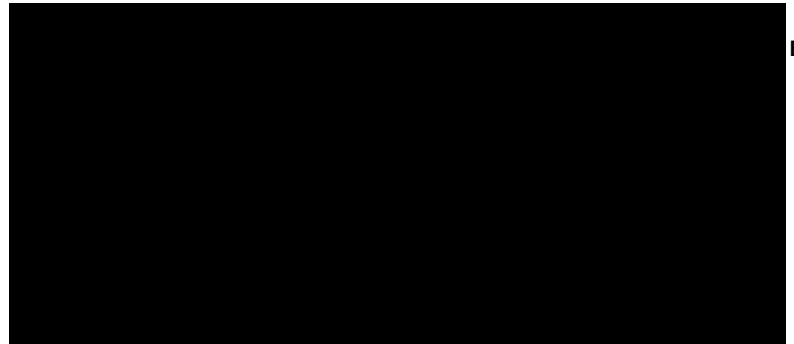




Planning Policy Team
Council House
1 Priory Road
Dudley
DY1 1HF



By email only:
planning.policy@dudley.gov.uk

Dear Sir/Madam

RE: DRAFT DUDLEY LOCAL PLAN REGULATION 18 CONSULTATION

Tetlow King Planning (TKP) represents the **West Midlands Housing Association Planning Consortium (WMHAPC)** which comprises leading Housing Associations across the West Midlands. Our clients' principal concern is to optimise the provision of affordable housing and to ensure the evolution and preparation of consistent policies that help deliver the wider economic and social outcomes needed throughout the West Midlands region.

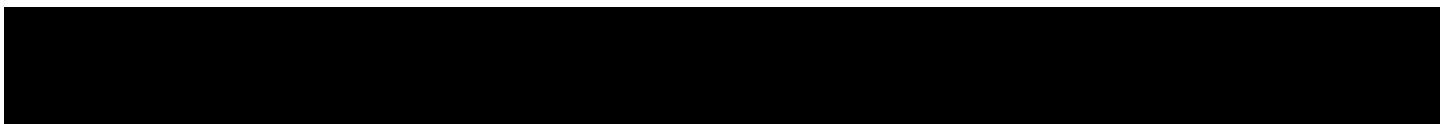
As significant developers and investors in local people, the WMHAPC is well placed to contribute to local plan objectives and the Housing Associations to act as long-term partners in the community. We welcome the opportunity to participate in the consultation for a new Local Plan for Dudley. The following comments are made in response to the spatial strategy and policies set out in the Draft Dudley Local Plan Part One consultation document.

Policy DLP1 – Development Strategy

Draft Policy DP1 sets out that the new Local Plan will need to deliver at least 10,876 new homes between 2023 and 2041. However, paragraph 5.12 on page 57 of the Draft Local Plan identifies a standard method housing need for Dudley of 11,954 homes across the same period, resulting in a shortfall of 1,078 homes.

While the shortfall across the 18-year period may not be considered to be substantial at around 60 dpa (2023 to 2041), it still means that the housing needs of 60 households every year will fail to be met by Dudley Metropolitan Borough Council. The WMHAPC is concerned that the Council is progressing its strategic housing and Green Belt policies without showing the ability of neighbouring authorities to suitably address this shortfall in the number of homes needed while also addressing their own housing needs.

It is acknowledged that ongoing work under the Duty-to-Cooperate is taking place between Councils: *“The Duty to Cooperate position will be elaborated on in more detail in Statements of Common Ground at the Publication stage”* (Paragraph 5.13). Nevertheless, the Council should take a cautious approach to strategic policies in relation to housing needs, supply and the Green Belt until discussions with neighbouring authorities have confirmed the Greater Birmingham and Black Country Housing Market Area's (“HMA”) ability to accommodate Dudley's housing need shortfall. The WMHAPC makes this point being mindful of the identified shortfall of 18,606 homes within the published Draft Local Plan for Sandwell, which is also expected to be met by authorities within the HMA.



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

The current adopted Black Country Core Strategy Policy HOU3 'Delivering Affordable Housing' seeks to secure 25% affordable housing on all sites across the Black Country of 15 dwellings or more. The emerging Dudley Local Plan is taking a stepped threshold approach to securing affordable housing through draft Policy DLP12. The WMHAPC does not object to this providing it is justified. However, there is concern with part 2(a) of draft Policy DLP12 which sets out that just 10% affordable housing is to be sought on all sites in lower value zones and brownfield sites in medium value zones. Figure 8.1 of the Part 1 consultation document shows that a very large proportion of the Borough is designated as lower or medium value zones. Unless shown to be unviable through robust testing, the WMHAPC strongly encourages the Council to review part 2(a) of draft Policy DLP12 and look to require a higher level of affordable housing provision on these sites in order to boost the supply of affordable housing for those in need in the Borough.

