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Dudley Local Plan, Planning Policy, Regeneration & Enterprise, Planning Services, Dudley Metropolitan Borough Council, Council House, Priory Road, Dudley DY1 1HF by 5pm Friday 22 December.



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Respondent No:		Representation No:		Date received:	
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Representations on behalf of Persimmon Homes

Dudley Local Plan Regulation 18

December 2023

Pre-Amble

- 1.1 The version of the Dudley Local Plan (DLP) provided for consultation was issued in the context of National Policy (in the form of the NPPF) in force at the time of drafting. Very late in the consultation period (19th December 2023) a revised version of the NPPF was issued. References throughout these representations to National Policy reflect the (September 2023) then in place for consistency and ease of understanding. It is assumed that the Council will reflect on the changes brought about by the revised NPPF and provide the opportunity to comment on those in subsequent consultation events.

Comments on: Policy DLP1 – Development Strategy

Nature of comment: Objection

- 1.2 The fundamental purposes of a strategic policy of this nature is to ensure that development needs, for housing and other activities, are fully and properly identified and then met. Policy DLP1 does not do this. Our representations elsewhere (principally in relation to Policy DLP10) sets out clearly why the number of houses being planned for (10,876) will be insufficient, by some margin, to meet local needs and even then, the approach set out within the plan to meet this inadequate housing requirement, will fail to even deliver this amount of housing.
- 1.3 The Vision of the DLP refers to meeting the needs of communities and providing, “a wide range of housing that will meet people’s needs through their various life stages and is affordable to live in (all tenures).” The Objectives and associated Strategic Priorities refer to meeting identified development needs and meeting the borough’s housing needs. Policy DLP1 – and the wider provisions of the emerging DLP – are inconsistent with delivering this Vision, Objectives and Strategic Priorities.

- 1.4 Failing to set out a sound development strategy is a fundamental flaw of this plan. In respect of the provision of housing, it means that the housing needs of local people will not be met. Local people who need a homes, especially affordable homes will not be provided with one. It will have an adverse effect on the affordability of market housing. It will have an adverse effect on the delivery of affordable housing. People who need affordable housing will not be able to find it in Dudley. Many of those disadvantaged in this way perform roles of particular importance socially and economically. A failure to provide sufficient housing has consequential significant negative effects accordingly. These negative impacts of not providing for the housing needs of the community have not been properly considered or given due planning weight in the consideration of alternative strategy options.
- 1.5 This is a straightforward simple failing of this plan. It sets the context for the case made throughout these representations that Dudley should plan to meet its housing need (and more to allow some flexibility for delivery and choice of housing). It should plan for a strategy which has evidence that it is likely to succeed, and that part of that approach needs to involve more deliverable allocations, including by necessity greenfield and Green Belt sites. The draft DLP fails, emphatically, to do this.
- 1.6 Environmental considerations are part of the overall planning balancing exercise and can sometimes compete with delivering growth however as drafted, the DLP gets this balance totally wrong. It fails to give sufficient weight to the new homes and jobs which people need and layers constraints, both new and old, to suppress growth and minimise the economic and social benefits of development. The plan cannot say (part 1 of Policy DLP1) that the growth to be delivered is “based on the needs of local communities” or (part 1d of Policy DLP1) that it “is delivered to meet identified needs”; it is planning and simply not doing that, but is making political, unsound choices to do exactly the opposite. It cannot say (supporting text at paragraph 5.7) that it promotes the “right type and amount of development”; it does not. The strategy would not meet needs, there would be significant negative consequences to that for the local community and those in need (as discussed above, and more broadly), and that is not honestly presenting in the plan.
- 1.7 A strategy that focuses on development in the urban area and making use of brownfield sites where available and deliverable can be appropriate, but the extent to which this is relied upon in the draft DLP is fanciful, learns no lessons from plans of the past, fails to fully acknowledge the challenges to delivery in such a way and will miss the delivery of much

