



REPRESENTATION TO REG 18 DRAFT DUDLEY LOCAL PLAN

in respect of
Land north of Sandyfield Road, Sedgeley

on behalf of
Seven Homes

20 December 2023

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1. INTRODUCTION

- 1.1. This is a representation to the Regulation 18 Draft Dudley Local Plan which is subject to consultation until 22 December 2023. It is made on behalf of Seven Homes, in respect of their land north of Sandyfields Road, Sedgeley (the promotion site). Only a small part of the site falls into Dudley Borough, with the majority lying in neighbouring South Staffordshire.
- 1.2. A significant amount of evidence has been gathered and this culminated in the submission of a Vision Document being produced for the site and submitted to consultations for both the emerging South Staffordshire Local Plan and the (now abandoned) Black Country Local Plan. We are re-submitting the Vision Document as part of this representation.
- 1.3. The background work that has been undertaken to inform the Vision Document is set out in that document and we do not seek to repeat it here.
- 1.4. The landowners and developer continue to be committed to the delivery of a housing scheme on this site, which would form a sustainable extension to the existing urban edge of Sedgeley. We consider the site would go some way towards meeting some of the unmet need that the council have identified in the emerging plan.
- 1.5. The following document addresses a number of the proposed policies and supporting text of the plan which are considered to be relevant to Seven Homes and/or the promotion site. It also considers some of the updated evidence base that is provided in support of the Reg 18 plan.
- 1.6. Seven Homes reserve the right make further representations as these opportunities arise. It should be noted that not commenting on an aspect of the emerging plan does not mean they agree with that content.
- 1.7. The remainder of this representation document is as follows:
 - Representation
 - Conclusion

2. REPRESENTATION

- 2.1. Given its highly sustainable location relative to key services and facilities, Seven Homes consider that the proposals offer an excellent opportunity for a moderately sized extension to the existing urban edge, assisting in delivering more housing to meet Dudley's needs, where it is clear that all growth cannot be accommodated entirely within its administrative boundary.
- 2.2. The following table summarises the policies that we have commented on in this representation:

Table 1 – Part One Policies/Paragraphs subject to comment:

Policy/Para	Title	Page
DLP1	Development Strategy	54
DLP3	Areas outside the Growth Network	68
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DLP69	Transport Impacts of New Development	332

Table 2 – Part Two Policies/Paragraphs subject to comment:

Policy/Para	Title	Page
Table 6.1	Dudley Housing Site Allocations	223

Table 3 – Sustainability Appraisal Paragraphs subject to comment:

Para	Title	Page
SA Vol 1, para 3.4.1 and 3.2.50	Justification for Growth Option 3	31

Part One: Spatial Strategy and Policies

Policy DLP 1 Development Strategy, and Policy DLP10 Delivering Sustainable Housing Growth

- 2.3. We are concerned by the assumption that the substantial unmet need will somehow be mopped up by other authorities in the GBBCHMA or FEMA areas. The reality will be that over a thousand homes will need to be added to South Staffordshire and/or Bromsgrove's total housing requirement. Bromsgrove DC have paused their plan indefinitely, pending a review of whether all of their infrastructure needs can be somehow met in the next iteration of their Local Plan. South Staffordshire have also had a long pause in plan preparation with their latest consultation planned for 2024, but with no clear steer on whether the c.4K unmet need they were originally proposing to take (from Birmingham and the Black Country, but unhelpfully not disaggregated) will remain within it.
- 2.4. Neighbouring South Staffordshire and Bromsgrove may look at the strategy being employed by Dudley and refuse to release Green Belt to accommodate another authority's need if they are being met with resistance to Green Belt releases in their own authority area, particularly in light of recent NPPF updates. We simply have no idea where the unmet need will be going.
- 2.5. We are also not clear on how many of the proposed (at least) 10,876 will be affordable and whether this includes windfall sites (the allowance for which is high, given the rhetoric in the plan about wanting to reduce speculative applications).
- 2.6. There is no clear evidence on how many affordable homes Dudley have 'lost' through Right to Buy/Acquire and whether the evidence on affordable housing need truly reflects this. Is the need therefore net of these losses, or is this data not available?
- 2.7. We are aware that Dudley MBC has not provided data to the government on the state of their affordable housing, having found to have breached government standards on social housing in April 2023¹. The Regulator of Social Housing (RoSH) issued a regulatory notice to the council as a result. The difficulty here is that it is clear from the data that RoSH have produced that a significant number of homes in Dudley do not reach decent homes standards. In the meantime, Dudley MBC have a housing waiting list of nearly 4,000 (as at April 2022)², despite the proliferation of poor affordable housing stock. It is abundantly clear that affordable housing is not only needed in the future, but there exists a very real and pressing problem with existing stock. We are not clear that this is reflected in the SHMA data, which looks only at affordable housing need going forwards, based on population growth, migratory patterns, housing need/waiting list and house price to earnings data. The reality is that there are a significant number of people poorly housed in Dudley now who also need a new affordable home.

