

Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

Title of document	Dudley Local Plan Part Two Centres and Site Allocations Publication Version (Regulation 19) (October 2024)		
Paragraph/section	Section 5 Housing Allocations (page 203)	Policy	Policy DLPKQH1
Site	Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Policy Map	

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

- | | | |
|---|---|--|
| 1. Legally compliant | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Sound | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Complies with the Duty to co-operate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Priority Site Plan
 Ketley Quarry Geosite and Ketley Claypit SSSI - The mapping for the Ketley Quarry Geosite/SSSI reflects the broader designation currently in place. In our planning application (ref. P22/1734) we provided further information. Site survey work was undertaken in 2020, whilst ongoing discussions have also taken place with Dudley MBC, the Black Country Global Geopark officer and Natural England. This has provided a valuable understanding of the remaining features that can be incorporated into the Black Country Global Geopark. Consequently, it has allowed a more specific boundary to define the SSSI rather than the broader designation which is currently in place and a parking area for visitors. See Figure P4 Parameter Plan in the Planning Statement (November 2022). Revised versions of the Parameter Plan have been submitted to Dudley MBC during the planning application process. No changes have been made to the Parameter Plan with regard to the proposed boundary to define the SSSI. The Design and Access Statement (November 2022) explains how site designations have been incorporated into the proposals.

Ketley Quarry SLINC – the designation shown is as per the Borough Development Strategy Policies Map (Adopted 2017). This is outdated and the mapping should be reviewed for the SLINC. In the Dudley Local Plan Part One, paragraph 11.10 refers to SINC's and SLINC's being identified through the process of Local Site Assessment. With regard to the SINC and SLINC designations, we completed a Birmingham & Black Country Local Sites Assessment Report for Ketley Quarry (ref. DO026 and DY026G) in June 2023.

The Priority Site Plan identifies a pond in the north-western part of the site. We can confirm that this area is not a permanent pond. Rather, it is an area that floods after high rainfall because the site levels have been deliberately (and temporarily) left low to avoid the undue flooding of Ketley Road. This would be addressed as part of the housing development. Please refer to the comments made under the Dudley Local Plan Regulation 19 Policies Map regarding canals.

(8) Nature Conservation and Net Biodiversity Gain Requirements - (a) With respect to the SSSI and SLINC designations, please refer to our comments made regarding the Priority Site Plan.

(9) Historic Environment Requirements - See comments made for the Dudley Local Plan Regulation 19 Policies Map.

(10) Recreational Open Space Requirements - The phrasing suggests multiple sites and that the site is close to open countryside which is incorrect. Policy DLP6 Infrastructure Provision and Policy DLP38 Playing Fields and Sports Facilities apply. As part of the outline planning application (ref. P22/1734), the Planning Statement (November 2022) and Design and Access Statement address green space provision and policy. This follows a review of existing green space and facilities in the vicinity. Should permission be granted, at reserved matters stage there would be an opportunity to decide the specific needs of the site and whether this would be required onsite or offsite.

Q3 response continued on next sheet

Continue on a separate sheet if necessary.

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The NPPF (Dec 2023) states that the 'preparation and review of all policies should be underpinned by relevant and up-to-date evidence ...' (paragraph 31). Changes are required to the mapping shown on the Priority Site Plan and related text.

Reason for not sound - Not justified. Not consistent with national policy.

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The mapping for the Ketley Quarry Geosite and Ketley Claypit SSSI does not reflect recent evidence which has been made available to Dudley MBC. The Ketley Quarry SLINC boundary is outdated and should be updated.

Continue on a separate sheet if necessary.

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

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Title of document	Dudley Local Plan Regulation 19 Policies Map		
Paragraph/section	N/A	Policy	Policy DLPKQH1
Site	Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Policy Map	Policies Map

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The Regulation 19 Policies Map is difficult to read given the different layers which apply to the site. The following comments are made following a review of the interactive mapping. Any comments should be reflected in the Policies Map. For Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford, the constraints layer identifies 5no. constraints - the Ketley Quarry Geosite, Ketley Claypit SSSI, Ketley Quarry SLINC, Ketley Quarry SINC and a canal. We have made comments for each constraint.