- needed housing again for another generation. A much more deliverable, balanced identification of site and development options which promote delivery is required if development needs are to be met.
- 1.8 Fundamentally, if lessons are learnt from the past, a different strategy to that advanced in past years by the BCCS is required. The BCCS placed great emphasis on the re-use of brownfield, often previous employment, land to meet development needs, including for housing. However, the constraints and delivery challenges of those site were fundamentally underestimated, the demand for such land for employment use has remained robust, and the market has consistently shown a requirement for choice and variety in sites for residential development. The experience during the BCCS period has shown that whilst making best use of existing brownfield land within the urban area is important, it should form part of a broader strategy - a strategy that focuses too heavily on this, particularly in seeking to meet the need for residential development, will not succeed – the Borough has been there before.
- 1.9 It is important that the DLP strategy recognises and responds to this, rather than simply seeking to continue an approach which has not been successful. This point is amplified in the context of the pandemic, which changed the ways in which communities live, work and travel, placing greater emphasis than ever on the importance of the quality and character of the home environment. This in turn drives a requirement for a flexible approach to housing land provision and securing choice and variety in the supply. It invites a more balanced approach, rather than one that is excessively urban and brownfield focused, failing also to recognise how and where people want to live.
- 1.10 To meet development needs there is a requirement for a more balanced strategy and one which also includes for more deliverable and needed greenfield sites and assess and review the Green Belt to help identify potential areas of growth in the real context of a significant deficit in the supply of brownfield land within the urban area. The position whereby no Green Belt release is proposed has been arrived at for political rather than planning reasons. There is scant evidence that proper consideration has been given or judgement exercised from a planning perspective as to whether there might be opportunities within the Green Belt better to meet the Borough's needs. Evidence as to why the full need cannot be met is lacking. This shortcoming is amplified by a lack of any clear evidence at this stage as to the extent to which the Council have, or are likely to, engage with neighbours under the Duty to Cooperate, or how fruitful any such engagement might be.

- 1.11 Greenfield and Green Belt sites should be allocated to help meet the need. Policy DLP1 should acknowledge and accommodate this, and consequential changes should be made throughout the DLP (e.g., to Table 5.1, Policy DLP2, Policy DLP10, and elsewhere) to reflect it and allow for a contribution to be made by such sites, rather than excluding them entirely.

Comments on: Policy DLP10 – Delivering Sustainable Housing Growth

Nature of comment: Objection

- 1.12 Our concerns are expressed elsewhere in these representations in respect of the way the spatial strategy of the Dudley Local Plan (DLP) is framed, the extent to which at the outset it properly acknowledges the scale and character of development need, the ways it suggests the need can be met, and the requirement to identify additional development land for housing including through Green Belt release.
- 1.13 In addition to these general strategic points we have fundamental concerns regarding the quantum of need identified, its distribution, and how it will be met. These concerns are set out here principally in relation to the housing requirement, but should be understood in the context of the strategic points made separately.
- 1.14 The concerns raised here in reference to Policy DLP10 are far reaching and point to a fundamental failing of the draft DLP to meet the tests of soundness set out in the Framework.
- 1.15 They consider both the quantum and distribution of housing proposed in the draft DLP in principle and then the proposed components of the draft DLP's anticipated supply in more detail. Additional points of concern are raised about the draft DLP's anticipated provision of housing, before a summary is set out.

Quantum and Distribution of Unmet Housing Need in Dudley over the emerging Local Plan period

- 1.16 The Framework (paragraph 61) expects strategic policy-making authorities to determine the minimum number of homes needed in strategic policies by following the Standard Method set out in Planning Practice Guidance (PPG) for assessing Local Housing Need. It also states that in addition to the Local Housing Need figure, any needs that cannot be met

within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

- 1.17 In this respect, Paragraph 61 points directly to the “positively prepared” test of soundness (in particular) as set out at Paragraph 35 of the Framework. Plans are “positively prepared” if they provide a strategy which “as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development” (our emphasis).
- 1.18 Policy DLP10 of the draft DLP sets out that sufficient land will be provided to deliver at least 10,876 net new homes over the period 2023 – 2041. In its justification to Policy DLP10, at paragraph 8.4, the draft DLP sets out that this will accommodate only 90.98%% of current Local Housing Need up to 2041. In other words, the draft DLP acknowledges, at the outset, that it will fail to deliver almost 10% of the minimum number of homes needed in Dudley over the Plan period. This is even acknowledging that LHN is a starting point minimum need, with it also important to understand how increases to this need may, for example, bolster affordable housing provision to better fully meet need, or support overall delivery. Further none of this fails to grapple with un-met need from neighbouring Authorities which is known and where Dudley may well offer opportunities to actually accommodate a greater level of growth, assisting in meeting the needs of neighbours rather than seeking to export its own needs elsewhere.
- 1.19 Paragraph 8.4 then continues to say that 96.4% of the anticipated housing supply is on brownfield land with just 3.6% on greenfield land.
- 1.20 Policy DLP10 then says that the key sources of housing land supply are summarised in Table 8.1 with all housing allocations set out in DLP Part Two. It says the majority of the requirement is to be met through sites with existing planning permission and sites allocated for housing by the Plan. Additional housing supply will also be secured on windfall sites in the urban area in Dudley.
- 1.21 Notwithstanding its failure by some margin to meet its identified minimum LHN, the draft DLP does not offer a solution as to how the sizeable shortfall (1,078 homes), or nearly 10% of the homes that are needed in Dudley, as a minimum, over the DLP period, will be made up. For example, the draft DLP makes no case in terms of how likely it is that neighbouring

