to deliver the policy requirements that the Council is seeking.

In respect of self-build properties paragraph 8.20 confirms that there are currently 83 individuals on the self-build and custom build register for Dudley. If each of these individuals were to construct a house it would equate to 0.76% of the total housing requirement for the Borough. The policy suggests that sites of more than 100 dwellings 5% of dwellings should be made available for self-build or custom build housing. WL consider that a 5% requirement is in excess of the actual numbers of people on the self build register which is set out above equates to less than 1% of the total housing needed. WL suggest that a 1% requirement on sites of 100 or more housing would be a more appropriate figure.

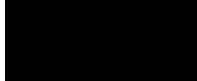
WL object to policy DLP12 on the basis that it's not effective and not consistent with national policy. The rationale for requiring different levels of wheelchair accessible housing according to the land value that can be achieved ignores the fact that people requiring a wheelchair accessible house do not all live in higher value areas. Similarly, the justification for differential affordable housing thresholds acknowledges that delivery of affordable housing is more likely in higher value areas. If this is the case, then WL contend that more sites, such as the land at Worcester Lane, Pedmore, should be allocated for development and which would be capable of making a policy compliant affordable housing contribution. In addition, it would also be capable of deliver wheelchair accessible housing. Finally, the requirement to provide self build plots as part of new residential developments of more than 100 dwellings overstates the demand for self build within the Borough. A lower percentage would be appropriate and would likely satisfy the demand for self build.

As such, the changes that WL are seeking are the removal of the requirements for different accessible housing requirements across the Borough and a reduction in the self build requirement from 5% to 1% on schemes of more than 100 dwellings.

Policy DLP 32 Nature of Recovery Network and Biodiversity Net Gain

Following the enactment of the Environment Act there is now a statutory requirement to achieve 10% biodiversity net gain through new developments. This is now a statutory requirement so there is no need for it to be included in a policy. Notwithstanding the above, we note that policy DLP 32 sets out a requirement that all development shall deliver a minimum of 10% net gain.

In light of the statutory requirement for BNG as covered by other legislation WL do not consider the policy needs to stipulate this. As such, we object to it not required. Rather than delete the requirement entirely could the policy be reworded to say that delivery of BNG is required in accordance with the provisions of the Environment Act.

We trust you will take our comments into consideration and we welcome the opportunity to participate further at the pre-submission draft consultation stage and look forward to being notified of this in due course. Should you have any questions about the above or wish to discuss please do not hesitate to contact either  or myself.