The WMHAPC welcomes the site-by-site approach of development viability and affordable housing tenure that Policy DLP12 sets out at part 3. This allows for a policy position with a reasonable level of flexibility and will help to ensure that local housing needs are effectively met.

The WMHAPC welcomes the Council's offer of further guidance in the form of a Supplementary Planning Document which will provide further information relating to "*local housing needs, site surroundings and viability considerations*" which will inform the tenure of homes provided. As part of this guidance, clarity regarding the type of local housing need evidence which appropriately signifies the tenure of affordable housing products to be provided should be set out.

Policy DLP49 Green Belt

Supporting text to draft Policy DLP49 at paragraph 13.3 of the Draft Plan is clear that "*The Plan is not proposing to review any of the borough's Green Belt boundaries or allocate any development sites or proposals within the Green Belt in accordance with the preferred spatial strategy.*"

In considering the evidence base which has helped inform Policy DLP49, the Urban Capacity Study (2023) states:

"Taking account of DtC, recent NPPF consultation proposals and the evidence presented in this report, the housing shortfall is not considered significant and development growth is focused in the urban area.

Currently, para 136 of the NPPF states that – "Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan." Given the urban capacity evidence summarised in this report, it is reasonable to conclude that exceptional circumstances have not triggered the need for a Green Belt review in the Dudley Borough."

While the findings of the Urban Capacity Study are acknowledged, it appears that over 1,000 households across Dudley will fail to have their housing needs met over the plan period if the Council does not identify further development sites or come to agreements with neighbouring authorities (see our response to Policy DLP1 – Development Strategy).

Paragraph 146 of the NPPF (December 2023) states that before concluding whether exceptional circumstances exist to justify changes to Green Belt boundaries, all other reasonable routes for meeting its identified need for development should be considered. Paragraph 146 states that "*This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:*

- a) *makes as much use as possible of suitable brownfield sites and underutilised land;*
- b) *optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and*

- c) *has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.*

The findings of the Urban Capacity Study (2023) demonstrate that if the shortfall in housing need is not able to be delivered in neighbouring authorities, then exceptional circumstances will exist for a review of Green Belt boundary as per parts a) and b) of paragraph 146 of the NPPF (December 2023).

The Black Country Green Belt Study (2023) identified 12 sites across Dudley with a 'Weak/No contribution to Green Belt purposes'. Additionally, the West Midlands Combined Authority Assessment of the Potential for Additional Brownfield Land Development Capacity (2022) Report (which formed part of the evidence of the now abandoned Black Country Plan) identifies that the release of Green Belt sites across Dudley could deliver 1,117 homes.

The release of these sites would deliver the shortfall in homes needed to meet the needs of the authority's shortfall and should be viewed in the context of a constrained housing market area where significant shortfalls in housing provision and available sites are likely to persist well into the future (see our response to Policy DLP1 – Development Strategy).

Further Comments

The Draft Local Plan fails to acknowledge the value and importance of rural exception sites in meeting housing needs, particularly when the Council has a shortfall in available development sites. The inclusion of a rural exception site policy would help bring forward housing in constrained rural areas of Dudley to meet identified local housing needs. The WMHAPC therefore strongly encourages the inclusion of a rural exception site policy in helping to meet affordable housing needs.

Paragraph 82 of the NPPF (December 2023) explains:

"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this."

Rural exception sites are an exception to inappropriate development within the Green Belt as set out by paragraph 154 of the NPPF (December 2023).

Housing Associations are well placed to aid in the delivery of rural exception sites and as set out within Planning Practice Guidance (Paragraph: 015 Reference ID: 67-015-20210524) the Council *"may wish to consider establishing or strengthening working relationships with relevant groups including"* housing associations. Bringing rural exception sites forward will assist in meeting the housing needs shortfall identified by the Draft Local Plan whilst also ensuring the housing needs of Dudley's residents are being met.

The above comments are intended to be constructive, to ensure the policies are found sound at examination. We would like to be consulted on further stages of the above document and other publications by Sandwell MBC, by email only to consultation@tetlow-king.co.uk; please ensure that the **West Midlands Housing Association Planning Consortium** is retained on the consultation database, with **Tetlow King Planning** listed as its agent.