- authorities will help meet its acknowledged unmet housing need under the “Duty to Cooperate” (DTC).
- 1.22 The draft DLP sets out, under Policy DLP18 ‘Economic Growth and Job Creation’, that Dudley will deliver 47ha, or 65% of its identified 72ha requirement, of employment land through DTC. In other words, Dudley is asking its neighbouring authorities to deliver most of its employment land requirement. The draft DLP refers to ‘ongoing work’ to agree the level and location of its exported unmet employment need, but identifies areas with strong or moderate economic transaction as the other (former) Black Country Authorities (Sandwell, Walsall and Wolverhampton), South Staffs, Birmingham, Wyre Forest, Bromsgrove, Solihull, Tamworth, Lichfield and Cannock Chase.
- 1.23 This raises two fundamental concerns with the draft DLP. One is how does Dudley plan to deliver its acknowledged unmet housing need (of 1,078 homes) over the draft DLP period, if it cannot demonstrate its neighbouring authorities will assist through DTC; and the second is that the draft DLP relies very heavily on brownfield sites, including currently occupied employment sites and sites previously used for employment purposes, to deliver its deficient housing requirement, which flies in the face of its identified (very) significant shortfall of employment land, which Dudley is looking at its neighbours to help deliver.
- 1.24 In essence, then, the extent of the reliance placed by the draft DLP on using brownfield land to deliver housing has the effect of expanding a significant exported employment requirement which it is seeking to agree with its neighbours, whilst at the same time not grappling with the need to deal with exported (or imported) housing requirement and, again, in the context of failing by some margin to meet local housing needs. This is not an appropriate basis for the DLP. It is not “planning”; it is better characterised as buck passing.
- 1.25 Any attempt that might be made by Dudley to have some of its unmet housing need met by its neighbours through DTC needs to be put into context whereby the West Midlands has struggled unsuccessfully to meet the unmet needs of Birmingham for a number of years, following the adoption of the Birmingham Development Plan (BDP) 2011 to 2031, in January 2017. On adoption, the BDP stated Birmingham had a housing shortfall of circa 37,900 homes that it needed its neighbouring authorities (including Dudley) to deliver. Similarly, in the Black Country, Sandwell has recently published its Regulation 18 draft Local Plan for the period 2022 to 2041, following the collapse of the draft Black Country Plan. Sandwell has acknowledged that it has an identified housing shortfall of 18,606 homes, which it cannot deliver. Another example is Bromsgrove, which the draft DLP says has

strong Functional Economic Market Area (FEMA) links with Dudley, where the adopted Plan (2016) recognises that it has an unmet need of 2,300 homes.

- 1.26 As such, many of Dudley's neighbouring authorities which it might need to rely on to deliver its acknowledged shortfall of housing say they are also unable to deliver their own requirement. This might explain why the draft DLP has not suggested it can demonstrate how DTC will deliver its acknowledged unmet housing needs – it is content simply to continue with the wider sub-regional buck passing and collective failure properly to plan for sufficient homes in this area. The draft DLP nonetheless needs to identify some solution and cannot simply ignore the 1,078 homes it has not planned for.
- 1.27 Similarly, the draft DLP does not grapple with Dudley meeting any of its neighbouring authorities' unmet needs through DTC, which if required would increase the number of homes Dudley needs to plan for. The collective responsibility in this regard is simply abrogated. Dudley is planning for insufficient housing, other authorities are similarly deficient in this regard, and DTC simply becomes a smokescreen for failure.
- 1.28 To compound this issue, there is also likely to be a very considerable amount of additional unmet need from Birmingham and Wolverhampton because of these cities being subject to the 35% uplift in Local Housing Need that applies to each of the 20 largest urban areas (which include Birmingham, and also Wolverhampton) as now included as part of the Government's Standard Method.
- 1.29 As such, the draft DLP gives rise to some very serious concerns over its inability to meet its minimum identified housing needs over the Plan period, and by some considerable margin. It does not grapple with the scale of unmet housing need it has identified and cannot rely on neighbouring authorities to deliver it. The DLP also fails to consider whether Dudley needs to contribute towards its neighbours' unmet housing needs.
- 1.30 Ultimately, the draft DLP fails to address in any tangible way how the minimum number of homes needed in Dudley over the DLP period can ever be delivered. As a result it fails to meet any of the tests of soundness set out at Paragraph 35 of the Framework.

Distribution of the draft DLP's Anticipated Housing Supply

- 1.31 Delving deeper into the draft DLP's key component sources of housing land supply, the very serious concerns raised above from the headline unmet need figure are exacerbated.