Ketley Quarry Geosite and Ketley Claypit SSSI

The mapping for the Ketley Quarry Geosite/SSSI reflects the broader designation currently in place. In our planning application (ref. P22/1734) we provided further information. Site survey work was undertaken in 2020, whilst ongoing discussions have also taken place with Dudley MBC, the Black Country Global Geopark officer and Natural England. This has provided a valuable understanding of the remaining features that can be incorporated into the Black Country Global Geopark. Consequently, it has allowed a more specific boundary to define the SSSI rather than the broader designation which is currently in place and a parking area for visitors. See Figure P4 Parameter Plan in the Planning Statement (November 2022). Revised versions of the Parameter Plan have been submitted to Dudley MBC during the planning application process. No changes have been made to the Parameter Plan with regard to the proposed boundary to define the SSSI. The Design and Access Statement (November 2022) explains how site designations have been incorporated into the proposals.

Ketley Quarry SLINC

The SLINC designation shown is as per the Borough Development Strategy Policies Map (Adopted 2017). This is outdated and the mapping should be reviewed for the SLINC. In the Dudley Local Plan Part One, paragraph 11.10 refers to SINC's and SLINC's being identified though the process of Local Site Assessment. With regard to the SINC and SLINC designations, we completed a Birmingham & Black Country Local Sites Assessment Report for Ketley Quarry (ref. DO026 and DY026G) in June 2023.

Ketley Quarry SINC

The SINC geological designation in the central northern part of the site previously shown on the Borough Development Strategy Policies Map (Adopted 2017) was removed from the 2023 Regulation 18 interactive map. We have noted elsewhere in our comments where this is still being referenced as in situ (e.g. other consultation documents).

Q3 response continued on next sheet

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Canal

A small pond in the north-western part of the site is identified as a canal. Dawley Brook is also identified as a canal. In the vicinity, other areas of water are also identified as canals. Canals are not shown on the Regulation 19 Policies Map (PDF). Nor are canals included in the Key on the Policies Map (PDF).

The Ecological Impact Assessment (October 2022) submitted as part of our planning application (ref. P22/1734) identified an area of standing water in the north-western part of the site (assumed in the report to be created due to changes in the landform caused by the infilling). We can confirm that this area is not a permanent pond. Rather, it is an area that floods after high rainfall because the site levels have been deliberately (and temporarily) left low to avoid the undue flooding of Ketley Road. This would be addressed as part of the housing development.

Figure 5.1 Spatial Strategy Plan: Dudley Borough - The Spatial Strategy Key Diagram on page 68 of the Part One Regulation 19 document identifies canals in the Key. This does not apply to the site nor rivers, streams, ponds, large areas of water etc.

Figure 5.2 Dudley Borough Tourism and Visitor Attractions identifies a geosite, a river and watercourse (Dawley Brook) and a pool in the north-western part of the site. As explained there is no area of permanent water.

Having reviewed the 5no. constraints. The NPPF (Dec 2023) states that the 'preparation and review of all policies should be underpinned by relevant and up-to-date evidence ...' (paragraph 31). The constraints are key considerations for the site going forward for Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford for housing development. We have provided evidence to Dudley MBC regarding a change to the following boundaries: Ketley Quarry Geosite, Ketley Claypit SSSI and the Ketley Quarry SLINC. Reason for not sound - Not justified. Not consistent with national policies.

Specifically with regard to the identification of a canal in the north-western part of the site. As stated there is no area of permanent water. Mapping should be updated to reflect this. More generally, it is confusing for rivers, streams, ponds, large areas of water etc. to be included as the constraint 'canal'. It is not clear whether policies relevant for canals may also apply. For example, Policy DLP36 Canals and other policies which require consideration of the canal network. The NPPF (Dec 2023) states 'Plans should: d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals' (paragraph 16). Reason for not sound - Not justified. Not consistent with national policy.

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Information relating to constraints should be based on the most up to date information available. We request that the boundaries of the Ketley Quarry Geosite, Ketley Claypit SSSI and the Ketley Quarry SLINC are reviewed by Dudley MBC.

