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Dudley Metropolitan Borough Council  
By Email Only

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Dear Planning Policy Team,

**CHURCHILL RETIREMENT LIVING RESPONSE TO THE DRAFT DUDLEY LOCAL PLAN (REGULATION 18) CONSULTATION**

Please find below our comment on the draft policies within this consultation insofar as they impact the delivery of specialist accommodation for older persons.

Policy DLP8 Health and Wellbeing

This policy stipulates that some development proposals will need to demonstrate how they address any adverse health impacts through the submission of a health impact assessment.

The thresholds for providing a screening assessment in sub-clause 2) of this policy are, for the most part, pragmatic however sub-clause 2 e) requires a screening assessment for the loss of community facilities and public open space. There is a presumption against the loss of public open space and recreational facilities in national policy (Para. 97 of the NPPF) and in other emerging Local Plan policies (i.e. DLP16, 23, 26, 37, 38) unless it can be comprehensively demonstrated that these facilities are no longer required or have been replaced.

There would accordingly appear to be a significant amount of overlap therefore between the evidence required for the loss of community facilities / open space and the Health Screening Assessment and we would respectfully ask the Council to consider if sub-clause 2 e) is necessary on that basis.

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

The consultation has not made a Local Plan Viability Assessment (LPVA) publicly available. There is therefore no evidence demonstrating that the affordable housing requirements proposed viable.

We would highlight that the respondents were surprised that a Planning Authority would choose to publish a (Regulation 18) Local Plan without having ascertained that the policies within it are deliverable. We advised that by limiting scrutiny of the Local Plan Viability Assessment to the Regulation 19 consultation the Council is reducing the opportunities for comment on a crucial element of the evidence base and the Local Plan would be less robust as a consequence.

We would highlight that Paragraph 58 of the NPPF states that:

*...All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.*

The PPG makes it clear that Local Plan process is a collaborative process stating that *'It is the responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic, deliverable policies. Drafting of plan policies should be iterative and informed by engagement with developers, landowners, and infrastructure and affordable housing providers* (Paragraph: 002 Reference ID: 10-002-20190509).

By limiting the opportunities for comment of the Local Plan Viability Assessment we are of the view that the Council has deviated from national guidance and the Local Plan is not considered positively prepared, justified, effective and crucially is consistent with national policy.

### **Policy DLP13 Supported Accommodation**

Churchill Retirement Living is an independent, privately owned housebuilder specialising in sheltered housing for older people.

Paragraph 1 of the PPG Housing for Older and Disabled people states:

*"The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. .... Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking".*

Paragraph: 001 Reference ID: 63-001-20190626

The 2021 Census data advises that there are 66,060 people aged 65+ in the Borough (205 of the total population), of which 18,425 are aged 80+ (5.7% of the total population).

The ONS Population projections (2018) advises that the population aged 65+ will increase to 82,198 by 2043 (23% of the total population) with residents aged 80+ increasing to 26,833 (7.65% of the total population) over the same period.

The delivery of a suitable level of specialist older persons' housing will be a substantial undertaking over the Local Plan period and unless action is urgently taken the Council will struggle to address this need. The inclusion of a dedicated policy which is supportive of the need to deliver specialist older persons' housing at suitable locations is commendable and supported accordingly.

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

The benefits of tree planting and their role in the Government's target to reach net zero by 2050 has been widely publicised. It is commendable that the Council is looking to engage proactively with this matter in the Local Plan.

We note that there is a requirement for all sites to provide a minimum tree canopy cover of 20% of the site area. It is also noted that the tree planting requirements are expected to be met within the development site and there appears to be no opportunity to provide tree planting off site.

The aim of the replacement tree planting standards would appear to a long-term increase in tree cover rather than like-for-like replacement, which will be an impediment to building at higher densities, particularly on previously developed sites

in urban areas. This appears to run contrary to *Policy DLP2 Growth Network: Regeneration Corridors and Centres* which encourages the efficient use of land in sustainable, urban environments.

While we appreciate there are benefits to providing trees in urban areas, building at higher densities in these locations reduces greenfield land-take and is a highly sustainable outcome accordingly. Large, landscaped areas are not always feasible, or desirable in higher density urban environments, such as town centre or edge of centre locations. A reduced tree standard for sites in urban areas would be more appropriate.

Given the significant requirement for tree planting an appropriate allowance should be made for tree planting within the Local Plan Viability Assessment. We would respectfully remind the Council that the PPG states that “*The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan*” (Paragraph: 002 Reference ID: 10-002-20190509).

### **Policy DLP47 Renewable and Low Carbon Energy and BREEAM Standards**

The Council’s commitment to meeting both its and the UK Government’s target of net zero carbon emissions by 2040 is commendable and detailed in the supporting text to *Policy DLP47* and other associated policies.

It is our view that the approach detailed in *Policy DLP47* is pragmatic as it is aligned stepped timetable to net zero in the Building Regulations. This allows developers appropriate time to suitably amend their designs and specifications in an efficient way and for the cost of energy efficiency technologies to fall.

Sub-clauses 2) and 3) of this policy require the incorporation of energy generated from renewable or low carbon sources sufficient to off-set at least 20% of the estimated residual energy demand of the major development on completion. This is not considered overly onerous as Churchill Retirement Living already incorporate on-site renewables into their developments as a method for meeting the requirements of the interim Future Homes standard, which was adopted in June 2022.

Notwithstanding this, if the intended outcome of *Policy DLP47* is the reduction of carbon emissions then we would query why the method for doing so needs to be specified.

We would also respectfully remind the Council that the costs of meeting enhanced sustainability standards must be accounted for the in the forthcoming Local Plan Viability Assessment as per Paragraph: 002 Reference ID: 10-002-20190509 of the PPG.

Thank you for the opportunity for comment.

Yours faithfully

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