- 1.32 Draft Policy DLP10 refers to the key sources of housing land supply being summarised in its Table 8.1. The Policy goes on to say that the majority of the housing requirement, or the deficient 10,876 homes the draft DLP says it can deliver, will be delivered through sites with existing planning permission and sites it allocates for housing within the DLP. However, it also says that additional housing supply will also be secured on windfall sites in the urban area of Dudley. It says that the estimated net effect of housing renewal up to 2041 will be reviewed annually and taken into account in the calculation of housing land supply.
- 1.33 Table 8.1 sets out that the draft DLP anticipates over its planned period it will deliver homes from sources including sites under construction, with permission, new allocations, windfalls, additional capacity at Brierley Hill Waterfront and in centres, with an allowance also made for demolitions. As noted above, Paragraph 8.4 of the draft DLP says that 96.4% of the anticipated housing supply is on brownfield land with just 3.6% on greenfield land, albeit noting that this accounts for all housing supply apart from windfall sites.
- 1.34 Detailed concerns highlighting shortcomings in the components of the draft DLP's anticipated supply as offered by DLP10 are set out as follows (numbered i – iv):
- i. Converting Employment Land to Residential Use*
- 1.35 As referred to above, the draft DLP sets out, under Policy DLP18 'Economic Growth and Job Creation', that Dudley will deliver 47ha, or 65% of its identified 72ha requirement, of employment land through DTC. In other words, Dudley is asking its neighbouring authorities to work with them to help deliver its substantial employment land shortfall.
- 1.36 Whilst the focus of these representations is on the housing land requirement, it is clear that the shortcomings of the draft DLP in meeting development needs are also significant in terms of employment land.
- 1.37 Despite this, the draft DLP sets out that 988 homes (9% of the total anticipated housing supply) are anticipated from occupied employment sites. Added to this, of the remaining 4,312 allocated housing sites in the DLP, these comprise 'identified sites, vacant land and unoccupied employment sites'. This raises a question as to why occupied and unoccupied employment sites, and sites generally suitable for employment uses, are being identified for housing and are being lost for employment use, when Dudley has such a significant shortfall in employment land supply and cannot meet its identified employment needs to the tune of 47 ha of land or 65% of its identified 72 ha requirement. The implications of

this to Dudley have not been assessed including the potential on economic growth, job opportunities or on businesses that may otherwise be driven from the Borough.

- 1.38 Moreover, the draft DLP includes a 15% discount of housing supply from allocated sites on occupied employment land in recognition of the ‘multiple delivery constraints’ typically affecting such sites – raising questions as to whether these sites in the anticipated housing supply are truly suitable or developable for residential use.

ii. Deliverability of Longstanding Brownfield Sites

- 1.39 Point i. above highlights the acknowledges constraints to delivery from brownfield sites, and of former and occupied employment sites in particular. The draft DLP’s reliance on delivery from brownfield sites (96.4% of housing sites) in comparison with green field sites (3.6% of housing sites) follows a long history of over-reliance on brownfield land in Dudley (and the former Black Country Authorities generally) which has ultimately failed to deliver the homes needed in Dudley, and the wider Black Country, and by some margin. It is right that emphasis is placed on making use of brownfield land, but the extent of the reliance on brownfield land within the draft DLP is fanciful, not justified with inevitably challenges of the suitability, deliverability and viability of sites for housing.

- 1.40 For example, the adopted BCCS sets Dudley a minimum target to deliver 16,127 homes between 2006 and 2026, which equates to 806 dwellings per annum (dpa). However, Table 7 of the adopted BCCS sets out indicative phased net targets of delivery in Dudley of 8,112 homes between 2006 and 2016 (or 811 dpa during this period), 2,670 homes between 2016 and 2021 (or 534 dpa during this period) and 5,345 homes between 2021 and 2026 (or 1,069 dpa during this period).

- 1.41 The Dudley SHLAA 2022/23 sets out that 9,832 homes have been completed in Dudley between 2006/07 and 2022/23 which equates to 615 dpa over the 16 years of the BCCS period to date. This represents a shortfall of 3,064 homes if measured against the annualised average minimum BCCS target of 806dpa, or a shortfall of 2,019 homes if measured against the indicative phased net minimum targets shown in Table 7 of the BCSS. By either measure, the failure to deliver the homes needed in Dudley over the BCCS period to date has been significant.