A differentiation should be made between canals and other areas of water such as pond, rivers and streams etc. The Regulation 19 Policies Map (PDF) is difficult to read particularly for sites where multiple policies/constraints apply. It would be helpful for insets to be included for specific areas and/or the Policies Map (PDF) could be divided into quadrants (or similar) which would show areas in more detail.

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Part C: Representation

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Q1. To which part of the document does this response relate?

Title of document	Sustainability Appraisal of the Dudley Local Plan 2022–2041, Volume 1 of 3: Non-technical summary (September 2024)		
Paragraph/section	Chapter 8 Likely significant effects on the environment - Table N.8.4	Policy	Policy DLPKQH1
Site	Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Policy Map	

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

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Table N.8.4: Summary of residual adverse effects of the DLP

Threats or pressures to nationally designated biodiversity sites - 'DLP policies set out a positive framework for the protection of SSSIs and NNRs within the Plan area. However, at the time of writing, without further masterplan detail on how adverse effects arising from development at Site DLPKQH1 (which coincides with Ketley Quarry SSSI) and Site DLPH028 (which lies adjacent to the Leasowes SSSI) can be avoided or mitigated, there is potential for a residual adverse effect at these sites. These matters should be subject to specific consultation with Natural England'. (page N54) With regard to Site DLPKQH1. The mapping provided in the Sustainability Appraisal reflects the broader designation currently in place for the Ketley Claypit SSSI (a geological designation).

In our planning application (ref. P22/1734) we provided further information. Site survey work was undertaken in 2020, whilst ongoing discussions have also taken place with Dudley MBC, the Black Country Global Geopark officer and Natural England. This has provided a valuable understanding of the remaining features that can be incorporated into the Black Country Global Geopark. Consequently, it has allowed a more specific boundary to define the SSSI rather than the broader designation which is currently in place and a parking area for visitors. See Figure P4 Parameter Plan in the Planning Statement (November 2022). Revised versions of the Parameter Plan have been submitted to Dudley MBC during the planning application process. No changes have been made to the Parameter Plan with regard to the proposed boundary to define the SSSI. The Design and Access Statement (November 2022) explains how site designations have been incorporated into the proposals.

Should permission be granted, then at a reserved matters stage, detailed layout submissions would address standard residential spacing criteria, policy and engineering constraints etc. We provided a Conceptual Masterplan (Figure P5) for illustrative purposes in the Planning Statement (November 2022) as part of the outline planning application (ref. P22/1734).

Q3 response continued on next sheet

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Paragraph/section	Chapter 8 Likely significant effects on the environment - Table N.8.4	Policy	Policy DLPKQH1
Site	Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Policy Map	

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Whether adverse effects occur on the Ketley Claypit SSSI should take into account an accurate boundary of the SSSI. Further to Policy DLPKQH1 (Dudley Local Plan Part Two) there are individual policies such as Policy DLP51 Dudley Borough's Green Infrastructure Network - Green Network and Policy DLP52 The Borough's Geology which are applicable to SSSIs. At the time the planning application (ref. P22/1734) was submitted in November 2022, relevant policies which protect SSSIs were considered.

The NPPF (Dec 2023) states that the 'preparation and review of all policies should be underpinned by relevant and up-to-date evidence ...' (paragraph 31). The entry for Ketley Quarry does not reflect recent evidence which has been made available to Dudley MBC.

Reason for not sound - Not justified. Not consistent with national policy.

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The Sustainability Appraisal of the Dudley Local Plan 2022–2041 is one of the consultation documents. It should be based on the most up to date information available for individual sites. The description and mapping should be updated. The impact matrix for the policy assessment provided in Table N.7.3: Summary of policy assessments – Part 1: Spatial Strategy and Policies (extracted from Appendix F) should be reviewed.

Continue on a separate sheet if necessary.

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Paragraph/section	Chapters 8 and 10	Policy	Policy DLPKQH1
Site	Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Policy Map	

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Chapter 8 Biodiversity, flora and fauna lists 10 nationally designated sites in paragraph 8.1.9 (page 69-70). Ketley Quarry is listed. The paragraph does not differentiate between whether the sites are biological or geological related (or a combination of both). The Ketley Claypit SSSI (Ref.1002337) is a geological designation.