Policy DLP 3 Areas Outside the Growth Network

- 2.8. We are not clear what is meant by allocations on surplus land? Surplus land according to whom and how is this defined?
- 2.9. Given that 96.4% of the proposed allocations in the Borough are on brownfield land and just 3.6% of the supply on greenfield, we would question whether these developments will be able to

¹¹¹ <https://www.bbc.co.uk/news/uk-england-birmingham-67765421>

²² <https://www.birminghammail.co.uk/black-country/how-many-people-waiting-council-26295733>

deliver the infrastructure requirements stipulated elsewhere given the likely viability constraints impacting these sites. Whilst we support the 'brownfield first' approach, we consider that where possible, those allocations should be augmented with greenfield sites in order to ensure that sufficient affordable housing and infrastructure contributions are also made.

- 2.10. We also note that there has been a lapse rate allowance of 10% discounted to allow for some sites which may not come forward over the course of the plan. We would like to know whether this truly represents the historic lapse rate pattern, as we are aware of a substantial number of sites within Dudley Borough that have not come forward because of persistent viability problems associated with heritage, site contamination and other issues which include tensions between commercial/industrial land values being similar to those of residential (post-remediation). We are not clear whether this has been considered carefully enough.
- 2.11. Given the diminishing availability of grant funding, it is clear that the situation is unlikely to be resolved any time in the near future. Development viability will continue to be undermined by higher interest rates; high build costs and high land costs for some time to come. Bringing forward a more balanced portfolio of brownfield and greenfield sites will allow a steady supply of new homes and allow Dudley to maintain a 5 year housing land supply throughout the course of the plan period. At the present time, we are not convinced that the current strategy will work.

Policy DLP11 Housing Density, Type and Accessibility

- 2.12. The remarks we have on this policy are limited in that we have concerns over the densities being set for town centres (100 dph) resulting in a large numbers of flats. Given the prevailing housing market in Dudley, Halesowen and Brierley Hill town centres, we do not consider there will be much support from Registered Providers for these types of homes as affordable housing, which have historically been difficult to manage and expensive for tenants and shared ownership customers because of higher management charges covering communal areas and facilities. We would urge the council to engage with Registered Providers over this policy as whilst such densities may work in neighbouring Birmingham, we would be concerned over the viability and implementation of such a policy without grant funding being in place.

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

- 2.13. It is our view that in order to deliver more affordable housing to meet the clearly burgeoning need in the Borough that more green field sites should be released for development.
- 2.14. Policy DLP12 clearly shows that providing more affordable housing to meet the need set out in the Black Country SHMA (2021) of 32.7% within the Borough is going to be virtually impossible. Requiring 10% affordable housing on brownfield sites is clearly going to work in only the minority of sites where, in our experience, such sites can rarely support affordable housing at all – let alone the impact of vacant building credit, which of course can (and often does) reduce the requirement to zero. Have the council truly assessed what is happening on the ground – how many of their brownfield sites deliver affordable housing (that is not grant funded and included in a s106 agreement)? That is the evidence base that needs to be referred to as the practical application of such policies should be considered alongside the assessment of plan viability more generally.
- 2.15. We have already discussed in this representation our concerns over the evidence base which lacks fundamental data on right to buy losses and stock condition – all of which contribute to a

realistic picture of affordable housing in the Borough. Something that should be informing the emerging plan now, not later.