- 1.42 The BCCS placed great emphasis on the re-use of brownfield, often previous employment, land to meet development needs, including for housing. However, the demand for such land for employment use has remained robust, and the market has consistently shown a

- requirement for choice and variety in sites for residential development. The experience during the BCCS period has shown that whilst making best use of existing brownfield land within the urban area is important, a strategy that focuses too heavily on this, particularly in seeking to meet the need for residential development, will not succeed. This notwithstanding, it is just such a strategy that the draft DLP seeks to continue.
- 1.43 For example, noting that 2,053 of the 10,876 (or 19%) of the homes identified in the draft DLP are anticipated to come from the Regeneration Corridors, it should be noted that the Regeneration Corridors are longstanding having been identified in the BCCS which was adopted in 2011. There are a number of sites in the Regeneration Corridors which have been expected to deliver homes in the BCCS period to date and are still expected to deliver homes in the DLP period going forward, but which have so far not delivered at the rate anticipated in the BCCS, or in previous SHLAAs, or oftentimes have not delivered any homes at all to date.
- 1.44 Similarly, there are sites in the Brierley Hill Strategic Centre and in Dudley, Stourbridge and Halesowen Town Centres where delivery of homes has been long anticipated, but which have so far not delivered at the rates expected or which have failed to deliver any homes at all. Even the “additional capacity” identified at Brierley Hill Waterfront and from the “Centres Uplift”, which whilst relatively limited in numbers (200 and 138 respectively in Table 8.1), is in addition to delivery of homes already anticipated from allocated sites within these areas – which has not come to bear.
- 1.45 The draft DLP recognises the challenges to delivery at brownfield sites, and occupied employment sites, and applies a 15% lapse rate to delivery from occupied employment sites in recognition of the ‘multiple delivery constraints’ that typically affect such sites, and a 10% lapse rate to delivery from other sites which have not yet started generally, reflective of Dudley’s recent lapse rates.
- 1.46 By contrast, the draft DLP recognises that green field sites will generally not be affected by such delivery constraints and are generally subject to less viability constraints, further calling into question the draft DLP’s significant over-reliance on delivery from brownfield sites.
- 1.47 It is important that the DLP strategy recognises and responds to this history of challenging delivery, rather than (as it currently does) simply seeking to continue an approach which

has been unsuccessful in delivering the homes needed in Dudley, and the wider Black Country, during the adopted BCCS plan period to date.

- 1.48 The DLP must identify more sites if it is going to deliver Dudley's own identified housing needs, rather than continuing to rely heavily on constrained brownfield sites that have failed to deliver homes needed to date and rather than relying heavily on neighbouring authorities. This will require more greenfield sites, and include some Green Belt locations.

iii. Windfall

- 1.49 The draft DLP's anticipated supply also includes a sizeable windfall allowance of 2,685 homes (or 25% of the total anticipated supply) from sites which are unknown and unplanned.

- 1.50 The supporting October 2023 Dudley Borough Urban Capacity Study justifies this level of windfall allowance on the basis that Dudley borough is a largely urban area and therefore a high proportion of housing development occurs on small infill sites below 0.25 ha. Its Table 2 indicates the number of dwellings built on sites under 0.25 ha per annum over the last 10 years amounts to 1,792, which equates to 179 per annum over the 10 year period, which is applied to the rest of the plan period to give an estimate of future windfall development in Dudley.

- 1.51 Paragraph 71 of the Framework says Local Planning Authorities may make an allowance for windfall sites in their 5 year supply, if they have compelling evidence that such sites will provide a reliable source of supply and any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.

- 1.52 The DLP's reliance on historic completion rates only suggests that its windfall allowance is not in fact supported by compelling evidence that such sites will continue to provide a reliable source of supply going forward, as required by the Framework. For example, in the last monitoring year Table 2 shows that just 68 homes were delivered from windfall sites, which is significantly below the allowance assumed in the DLP.

- 1.53 Moreover, windfall sites are by their definition unknown and have not been identified yet. The draft DLP's heavy reliance on windfall sites, to the tune of 25% of its total anticipated supply, represents a significant over-reliance on this volatile and unplanned source of housing supply particularly given the ineffectiveness of the BCCS' strategy to date to focus

and support development within the Strategic Centres and Urban Areas more generally since its adoption in 2011.

- 1.54 The heavy reliance on windfall further calls into question the ability of the draft DLP to deliver the homes needed in Dudley during the Plan period.

iv. Demolitions in Dudley Borough

- 1.55 The total net housing supply identified in Table 8.1 (amounting to the 10,876 net new homes referenced in Policy DLP10) is derived from a gross figure of 11,236 homes and deducting 360 homes from “Estimated Housing Demolitions”.

- 1.56 The Dudley Urban Capacity Review (October 2023) sets out that Dudley’s 10 year housing asset management strategy (2019) identified around 2,500 homes (some 12% of the Council’s stock) that are considered not viable and are red-flagged for review for strategic investment, de-investment or demolition. In doing so it acknowledges that this may result in an overall loss in housing capacity but is subject to detailed consultation. It goes on to say that future demolition programmes will be factored into the SHLAA as and when the information becomes available.

- 1.57 The above is reiterated in the 2022/23 SHLAA which also sets out that 323 demolitions were undertaken in the year to March 2022.

