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Dear Sir / Madam

**Dudley Local Plan Regulation 18 Consultation  
Response by Dr Baljit Bhandal**

Harris Lamb Planning Consultancy is instructed by Dr Baljit Bhandal (“BB”) to submit representations to the Draft Dudley Local Plan (Regulation 18 consultation document) and welcome the opportunity to comment at this time.

BB is promoting land for residential development at Lapal Lane to the south of Halesowen and have previously submitted details of the site to the preparation of the Black Country Plan and previously representations to the Black Country Plan Preferred Options consultation that concluded in October 2021. These representations set out why the Council’s assessment of the site had made errors and was inconsistent. In addressing these it demonstrates that the site is deliverable and capable of delivering housing / employment to meet the needs arising in Dudley.

The omission of the Site from the Plan is a result of a wider change in strategy that the Council is now advancing, which seeks to focus new development on previously developed land within the urban area. As part of the preparation of the new Local Plan the Council is no longer proposing to release land from the Green Belt to meet its development needs and, further to this, the Council are no longer considering the release of their Green Belt land as an option to meet its housing need, favouring exporting the problem to other yet undefined locations in the Housing Market Area (“HMA”).

The recent publication of the updated National Planning Policy Framework (‘The Framework’) states there is no requirement to review of change Green Belt boundaries when plans are being prepared, but it continues to allow authorities to choose to subject to demonstrating exceptional circumstances. In some ways, this is not a significant change from the previous version of the Framework, as there was no requirement to change Green Belt boundaries and exceptional circumstances needed to be demonstrated if Council were proposing to do so. However, it does place more of an onus on Council’s to instigate this process and the weight of responsibility that comes with this should not be underestimated. Where it is identified that



Green Belt needs to be released to meet the development needs identified, on the one hand it requires an understanding of the potential environmental impacts that could come from changing Green Belt boundaries, on the other the social and economic disadvantages of meeting the housing and / or economic needs identified. These being real impacts on local people and local business, 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 and we ask the Council to very carefully consider the impact on these people when deciding whether or not to amend their Green Belt boundary, especially when there are sites that make a limited contribution to the Green Belt could be released to meet this need. .

BB objects to the proposed strategy on the basis that the Council has not explored all the options available to meet the housing need and that it has land available in its administrative boundary to meet its housing need identified, including sites that it has previously supported as draft residential allocations in the Black Country Core Strategy review. We consider there are exceptional circumstances that warrant the Green Belt being reviewed and land released from it to help meet housing needs, which include the substantial social and economic impacts for thousands of local people and businesses.

There is significant pressure across the HMA from constrained authorities who cannot meet their development needs within their administrative boundaries, with tens 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 lack 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.

Below, we start by explaining why we consider SS'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.

### **DLP 1 Development Strategy**

Policy DLP 1 sets out the Council's targets for the delivery of new homes and employment land. In respect of new dwellings 10,876 new homes are proposed along with the development of at least 25 hectares of employment land. SS 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 10,876 net new homes over the Plan Period. Paragraph 5.12 confirms that the local housing need for the Borough is in fact 11,954 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 11,954 dwellings. However, the Plan identifies a shortfall of 1,078 homes that are required but where sufficient capacity within the Borough to accommodate has not yet been identified.

Having identified what, the housing need is in the Borough, the Council undertook an assessment of different options for growth as described in Table 1 of the Dudley Local Plan Options to Preferred Strategy paper (October 2023). The three options tested looked at meeting all or most the Borough's needs on previously developed land, through urban uplift in regeneration corridors, on low quality open space or elsewhere through duty to cooperate contributions. None of the spatial options considered release land from the Green Belt to meet the Council's needs. Whilst no doubt the publication of the updated Framework will be used to validate the Council's approach it will in Barberry's view lead to significant housing need going unmet and the associated social and economic impacts that arise from this.

The spatial option that the Council have decided to pursue (Option 3) seeks to focus on meeting the development needs of the Council on previously developed sites within the urban area, use of low-quality open space and through duty to cooperate discussions meaning that the Council will be looking to the other authorities in the HMA to accommodate its unmet need of 1,078 dwellings. BB object to this approach and do not consider it sound.

If the 1,078 dwellings are to be accommodated in adjoining authorities 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 to meet Dudley's needs. If land must be released from the Green Belt to meet the development needs it is BB'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, nor the Dudley Local Plan Options Preferred Strategy paper, does not elaborate on the Council's decision not to release land from the Green Belt to meet its needs particularly when the Plan highlights that there is a shortfall of what is needed against what land is available to accommodate this need. BB considers 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. Again, the Plan does not provide clear or sufficient justification for the decision of the Council not to release land from the Green Belt nor why this unmet need should be met elsewhere when there is sufficient suitable land available within the Borough to meet these needs. Furthermore, whilst the updated Framework does not require Green Belt to be reviewed, it does state that it can still be reviewed in exceptional circumstances. Barberry 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 can 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 is not available for those wanting to live and work in the conurbation.

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. Whilst the Dudley Local Plan identifies a relatively modest shortfall in housing land there are wider issues specifically arising in Sandwell that may compound the issue of where and how housing need is met. Sandwell Council is also currently consulting on its Preferred Option Local Plan which identifies a shortfall of 18,606 dwellings that the Council need but which are unable to accommodate within its own administrative area. The Council will also be looking to its adjoining neighbours, of which Dudley is one, to see whether their need can be met outside of its administrative area. Furthermore, the consultation on the Birmingham City Issues and Options that concluded in December 2022 also highlighted that it too has a housing shortfall of approximately 78,415 dwellings that will also need to be met elsewhere within the HMA. Dudley in seeking to meet part of its unmet need by agreeing with adjoining authorities in the HMA will to a degree be competing with other authorities that also have a much more significant shortfall to meet, and which have less land, including Green Belt land to meet this. This reinforces BB's view that the Council should be doing all it can to meet its needs in full in its administrative area even if it means releasing land from the Green Belt to do so. By meeting all its development needs within Dudley this would reduce the wider pressures within the HMA on other adjoining authorities to help meet the unmet needs arising principally in Sandwell and Birmingham but also potentially in Wolverhampton City as well.

### **Proposed Housing Allocations – Land at Lapal Lane South, Lapal Lane (Site Reference SA-0015-DUD in the Black Country Site Assessment)**

BB maintain that this Site is deliverable and that if sites like this cannot be released for development, then there is absolutely no prospect of development needs in Dudley, or the wider conurbation being met. The site is neatly located between Halesowen (north) and Birmingham (East). These settlements already blend into one another, which is commonplace across the conurbation, and this site would form an infill on the edge of the conurbation, with existing development providing a backdrop to the north and east.

The previous assessment of this site is fundamentally flawed and reads as if it has been copied and pasted from another site. For example:

- the site is not in a SLINC, or area of high historic landscape value as suggested;
- there is no ridge and furrow;
- the site does not contain Illey Brook;
- the site is in Flood Zone 1 and not 2 and 3a as suggested;
- the site slopes, but not steeply as suggested;
- Access would be onto Carters Lane, not Lapal Lane / Manor Way as suggested in the Site Assessment, with Carters Lane providing access directly into Halesowen and Birmingham on a local road.

- Primary Schools and shops are within walking distance when the proper access is considered;
- there would be some harm to the Green Belt and Landscape Character, but at no where near the level suggested, and this needs to be considered in the context that sites with greater value than this will need to be released if the development needs are to be met.

When corrected, it is evident that this site is well placed to deliver homes and/or jobs for local people who very much need them.

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 me.