Figure 8.1: International and national designations for biodiversity in Dudley is referred to in the same paragraph. Figure 8.1 shows the SSSIs as shaded blue (page 71). The area identified as the Ketley Claypit SSSI on Figure 8.1 reflects the current boundary. We have commented about the work accomplished to date regarding a clarification of the SSSI boundary in Volume 1 of 3: Non-technical summary. This includes discussions with Dudley MBC, the Black Country Global Geopark officer and Natural England.

Impacts on biodiversity, flora and fauna

Box 8.1: Summary of identified impacts on biodiversity, flora and fauna

2. Threats or pressures to nationally designated biodiversity sites

'The majority of allocated sites are not expected to result in adverse effects on SSSIs. However, Site KLPKQH1 partially coincides with 'Ketley Claypit' SSSI and Site DLPK028 is adjacent to 'The Leasowes' SSSI...' (page 77)

The site reference for (Priority Site) Land at Ketley Quarry, Kingswinford is DLPKQH1 and not KLPKQH1. Please see earlier comments regarding the SSSI boundary.

3. Threats or pressures to locally designated and non-statutory biodiversity or geodiversity sites and priority habitats

'Two allocated sites (DLPK002 and DLPKQH1) coincide with 'Oak Farm' SINC and 'Ketley Quarry' SINC respectively. A further 10 allocated sites are located adjacent to a SINC. Some 19 allocated sites coincide with SLINC. A further 23 allocated sites are located adjacent to a SLINC'. (page 78). Figure 8.2: Local biodiversity designations in Dudley identifies SLINC and SINCS (page 73).

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Ketley Quarry SLINC - The SLINC designation shown is as per the Borough Development Strategy Policies Map (Adopted 2017). This is outdated and the mapping should be reviewed for the SLINC. In the Dudley Local Plan Part One, paragraph 11.10 refers to SINC's and SLINC's being identified through the process of Local Site Assessment. With regard to the SINC and SLINC designations, we completed a Birmingham & Black Country Local Sites Assessment Report for Ketley Quarry (ref. DO026 and DY026G) in June 2023.

Ketley Quarry SINC - The SINC geological designation in the central northern part of the site previously shown on the Borough Development Strategy Policies Map (Adopted 2017) was removed from the 2023 Regulation 18 interactive map at the time. The mapping and the description in the Sustainability Appraisal does not reflect this.

'Sites DLPKQH1 and DLPKQH1 coincide with the 'Leasowe Park' geology site and 'Ketley Quarry' geology site respectively'. (page 78) The boundary of the Ketley Quarry Geosite replicates the Ketley Claypit SSSI boundary. We have made comments about these designations and the updating of the boundary under the Non-technical summary (September 2024).

Chapter 18 How the SA has influenced the Plan
DLPKQH1 – (Priority Site) Land at Ketley Quarry, Kingswinford (page 177)

Recommendation – 'Ketley Quarry SINC, SLINC and geological site lie within the site area along with deciduous woodland which is identified as a habitat of principal importance under the NERC Act 2006204. It is recommended that developers should be encouraged to carry out a biodiversity metric calculation early in the master-planning process (e.g. once Phase 1 Habitat Survey information, other ecological survey or records centre data and indicative surface water drainage arrangements are available) to help inform the distribution of different land uses and iterative design on the site, alongside potential for mitigation as well as enhancements'.

Action taken / DMBC response – 'Recommendation noted and biodiversity metric calculations are likely to form an integral part of the site master planning to ensure that BNG and other mitigation is achieved'.

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- | | | |
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| 1. Legally compliant | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Sound | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Complies with the Duty to co-operate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Comments on Recommendation and Action taken / DMBC response

The approach of the planning application (ref. P22/1734) was guided by Pre-Application Advice (PRE20/00485, dated 29 April 2022) provided by Dudley MBC. An Ecological Impact Assessment (October 2022) was undertaken at an early stage of the design process and submitted as part of the application.

The NPPF (Dec 2023) states that the 'preparation and review of all policies should be underpinned by relevant and up-to-date evidence ...' (paragraph 31). The entry for Ketley Quarry does not reflect recent evidence which has been made available to Dudley MBC.

Reason for not sound - Not justified. Not consistent with national policy.