- 1.58 As such, the total 360 figure for demolitions anticipated across the entire LDP period is likely to be a very significant underestimate of the number of demolitions required in Dudley over the period 2023 to 2041. If the number of demolitions does increase, or reflects more closely the 323 homes demolished per annum over the last year, this would further and perhaps substantially reduce the number of net new homes that could be delivered within Dudley during the LDP period – adding to Dudley’s already acknowledged unmet housing need.

- 1.59 Each of the points highlighted above indicates that those housing sites that are relied upon in Table 8.1 of the draft LDP are unlikely to deliver even the 10,876 net new homes that are anticipated in the draft Plan, such that the true extent of unmet need within Dudley is likely to be significantly greater than the already substantial 1,078 homes (or almost 10% of the homes needed) the Plan suggests. They also highlight that the DLP does not set out how Dudley expects to deliver the acknowledged unmet need, notwithstanding that it is likely to be higher still than the Council acknowledges, and that neighbouring authorities

are unlikely to be in a position to help deliver Dudley's unmet housing needs through DTC. Moreover, Dudley's ability to contribute towards its neighbours' own unmet needs through DTC is also not considered.

- 1.60 Each of these fundamental concerns indicates that the draft DLP needs to identify significantly more sites to deliver the homes needed in Dudley, and this will require additional greenfield, and Green Belt release, sites if Dudley's identified housing needs are going to be met.

Affordable Housing

- 1.61 Added to the points made above around the inability of the draft DLP to deliver the homes generally needed in Dudley (as set out in draft Policy DLP10), draft Policy DLP12 highlights Dudley's worsening housing affordability. It refers to the need for affordable homes in Dudley, as identified in the BCP SHMA 2021, amounting to 32.7% of all homes needed in Dudley - but highlights DLP12's sliding scale of requiring between 10% and 30% affordable housing from qualifying sites. This suggests the 32.7% affordable homes needed in Dudley are not going to be delivered, and likely by some margin.

- 1.62 Moreover, whilst suggesting that Policy DLP12's sliding scale of affordable housing provision should reduce the need for viability appraisals to demonstrate why lower levels of affordable housing provision might need to be provided on specific sites, the draft Policy nonetheless recognises that there will be a need to assess viability on a site-by-site basis where required, and that a flexible approach is needed wherever possible, to allow for changing market conditions. In short, this provides another strong indication that Dudley's affordable housing need will not be met.

- 1.63 Dudley's worsening affordability, and inability to deliver the affordable homes needed, provides another indicator to justify increasing the draft DLP's planned housing supply further beyond the level it has identified through Policy DLP10 and above the minimum LHN – in order to deliver the affordable homes that are needed in Dudley over the DLP period.

Trajectory

- 1.64 Added to the concerns around distribution, and deliverability, of the DLP's anticipated supply raised above, the Housing Trajectory set out in the 2022/23 SHLAA indicates that 10,876 homes will be delivered over the DLP period (2023/24 to 2040/41). In other words

there is no contingency at all in the housing supply identified in the draft DLP – and this notwithstanding the DLP only identifies 10,876 homes which will result in an unmet need of 1,078 (or almost 10% of the homes that are needed in Dudley over the DLP period will not be delivered).

- 1.65 As referenced above, draft DLP paragraph 8.6 sets out that together, the 10% and 15% discounts applied to anticipated delivery from sites that have not started (generally) and occupied employment sites respectively provide sufficient flexibility in the housing land supply to meet any unforeseen circumstances.
- 1.66 However, paragraph 8.6 sets out that the 15% discount applied to occupied employment sites has been applied to take account of the multiple delivery constraints that typically affect such sites and that are likely to reduce delivery on a minority of sites. It goes on to say that delivery constraints include poor ground conditions and the need for large-scale masterplanning, land assembly, business relocations and residential service access improvements. We would argue that, with the exception of business relocations, these constraints would apply to all employment sites, not just those that are occupied, and indeed to most brownfield sites – noting the DLP sites comprise 96.4% brownfield sites. In which case, a 15% discount should apply to all brownfield sources of the DLP's supply – which would further reduce the DLP's supply below the already deficient 10,876 homes it identifies.
- 1.67 In any event, paragraph 8.6 sets out that the supply from sites with planning permission but not yet under construction has been discounted by 10% in accordance with historic lapse rates. In other words, the 10% discount is applied on the basis of the rate of delivery that has actually happened in Dudley from these sites. It should be recognised that this rate reflects the number of planning permissions that have lapsed in Dudley. Applying a 10% lapse should therefore be considered the minimum necessary given the vast majority of sites to which this rate is applied do not yet have planning permission and whose constraints are not yet fully known.
- 1.68 Ultimately, whilst there is no 'rule' for how much flexibility, or contingency, should be built into a strategic development plan to ensure delivery of a housing requirement, many experts, including the HBF, often advocate a 20% buffer. The lack of any buffer at all in the DLP is considered particularly deficient given the reliance on sites that are unlikely to deliver the housing suggested in Table 8.1 and where Table 8.1 fails to identify enough sites to deliver Dudley's identified minimum housing need anyway. The lack of flexibility to

deliver the 10,876 homes identified in Table 8.1 further necessitates additional housing sites being identified in Dudley through the DLP to provide sufficient flexibility to meet any unforeseen circumstances over the course of its Plan period. This should include greenfield sites and will necessitate some Green Belt release.