Policy DLP31 Nature Conservation

- 2.16. We are supportive of measures to safeguard nature, but paragraph (1) is worded in such a way that would prohibit any development where there is any harm to designated sites at paragraph 1a and 1b. Whilst paragraph 3 does allow harms to be weighed against the benefits of a development, the first part of the policy contradicts this. We would suggest paragraphs 1a and 1b be amended to reflect the exception at paragraph 3.
- 2.17. We consider that a more flexible approach should be adopted, particularly on sites that are unaffected by Footnote 7 nature conservation designations. It is clear that biodiversity net gain requirements, which come in in the new year will need to be proven by applicants in any case.
- 2.18. Surely, in this case, the better approach would be to pragmatically look at how sites would benefit from management and longer-term protection, as well as improved public access and improved and more diverse landscaping and planting, and the introduction of specific artificial habitats such as bat and bird boxes.

Policy DLP32 Nature Recovery Network and Biodiversity Net Gain

- 2.19. We would encourage the Council to keep this policy under close review to ensure it reflects emerging national requirements to avoid any conflict.

Policy DLP33 Provision, retention and protection of trees, woodlands, Ancient Woodland, and Veteran trees

- 2.20. We support measures to protect trees, particularly ancient woodland and veteran trees. However, the policy should be amended to reflect the reality that tree removal is sometimes required to facilitate development proposals. Presently, the policy (in particular paragraph 3) is worded such that tree removal will only be permitted in accordance with footnote 15, that the tree poses a risk to property or the public.

Policy DLP49 Green Belt

- 2.21. In section (1) of the policy it states that the Green Belt will be maintained and *'... provide easy access to the countryside where the landscape, visual amenity, nature conservation and outdoor sport and recreation value of the land will be protected and enhanced'*.
- 2.22. We do not agree with the wording of this policy entirely. The presence of Green Belt does NOT automatically afford people 'access' to the countryside unless there are rights of way through it. Nor does it provide open spaces for recreation without formal access.
- 2.23. Indeed, the release of Green Belt for development can actually result in an increased level of public access through the provision of new open spaces and parks within a development, offsetting the loss of openness. We consider Policy DLP49 needs to be re-worded.

Policy DLP69 Transport Impacts of New Development

- 2.24. This policy requires applicants to scope Transport Assessments. Whilst not an unusual requirement, it will be difficult for applicants to adhere to since it is currently not possible to contact a highways officer at the Council. This is because the Council do not have an in-house highway team, but outsource to Amey, who cannot be contacted. This needs to change to allow appropriate scoping to take place prior to the submission of planning applications.