Continue on a separate sheet if necessary.

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Respondent No:		Representation No:		Date received:	
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Q4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q3. above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Sustainability Appraisal of the Dudley Local Plan 2022–2041 is one of the consultation documents. It should be based on the most up to date information available for individual sites. The description and mapping should be updated.

Continue on a separate sheet if necessary.

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

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Respondent No:		Representation No:		Date received:	
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Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

Title of document	Sustainability Appraisal of the Dudley Local Plan 2022–2041, Volume 3 of 3: Appendices (September 2024)		
Paragraph/section	Chapter E.1, E.4 and Appendix G	Policy	Policy DLPKQH1
Site	Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Policy Map	

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

- | | | |
|---|---|--|
| 1. Legally compliant | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Sound | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Complies with the Duty to co-operate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Chapter E.1 Introduction. Table E.1.1: Reasonable alternative sites in Dudley identified by DMBC (blue = updated information and green = new reasonable alternative to R19). Site reference DLPKQH1 Ketley Quarry, Dudley Road, Kingswinford housing capacity is 600. In the Dudley Local Plan Part Two (Regulation 19) capacity is 650 dwellings based on 40-45dph.

Chapter E.4 SA Objective 3: Biodiversity, Flora, Fauna and Geodiversity

E.4.2 Sites of Special Scientific Interest

E.4.2.1 'There are 13 Sites of Special Scientific Interest (SSSIs) within Dudley, including 'Fens Pools' and 'Ketley Claypit' SSSIs located in the centre of the borough. Site DLPKQH1 coincides with 'Ketley Claypit' SSSI, with approximately 1.40ha of land in the north almost wholly coinciding with the SSSI...' (page E27). We have made comments under the Sustainability Appraisal Non-Technical Summary (Volume 1 of 3) as part of this consultation regarding the Ketley Claypit SSSI boundary and evidence provided to Dudley MBC.

Paragraph E.4.6 Sites of Importance for Nature Conservation (page E28). The text states that the proposed development at Ketley Quarry could have a negative impact on SINCS. We have made comments under Sustainability Appraisal (Volume 2 of 3) as part of this consultation. Mapping included in the Sustainability Appraisal still shows the SINC geological designation in the central northern part of the site which has been removed. It is not clear whether the negative impact conclusion wrongly takes into account the removed area.

E.4.8 Geological Sites (page E29). The text states that the proposed development at Ketley Quarry could have a minor negative impact on the Ketley Quarry Geosite. We have made comments under Sustainability Appraisal (Volume 2 of 3) as part of this consultation regarding the Ketley Quarry Geosite/SSSI boundary and evidence provided to Dudley MBC.

Q3 response continued on next sheet.

Continue on a separate sheet if necessary.

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Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

Title of document	Sustainability Appraisal of the Dudley Local Plan 2022–2041, Volume 3 of 3: Appendices (September 2024)		
Paragraph/section	Chapter E.1, E.4 and Appendix G	Policy	Policy DLPKQH1
Site	Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Policy Map	

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

- | | | |
|---|---|--|
| 1. Legally compliant | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Sound | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Complies with the Duty to co-operate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Appendix G

G.6.1 Policy DLPKQH1 – (Priority Site) Land at Ketley Quarry, Kingswinford

Pages G107 to G111. Points 1 to 13 assess Policy DLPKQH1 – Land at Ketley Quarry, Kingswinford. The points are replicated in the Dudley Local Plan Part Two (Regulation 19). Please see our comments made for Part Two.

We have previously highlighted inconsistencies regarding the mapping presented in the Sustainability Appraisal (Ketley Quarry SINC) and the evidence provided to Dudley MBC with respect to the Ketley Quarry Geosite/SSSI to update their boundaries (which coincide).

Matters raised under paragraphs G.6.1.1 to G.6.1.11 have been considered as part of submitted planning application (ref. P22/1734). During its preparation, Dudley MBC and other Black Country Local Authorities were preparing the Black Country Plan 2039 which was halted in early October 2022. Lepus Consulting prepared the Sustainability Appraisal of the Black Country Plan (Volume 2 of 2: Appendices, July 2021) for which draft Policy DSA3 – Land at Ketley Quarry, Kingswinford applied.