- 1.69 This is of course in the context that the DLP fails to plan for enough homes to deliver its Local Housing Need anyway, and by a significant margin, and where it continues to follow the same over-reliance on brownfield sites set out in the BCCS that has so far failed to deliver the homes needed in Dudley since 2006.

Green Belt Release - Strategy

- 1.70 Dudley is predominantly urban in character, but also contains extensive green space, with 18% of its land area belonging to Green Belt.
- 1.71 The draft DLP sets out at paragraph 13.3 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.”
- 1.72 We have already highlighted that the sites in Table 8.1, which make up the draft DLP's identified housing sites, include just 3.6% greenfield sites and have an over reliance on brownfield sites.
- 1.73 The DLP must identify more green field sites if it is going to deliver Dudley's own identified housing needs, rather than continuing to rely heavily on constrained brownfield sites that have failed to deliver the homes needed to date and rather than relying heavily on neighbouring authorities to deliver its identified needs when they are similarly constrained – including by Green Belt.
- 1.74 Given 18% of Dudley is Green Belt, this will necessitate some Green Belt release.
- 1.75 Dudley has acknowledged that its minimum identified housing needs cannot be met if it continues to rely almost entirely on brownfield land within the urban areas. The scale of this deficiency, either on face value in the draft DLP or properly taking into account the factors discussed here which serve to exacerbate it, contributes to the exceptional circumstances required to alter the Green Belt in accordance with Framework (Paragraph 140). Previously, as part of the now defunct Black Country Plan process the Black Country Authorities, including Dudley, acknowledged that Green Belt release would be essential in

order to deliver housing growth in accordance with national planning policy. That remains the case, and must be recognised by the DLP.

- 1.76 Paragraph 140 of the Framework goes on to say that “Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period.”
- 1.77 With this in mind, it is important to consider that a Green Belt Review is generally regarded as a “once in a generation” occurrence whereby Green Belt boundaries should endure well beyond the Plan period. Draft Policy DLP10 acknowledges that the DLP does not identify enough sites to meet its identified LHN and in doing so acknowledges that brownfield land is constrained, but nonetheless identifies just 3.6% of its anticipated supply from green field land.
- 1.78 In the context of the comments set out above highlighting the inability of the DLP to meet a significant proportion of its requirement within Dudley’s own area, and in terms of the extent to which it has been shown that even the current limited level of provision to be made within Dudley has been overstated, there is a clear justification for identifying sites in the Green Belt for release.
- 1.79 Similarly, the inability of the Dudley’s neighbouring authorities to deliver the homes needed by them (and their neighbouring authorities), is compounded where those neighbouring authorities would have to release sites from their own Green Belts.
- 1.80 As discussed above, the inability of Dudley to meet its minimum housing needs is a recurrent strategic planning issue in the Borough and sub-regionally, which requires significant and bold intervention.
- 1.81 With brownfield opportunities becoming exhausted, and in any event failing to deliver, the DLP must identify greenfield and Green Belt release sites within Dudley to meet Dudley’s own housing needs during the DLP period, and beyond.

Summary

- 1.82 As drafted the DLP raises some very serious concerns over its inability to meet Dudley’s minimum housing needs over the Plan period, and by some considerable margin. It simply does not fully grapple with the scale of unmet need it has identified. In doing so it fails to address in any tangible way how the homes needed in Dudley during the DLP period can ever be delivered and fails to meet the tests of soundness set out in the Framework.