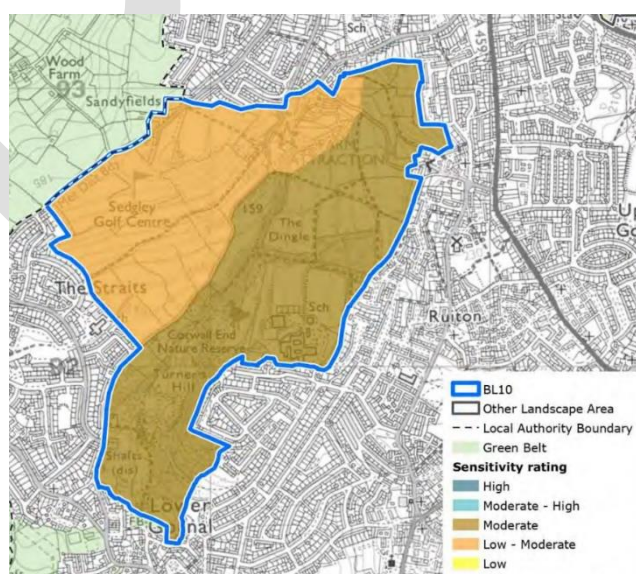
Part Two: Centres and Site Allocations

Table 6.1: Dudley Housing Site Allocations

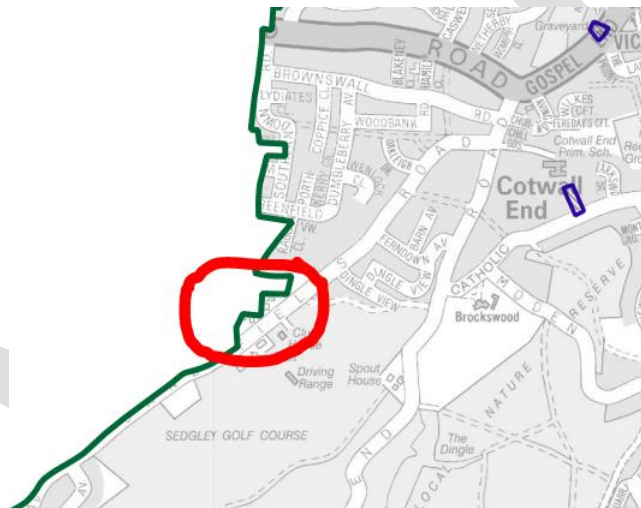
- 2.25. As we have mentioned previously, the promotion site has not been assessed in the SHLAA but forms part of a wider parcel (BL10) in the Black Country Green Belt review. We consider this needs to be rectified.
- 2.26. In terms of other proposed allocations, we note that there were to be Green Belt releases in the Black Country Plan to accommodate housing growth, but these have all been removed. It is not clear why, given the persistent unmet housing need the Borough is now facing, despite having reduced its housing requirement.
- 2.27. The neighbouring authorities face even greater constraints in the form of Green Belt, it is unclear how the unmet need will be accommodated as it will almost certainly require Green Belt release in South Staffordshire and/or Bromsgrove. Is the role and function of Green Belt in those areas somehow less important than that of the Green Belt around the periphery of Dudley?

Evidence Base

- 2.28. Whilst clearly not consultation documents as such, we have some observations on the evidence base that underpins the plan as it stands and consider these to be important as the plan makes progress.
- 2.29. There appears to be little in the way of up to date or new evidence supporting the Reg 18 Plan at the moment. We can only assume that much of it is therefore based on the evidence used to prepare the previous Black Country Plan.
- 2.30. Originally, Dudley MBC were to accommodate 13,235 up to 2039 in the Black Country Plan, but now that the proposed Dudley plan has been re-based with a period to 2041, that figure has been considerably reduced to 10,876. Despite this, the council still cannot accommodate all of its growth (and it is a minimum figure) within its own boundaries.
- 2.31. It appears that despite changing the housing requirement, the Green Belt review has not been updated or revisited. Despite this, 6 sites are proposed in the Green Belt on the edges of the Borough, but with little in the way of exceptional circumstances to justify them. The promotion site falls partly into site BL10 (low moderate landscape rating) and in site 567 (South Staffordshire):



- 2.32. The Black Country Plan Reg 18 (Oct 2021), in explaining how not all growth could be accommodated inside its boundaries, stated that 'Black Country capacity is finite', but this statement applies to everywhere else, surely?
- 2.33. Until it is clear what unmet need will be taken by neighbouring South Staffordshire (or potentially Bromsgrove), we cannot see that the plan as it is currently presented is remotely sound if it remains unchanged at Reg 19 stage. Kicking points such as the duty to cooperate into the long grass is not going to make the challenge of delivering unmet need go away. Dudley (as the other Black Country Boroughs) have had plenty of time to agree a way forward with their neighbouring authorities, and yet this seems to be being treated as a new issue.
- 2.34. Despite the fact that the site is included in the Black Country Green Belt Review (sites 567 – South Staffordshire and part of BL10), it does not seem that the promotion site has been considered in the SHLAA as shown in the SHLAA map extract (2021/22)³ where the part of the site that falls into Dudley indicated shown in red below. We see this as an error and the site must be assessed. We would also welcome an assessment of sites that fall into both authority areas:



- 2.35. We also consider that the Sustainability Assessment as an assessment of reasonable alternatives should include the site. At present, it is missing.

Sustainability Appraisal

- 2.36. Moving on to the Sustainability Appraisal (SA), we note the Options appraisals which explore different ways of meeting housing growth.
- 2.37. We note that the council are pursuing Option 3, described as '*Meeting all or the majority of our housing need through urban uplift in regeneration corridors and centres, some development proposed on smaller areas of low quality open space, plus DtC contributions. To be formulated for Reg 19 stage of the DLP*'.
- 2.38. The SA sets out that Option 3 has been chosen because it would address housing need through a 'balanced spatial approach'. We do not agree with this. Firstly, it is not addressing housing need

³ <https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/development-land-search/> (SHLAA Map 2021/22)

– the council will still be left with over a thousand houses to find. Secondly, we consider the balance is simply not there, particularly as the focus on brownfield will not deliver the required affordable homes needed in the Borough, for reasons we have already given.