The NPPF (Dec 2023) states that the 'preparation and review of all policies should be underpinned by relevant and up-to-date evidence ...' (paragraph 31). The entry for Ketley Quarry does not reflect recent evidence which has been made available to Dudley MBC.

Reason for not sound - Not justified. Not consistent with national policy.

Continue on a separate sheet if necessary.

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Q4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q3. above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Sustainability Appraisal of the Dudley Local Plan 2022–2041 is one of the consultation documents. It should be based on the most up to date information available for individual sites. The description and mapping should be updated.

Continue on a separate sheet if necessary.

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

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Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

Title of document	Strategic Housing Land Availability Assessment (SHLAA) 2023-24 Update		
Paragraph/section	Appendix D: Site Scoring	Policy	Policy DLPKQH1
Site	Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Policy Map	

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

- | | | |
|---|---|--|
| 1. Legally compliant | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Sound | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Complies with the Duty to co-operate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

During the Regulation 18 consultation we submitted comments regarding the site scoring. Whilst the Overall Achievability score and Overall Category have been updated, there has been no change to the flood risk suitability score which is (3) in both versions. With regards to the score for flood risk, no date is provided in the SHLAA (either version) of the SFRA. In the 2023-24 Update, 1b. Physical Problems or Limitations notes that Impact on Flood Risk Areas (as defined by the SFRA Flood Maps) for those within Flood Zone 1 = 5 and those with Over 50% of site area is within Flood Zone 2 or 10% - 25% of site area is within Flood Zone 3a = 3.

According to data from the Environment Agency (sourced October 2024), the site is located wholly within Flood Zone 1 (low probability of flooding) which would indicate a higher score than is allocated.

In the Supporting Document - Sequential Test (October 2024), reference is made to Site ref. DLPKQH1 Ketley Quarry, Dudley Road, Kingswinford (page 31). The entry for Flood Zone is '100% of the site is within Flood Zone 1. No climate change impact' (Flood Risk from all sources now and in the future). The Sequential Test is passed.

The Flood Risk Assessment and Drainage Strategy (October 2022) which has been undertaken as part of the planning application (ref. P22/1734) concluded that flood risk considerations do not constitute a barrier to planning consent.

The NPPF (Dec 2023) states that the 'preparation and review of all policies should be underpinned by relevant and up-to-date evidence ...' (paragraph 31). The entry for Ketley Quarry is not correct regarding flood risk.

Reason for not sound - Not justified. Not consistent with national policy.

Continue on a separate sheet if necessary.

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Q4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q3. above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The SHLAA is a key document as part of the evidence base for housing. The next update of the SHLAA should reflect our comments regarding Flood Zone 1 and the site.

Continue on a separate sheet if necessary.

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

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Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

Title of document	Dudley Local Plan Viability Assessment (November 2023)		
Paragraph/section	Section 9 Priority Sites	Policy	Policy DLPKQH1
Site	Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Policy Map	

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

- | | | |
|---|---|--|
| 1. Legally compliant | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Sound | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Complies with the Duty to co-operate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Our comments refer to the description of the weaknesses/constraints for the Ketley Quarry priority housing site (page 109).

Weaknesses/Constraints - Bullet 1 'Expected large infrastructure and site remediation costs in unlocking the site, given the sites existing use as a quarry'. This statement does not reflect the current state of the site. As a former minerals site it has undergone significant engineering and remediation works in recent years. A stable development platform has been created and the site is now ready for new development (i.e. housing).

Further information is provided in our planning application (ref. P22/1734) including the technical reports prepared by Georisk. The site is categorised as brownfield land by Dudley MBC (Ref. DEVOPP0088 Ketley Quarry).

Weaknesses/Constraints - Bullet 3 'There is a statutory designation for features of geological significance (SSSI) at the north of the site and one non-statutory geological designation (SINC) within the site'. The SINC geological designation in the central northern part of the site relates to an area which was removed during the authorised restoration of the site. In places on the site periphery are woodland and trees classified as a SINC and SLINC. Further information is provided in the aforementioned planning application and in the Birmingham & Black Country Local Sites Assessment Report for Ketley Quarry (ref. DO026 and DY026G) completed in June 2023. We have also made comments regarding the mapping provided by the Dudley Local Plan 2041 Policies Map in this consultation process.

