

# 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.

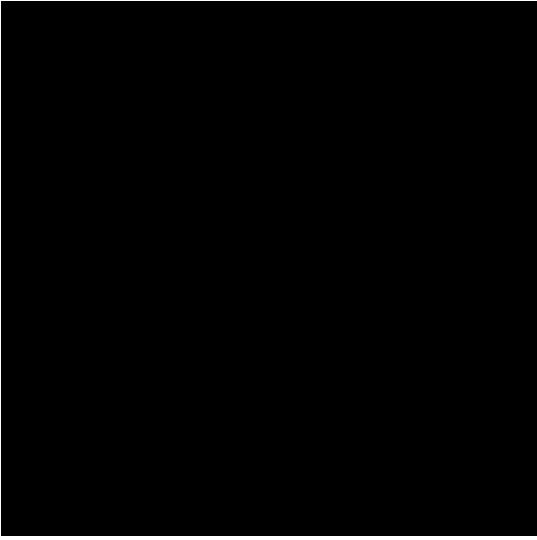


Individual acknowledgement of receipt will not be possible.



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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.*

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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: .....29/11/2024.....

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>	The Dudley Local Plan 2024		
<b>Paragraph/section</b>		<b>Policy</b>	DLP1 and DLP 12
<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 type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 2. Sound                                | <input type="checkbox"/> | Yes | X                        | No |
| 3. Complies with the Duty to co-operate | <input type="checkbox"/> | Yes | X                        | No |

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

## Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

### Policy DLP1 – Development Strategy

We do not consider that the Development Strategy takes sufficient steps to meet the Housing Requirement as set and does not make any allowances to assist neighbouring authorities who we know cannot meet their own needs (Wolverhampton, Sandwell and Birmingham). Furthermore, we do not consider that it is properly informed / supported by the Duty to Cooperate, the onus on which has increased notably follow the demise of the Black Country Core Strategy.

#### Proposed Changes to National Policy

Before we set out the reasons for this, we also note that the Housing Requirement is based on the current Standard Method figure. This is likely to change at the end of the year and the current evidence would suggest Dudley's Standard Method figure will increase significantly with it. Whether Dudley MBC can avoid this remains to be seen, but if the Council is not successful, the Development Strategy and Duty Cooperate will need to be revisited to meet the requirements of the amended NPPF and the new Standard Method figure.

Our client own's land within South Staffordshire on the edge of Dudley MBC and we would welcome the opportunity to work with you and South Staffordshire to deliver housing to assist in meeting this additional requirement.

On this point, we note that the Council appear to be rushing to get this plan submitted. A committee paper has already been prepared prior to the close of the consultation to secure consent to submit the planning for examination and it will not be possible to have reviewed, digested and report on the current consultation responses prior to this meeting. Furthermore, if the volume of representations to this plan gets anywhere near the previous consultation (circa 20,000 representation), it will not be possible to review and properly consider the consultation response before the plan is submitted for examination should members vote to approve this. As a result, this will be a consultation in name only and the consultation responses will go unconsidered by the Council.

## *Meeting the Housing Requirement*

### *Urban Capacity*

The Housing Requirement in Policy DLP1 is set using the urban capacity, with the residual requirement left for another, currently unknown, neighbouring authority. Whilst we acknowledge a brownfield first approach to development is in line with the NPPF, we think that the urban capacity figures concluded are overly optimistic. We have set out our thoughts in previous submissions and when we attend the Council's Housing Workshops, but in summary, this is primarily because the assumptions are based increasing densities beyond their current levels, whilst simultaneously putting more onerous requirements on developers to increase house sizes, road sizes, parking space sizes, BNG, etc. We have no objection in principle to seeking to maximise urban sites, but this needs to be supported by the appropriate set of policies and design standards to allow this to happen. Simultaneously increasing the design requirements for housing developments goes directly against the objective to increase densities and logical tells us this will reduce the capacity of site, not increase.

We have seen this elsewhere (e.g. Birmingham) where densities are increased in a plan, but this is not supported by the required changes to the design standards. What happens is, when we get to dealing with your Development Management colleagues during the application process, we are seldom able to meet the density requirements because the policy framework and design standards does not allow us to. This will be the same here and this will undermine the ability to meet the Housing Requirement.