- 2.39. Para 8.4 in the reasoned justification for Policy DLP10 (Delivering Sustainable Growth) sets out that 90.98% of current local housing need up to 2041 (homes) with 96.4% of the supply on brownfield land and 3.6% of the supply on greenfield land. This is not balanced at all. How many of the brownfield sites that form part of the 90.98% have been previously allocated for housing? How many have had previous planning permission which have lapsed or stalled? Have the council objectively gone through all of these sites and removed those which do not have a realistic chance of delivery?
- 2.40. We have already expressed concern over the strong reliance on brownfield land regeneration in the Borough given viability issues. This option still does not meet housing need for the Borough (which is a minimum figure).
- 2.41. Indeed, we note at para 3.3.5 that there is some doubt over the viability of Option 3, where it concludes: *'Overall, Option 3 appears to be the most favourable housing spatial growth option as it ensures the housing need will be met, although there is also some uncertainty in the impacts of this option given the unknown location of the exported proportion of growth.'*
- 2.42. Given the previous approach being taken in the Black Country Plan where Green Belt release was being considered, we cannot see how the council can legitimately pursue a growth option where they cannot accommodate all of their growth within their boundary and almost within the same breath just rely on the unknown of having that unmet need accommodated by neighbouring authorities (South Staffordshire and Bromsgrove). Politically, surely those authorities will want to see Dudley MBC releasing some of its own Green Belt first?
- 2.43. Finally, we note that the SA identifies that the true impacts of the unmet need, which is being exported, cannot be fully assessed. Access to employment opportunities, as well as environmental/social impacts cannot be assessed because it is not known where these homes will be located. The SA is clearly incomplete because the strategy is flawed.

3. CONCLUSION

- 3.1. This representation has been made on behalf of Seven Homes, in respect of their land north of Sandyfields Road, Sedgeley. We commend the Council for conducting the Regulation 18 Consultation so quickly following the collapse of the Black Country Plan.
- 3.2. We note from the SHLAA 2021/22 that the site is not included in the SHLAA sites, despite having been submitted for consideration. We once again strongly urge the council to assess this site.
- 3.3. However, it is clear that it does not go far enough in seeking to deliver enough housing sites and given the work already done on the Black Country Plan, we are disappointed that there is precious little evidence of cross-boundary working with South Staffordshire, with whom we would have expected a Statement of Common Ground to have been drawn up by now. This is particularly concerning given the significant shortfall in housing that Dudley MBC have identified. There is great uncertainty regarding this.
- 3.4. The promotion site is available now and could go some way in meeting the unmet housing need in the early stages (first 5 years) of the plan period.
- 3.5. Seven Homes have already invested significantly in understanding the constraints of the site (including landscape and visual impact, highways, drainage, ecology and trees). This evidence and the Vision document were submitted to South Staffordshire when they last ran a consultation on their emerging plan, which of course has also been subject to delays.
- 3.6. We have made comments on more generic planning policies where we consider it is justified, and we urge Dudley MBC to consider the points we have made and in particular deal with the unmet housing need in cooperation with neighbouring authorities as a matter of urgency and well before the Reg 19 plan is published.
- 3.7. We consider the plan is clearly politically motivated and will do very little for those in affordable housing need. Dudley MBC are not planning for enough housing which will have significant implications for existing and future residents.
- 3.8. We consider the plan now lacks aspiration, particularly in making a real difference to affordable housing supply in the Borough. In our view there is a very real risk that through an almost pre-occupation with the prioritisation of brownfield site regeneration and a reliance on other councils to assist in providing sites that housing delivery will stall, and will not deliver the affordable housing the Borough needs now, all in the name of protecting Green Belt land at any cost.
- 3.9. We urge the council to cooperate with neighbouring authorities now and we urge the council to consider cross-boundary working on potential housing allocations that can deliver quickly and deliver appropriate levels of affordable housing and community infrastructure.

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