The RAG rating states 'Viability appraisal shows scheme as viable'. The commentary draws attention to remediation costs which would impact viability negatively on the site. See comments above re: Bullet 1.

The NPPF (Dec 2023) states that the 'preparation and review of all policies should be underpinned by relevant and up-to-date evidence ...' (paragraph 31). The entry for Ketley Quarry does not reflect recent evidence which has been made available to Dudley MBC.

Reason for not sound - Not justified. Not consistent with national policy.

Continue on a separate sheet if necessary.

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Q4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q3. above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Viability Assessment (November 2023) forms part of the evidence base. The report should be based on the most up to date information available for individual sites.

Continue on a separate sheet if necessary.

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

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Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

Title of document	Dudley Local Plan Site Assessment Report (October 2024)		
Paragraph/section	Appendix 2a Detailed Site Proformas (pages 113-116)	Policy	Policy DLPKQH1
Site	Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Policy Map	

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

- | | | |
|---|---|--|
| 1. Legally compliant | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Sound | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Complies with the Duty to co-operate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We previously submitted comments regarding the October 2023 version (pages 107-110). No changes have been made and we have repeated our comments below.

Gateway Constraints
 Gateway Constraints (where affecting part of submitted site) states Ketley Quarry SINC and Ketley Claypit SSSI (3.77Ha) and Geosite (Global Geopark) Ketley Quarry SSSI (1.57Ha). The site area of the Ketley Quarry SSSI (Ref. 1002337) reflects the broader designation currently in place. Our submitted planning application (ref. P22/1734) provides further information. This includes site survey work in 2020, whilst ongoing discussions have taken place with Dudley MBC, the Black Country Global Geopark officer and Natural England. This has provided a valuable understanding of the remaining features that can be incorporated into the Black Country Global Geopark. Consequently, it has allowed a more specific boundary to define the SSSI rather than the broader designation which is currently in place and a parking area for visitors.

See Figure P4 Parameter Plan in the Planning Statement (November 2022). Revised versions of the Parameter Plan have been submitted to Dudley MBC during the planning application process. No changes have been made to the Parameter Plan with regard to the proposed boundary to define the SSSI.

With regard to the Ketley Quarry SINC and SLINC, we completed a Birmingham & Black Country Local Sites Assessment Report for Ketley Quarry (ref. DO026 and DY026G) in June 2023.

Q3 response continued on next sheet

Continue on a separate sheet if necessary.

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Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

Title of document	Dudley Local Plan Site Assessment Report (October 2024)		
Paragraph/section	Appendix 2a Detailed Site Proformas (pages 113-116)	Policy	Policy DLPKQH1
Site	Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Policy Map	

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

- | | | |
|---|---|--|
| 1. Legally compliant | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Sound | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Complies with the Duty to co-operate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Detailed assessment against environmental, economic and social criteria

Topography

As a former minerals site, the site has undergone significant engineering and remediation works in recent years. A stable development platform has been created and the site is now ready for new development (i.e. housing). Further information is provided in the planning application (ref. P22/1734) including the technical reports prepared by Georisk. The same reports also address Ground Contamination and Ground Stability. Findings have been incorporated into the layout of the Parameter Plan (Figure P4) which is included with the Planning Statement (November 2022). It takes into account such matters such as the recommendations in the Coal Mining Risk Assessment (April 2022) regarding stand-off zones including the former excavation area (high wall).

Tree Preservation Orders/Mature Trees of Value on site or significantly affecting boundaries

Further information on the current condition of trees and woodland on site (including those protected by a TPO) is included in the Planning Statement (November 2022) and the Tree Survey (Treetec, August 2022) submitted as part of the planning application (ref. P22/1734).