There are two options here in our view. Either change the design requirements to facilitate higher density schemes or reduce the density assumptions to a figure based on the desire design standards.

### *Duty to Co-operate*

We do not consider that the Council has taken the appropriate measures to fulfil the Duty to Co-operate. We consider that discussions should be reopened with adjoining authorities, including South Staffordshire, to allow for the land required to meet Dudley's development needs to be identified and committed. These discussions will need to be in the context of the unmet need across the conurbation and the neighbouring authorities should be encouraged to release more land to assist.

The Duty to Co-operate relates to the production of the Dudley Local Plan, where as the Duty to Co-operate Statement October 2024 seems to focus on the process taken through the Black Country Core Strategy review. Separate to the fact that the discussions prior to the demise of the Black Country Plan did not relate to the Dudley Local Plan, the position has materially changed since the demise of the Black Country Plan and over 2 years has passed. The discussions around the Black Country Plan did not resolve the unmet housing need and allot of further work was needed to deal with substantial demand for land to assist in meeting the unmet need arising.

The split of the four Black Country Authorities also notably increased the onus on the Duty to Co-operate. For Dudley MBC, it meant new discussions were needed with the neighbouring authorities previous spoken with and it required a new look at the interrelationship with the three other Black County Authorities, a matter previously enveloped by producing a joint plan. For Dudley, the break-up of the Black Country plan may have meant less pressure through its own plan to release land to meet its needs, but it did not remove the need arising from the adjoining Black Country authorities nor reduce the amount of land available within Dudley MBC to assist these authorities.

Since the start of the Dudley Local Plan, little in the way of co-operation with adjoining authorities appears to have happened. The challenges presented by the substantial unmet need were clear at the start of the preparation of the Dudley Local Plan and we would have expected co-operation with adjoining authorities to be at the heart of the plan making process to address these issues. However, this does not appear to have happened. We now have a pre-submission plan where we do not know where the unmet need from Dudley will go nor to what extent Dudley MBC are going to assist the other Black Country Authorities with their unmet need.

Furthermore, rather than these matters being resolved, the Duty to Cooperate Statement sets out what measures are going to take, which seems back to front from our perspective, particularly given the scale of the issues here. The reality is that the unmet need figures for housing and employment are significant in this location. For this to be met requires a group effort. More needs to be done to work with the authorities affected by this (both in terms of those authorities where the unmet need arises and those authorities with the ability to assist in meeting the unmet need).

## Policy DLP12 - Delivering Affordable, Wheelchair Accessible and Self-Build / Custom-Build Housing

Our concern with Policy DLP12, perhaps go beyond DLP12 and links back to DLP1. However, it is in DLP12 where the issue becomes apparent and so we have set out our comments here.

The issue is that the plan does not plan to meet the affordable housing need identified, but there is little, if any, acknowledgement of this.

The reason we have concluded the Dudley Local Plan will not meet the affordable housing need, is that for this to happen 23.5% of the housing requirement would need to be affordable. However, the plan does not allow for this for the reasons set out below:

- Sites below the threshold will not deliver affordable housing, which increases the percentage of sites above the threshold that need to be delivered as affordable homes for the 23.5% to be met.
- A range of affordable housing targets are set, but in practice most sites will be in the lower and medium value areas on brownfield sites. This means the majority of site will be brought forward with a starting requirement of 10% and 20% respectively.
- Even if we assume all sites came forward based on the policy requirements, the blended rate on sites above the threshold would be somewhere between 10 and 20%, and slightly closer to 20 to allow for a small number of sites meeting the higher affordable housing requirement.
- However, not all sites will come forward, because the policy recognises some sites will still not be able to meet these requirements and the amount of affordable housing they deliver will be discounted based on the viability of the scheme.

With the affordable housing need not being met, we would have expected more to have been done to explore a higher housing requirement to meet the affordable housing need and / or exploring the release of Green Belt, which can deliver a substantially higher proportion of affordable homes (50% being the requirement in the draft version of the amended NPPF).

We consider both options should be explored and the substantial benefit of delivering affordable housing weighed against the potential negative effects of delivering this additional numbers / different sites, which would be limited.

*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.**

See Q3

*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:**

To set out our objections to the plan and explain why modifications are needed to make it sound and why we consider the Duty Co-operate has not been met.

*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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