

# 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](http://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](http://www.dudley.gov.uk/localplan)

**By email:** [planning.policy@dudley.gov.uk](mailto: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](http://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](http://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

	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	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 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.*

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## 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<sup>th</sup> November 2024.....

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.

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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?

<b>Title of document</b>	Dudley Local Plan Pre-Submission Draft Plan (Reg 19 version)		
<b>Paragraph/section</b>		<b>Policy</b>	DLP10
<b>Site</b>		<b>Policy Map</b>	

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                    | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No          |
| 2. Sound                                | <input type="checkbox"/>            | Yes | <input type="checkbox"/> | No <b>X</b> |
| 3. Complies with the Duty to co-operate |                                     | Yes | <input type="checkbox"/> | No <b>X</b> |

(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.

### 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.

*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.**

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.

*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:**

As a promotor with a site in the Borough that has been previously been considered by the Council suitable for allocation for development, and which would help address the Council's housing shortfall, we would welcome the opportunity to present our case in person to the Inspector.

*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](mailto: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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