Biodiversity or Geodiversity on site or significantly affecting boundaries

The Ketley Quarry SSSI (ref. 1002337) reflects the broader designation currently in place. In the submitted planning application (ref. P22/1734) we provided further information on recent site survey work carried out by consultants in 2020. Whilst ongoing discussions have taken place with Dudley MBC, the Black Country Global Geopark officer and Natural England. This has provided a valuable understanding of the remaining features that can be incorporated into the Black Country Global Geopark. Consequently, it has allowed a more specific boundary to define the SSSI rather than the broader designation which is currently in place and a parking area for visitors. See Figure P4 Parameter Plan in the Planning Statement (November 2022). Revised versions of the Parameter Plan have been submitted to Dudley MBC during the planning application process. No changes have been made to the Parameter Plan with regard to the proposed boundary to define the SSSI. The SINC geological designation in the central northern part of the site relates to an area which was removed during the authorised restoration of the site. In places on the site periphery are woodland and trees classified as a SINC and SLINC. Further information is provided in the aforementioned planning application. With regard to the SINC and SLINC designations, we completed a Birmingham & Black Country Local Sites Assessment Report for Ketley Quarry (ref. DO026 and DY026G) in June 2023.

Q3 response continued on next sheet

Continue on a separate sheet if necessary.

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Respondent No:		Representation No:		Date received:	
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Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

Title of document	Dudley Local Plan Site Assessment Report (October 2024)		
Paragraph/section	Appendix 2a Detailed Site Proformas (pages 113-116)	Policy	Policy DLPKQH1
Site	Policy DLPKQH1 (Priority Site) Land at Ketley Quarry, Kingswinford	Policy Map	

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

- | | | |
|---|---|--|
| 1. Legally compliant | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Sound | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Complies with the Duty to co-operate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

(Mark as appropriate)

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Heritage Assets on site or significantly affecting boundaries

Local heritage assets have been considered as part of the remediation of the site. Local heritage assets were identified at an early stage in the design process and a Historic Environment Desk-based Assessment was submitted as part of a planning application regarding the demolition of farmhouse and outbuildings at Ketley Farm (ref. P18/1306/PN11B, approved September 2018).

Mineral Infrastructure and Brickworks

There is no site infrastructure relating to the former quarry (e.g. previously used for processing).

The NPPF (Dec 2023) states that the 'preparation and review of all policies should be underpinned by relevant and up-to-date evidence ...' (paragraph 31). The entry for Ketley Quarry does not reflect recent evidence which has been made available to Dudley MBC.

Reason for not sound - Not justified. Not consistent with national policy.

Continue on a separate sheet if necessary.

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Q4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q3. above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Site Assessment Report forms part of the evidence base. It should be based on the most up to date information available for individual sites.

Continue on a separate sheet if necessary.

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

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Respondent No:		Representation No:		Date received:	
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Q5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note, that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

Q6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

This submission has been made by Bright & Associates (the Agent) on behalf of Urban Remediation (the landowner).

The former Ketley Quarry is identified as a Priority Site for housing in the Dudley Local Plan. Policy DLPKQH1 Priority Site Land at Ketley Quarry, Kingswinford applies.

The site constitutes brownfield land and is the key housing site in the Pensnett to Kingswinford Regeneration Corridor (RC1). The site has previously been put forward as part of the call for sites exercise. Over a number of years, submitted sites have been assessed on a wide range of criteria including access to services, capacity of new homes, supporting infrastructure and the natural value of the site.

In November 2022 we submitted an outline planning application for up to 650 dwellings at the former Ketley Quarry (ref.P22/1734) on behalf of Urban Remediation Ltd. We have referred to this in our comments as part of the consultation process. The application is currently being considered by Dudley MBC.

As the Dudley Local Plan 2041 is adopting an urban-led approach, the site offers an ideal opportunity to utilise previously developed land to regenerate the area and provide new homes for local people as well as new public green space, pedestrian and cycling links. The site is both well connected and well served by local amenities and represents sustainable development.

We would wish to participate to support the allocation of Policy DLPKQH1.

Please note, the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.

Completed representations forms can be submitted by emailing: planning.policy@dudley.gov.uk

Please enter **Dudley Local Plan Representation** in the subject field of the email.

Alternatively, completed consultation forms can also be submitted by post to: **Planning Policy, Planning Services, Dudley Council, Council House, Priory Road, Dudley DY1 1HF by 5pm 29 November 2024.**

For official use only

Respondent No:		Representation No:		Date received:	
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