- 1.83 This fundamental concern is exacerbated where those sites that are relied upon in the draft DLP, as set out in its Table 8.1, are unlikely to deliver even the 10,876 net new homes it anticipates over the Plan period, such that the true extent of unmet need within Dudley is likely to be significantly greater than the already substantial 1,078 homes it acknowledges.
- 1.84 It is exacerbated further still where Dudley's neighbouring authorities lack suitable growth locations to meet their own needs, or Dudley's unmet needs, and are in any event constrained heavily by their own Green Belts, such that they would need to release sites within their own Green Belts to meet Dudley's unmet needs.
- 1.85 There is also a distinct lack of flexibility to deliver the 10,876 homes identified in Table 8.1 of the draft DLP. This also necessitates identifying additional housing sites to provide flexibility in Dudley's housing supply over the DLP period.
- 1.86 With this in mind, it is important to consider that a Green Belt review is a "once in a generation" occurrence and Green Belt boundaries should endure well beyond the Plan period. Despite this, and the inability of the heavily brownfield-centric strategy to meet Dudley's minimum housing needs being a recurrent strategic planning issue, which requires significant bold intervention, Green Belt release sites are not being considered at all through the draft DLP.
- 1.87 With brownfield opportunities becoming exhausted, and in any event failing to deliver, the DLP must identify Green Belt release sites to help meet its minimum housing needs during its planned period, and beyond, and to avoid the need for another Green Belt review in the near future.
- 1.88 The concerns raised above in reference specifically to Policy DLP10 are far reaching and point to a fundamental failing of the draft Plan to meet the tests of soundness set out in the Framework.
- 1.89 In terms of a remedy for these shortcomings, at a basic level, Policy DLP10 requires amendment to identify significantly more deliverable and developable housing sites and to achieve that Green Belt release sites must be identified.
- 1.90 However, and crucially, the draft Plan fails to address in any tangible way how the minimum number of homes needed in Dudley during the DLP period can ever be delivered, and this exacerbates the very serious shortcomings within Dudley and the Black Country generally. This is a recurring strategic planning issue and requires significant bold intervention

including a step-change in approach to avoid the new homes that are needed in Dudley being unprovided over the DLP period.

- 1.91 This is a fundamental point. The DLP must do everything possible to meet as much of its minimum requirement as possible within Dudley. It must also demonstrate convincingly how it will ensure any remaining requirement will be taken up. As drafted, it fails resoundingly on both counts.

Comments on: Policy DLP49 – Green Belt

Nature of comment: Objection

- 1.92 Concerns are expressed elsewhere in these representations with the way the spatial strategy (Policy DLP1) of the Dudley Local Plan (DLP) is framed, the extent to which at the outset it properly acknowledges the scale and character of development need, the ways it suggests the need can be met, and the requirement to identify additional development land for housing including through Green Belt release. Those concerns are expanded in some detail in terms of policy around housing delivery (Policy DLP10), again making the point that additional development land is needed including through Green Belt release.
- 1.93 Those concerns have consequential effects throughout the DLP which should be accommodated. Those effects are notable in relation to Policy DLP49. The Green Belt should be assessed and reviewed such that the most suitable sites for development can be identified and allocated, and development needs can be met, in circumstances where the current excessive focus on urban cramming is inadequate and will not succeed. Persimmon Homes have promoted land at Holbeache Lane for residential development including its removal from the Green Belt to provide a deliverable site to meet housing needs. IT was removed from the Green Belt and allocated for housing in the previous draft review of the Black Country Plan – its merits for removal from the Green Belt and allocation for housing remain to this day. The attached Vision Document sets out the merits of the site and justifies its removal from the Green Belt and allocation for housing.

Comments on: Policy DLP32 – Nature Recovery Network and Biodiversity Net Gain

Nature of comment: Objection

- 1.94 It is helpful that Policy DLP32 acknowledges (part 1a) that development is permissible in the Local Nature Recovery Network (LNRN) including in circumstances where it will deliver benefits appropriate to the zone in which it is located. However, the phrasing of the draft policy is somewhat confusing in circumstances where part 1 refers to all development, and part 1a refers to the location of the development within the LNRN, but not all development will be within the LNRN. This might be remedied by adding the words, “if located within the Local Nature Recovery Network” to the beginning of part 1a of the policy.
- 1.95 Part 5a of the policy should allow for BNG to be delivered through measures outside Dudley where this is most appropriate. This might include, for example, schemes at or close to the edge of the borough boundary where more important gains can be made through interventions in the neighbouring authority. Part 8 of the policy allows for the potential for measures to be local to the development site – there will be circumstances where this best and most appropriately means land in a neighbouring authority, and that should be supported by the policy.

Comments on: Policy DLP60 – Areas of High Historic Landscape Value (AHHLV)

Nature of comment: Objection

- 1.96 Policy DLP60 identifies Areas of High Historic Landscape Value and states the Council will resist any development or other works taking place which would be detrimental to the character, quality and historic integrity of the landscape. Further it states that the Council will seek to protect and enhance views into, from or within Areas of High Historic Landscape Value. Approval will not be given where such views would be unduly interrupted or harmed, or where the opportunity to enhance such a view would be lost. In conjunction with Policy DLP55, it essentially seeks to identify these areas as non-designated heritage assets. The policy is objected to. The areas of land identified in the plan are extensive and so broad as to not properly identify their significance. Further the policy affords levels of protection which are excessive, not only applying to the land identified but adjoining land and view to and from the identified AHHLV. They effectively amount to a blanket protection of all development on or anywhere near these identified areas which seems unreasonable, especially given the extent of land which they effect in the Borough.