

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:

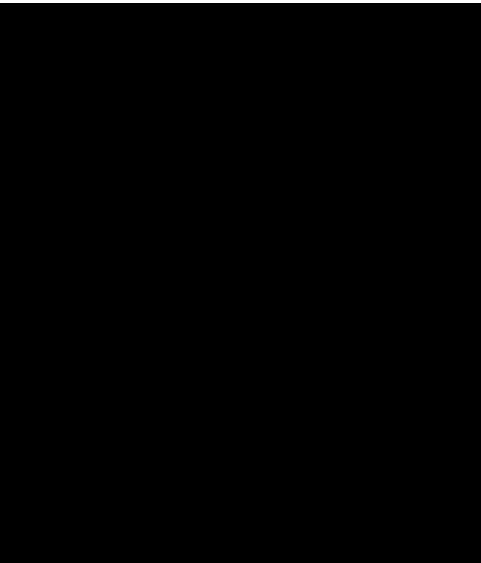

- 1 You can use this form to comment on more than one site and/or policy. For each comment, please tell us the site/policy reference that your comment refers to. A separate form C should be completed for each comment.
2. Responses must include your name and address.
3. Your comments cannot be treated 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	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.

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: 29th 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.

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 Pre-Submission Draft Plan (Reg 19 version)		
Paragraph/section	Duty to Cooperate	Policy	
Site		Policy Map	

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

Q2. Do you consider the Local Plan is:

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

(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.

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.

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.

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.

Please above

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

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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