**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 Pre-Submision Draft Plan (Reg 19 version) |
| **Paragraph/section** |  | **Policy** | DLP1  |
| **Site** |  | **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 | X | Yes X | No |
| 2. | Sound |  | Yes  | No **X** |
| 3 | Complies with the Duty to co-operate |  | Yes  | No **X** |

*(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.**

**DLP 1 Development Strategy**

Policy DLP 1 sets out the Council's targets for the delivery of new homes and employment land. In respect of new dwellings 10,470 new homes are proposed along with the development of at least 22.6 hectares of employment land. Barberry have significant concerns about the proposed development strategy and specifically around how the Council intends to meet its housing needs over the Plan Period. We also have similar concerns in respect of how its employment land needs will be met and we set out our detailed comments on these points below.

In respect of the Borough’s housing target the policy sets out that the Council will deliver at least 10,470 net new homes over the Plan Period. Paragraph 5.12 confirms that the local housing need for the Borough is in fact 11,169 homes as calculated by the Standard Method. Paragraph 61 of the Framework confirms that Councils should use the standard method as the starting point for establishing a housing requirement for the area. It goes on to state that there may be exceptional circumstances that justify an alternative approach to assessing housing need. The Council are not claiming that there are exceptional circumstances that warrant divergence away from the use of the standard method. As such, it must be concluded that the housing requirement is 11,169 dwellings. However, the Plan identifies a shortfall of 699 homes that are required but where sufficient capacity within the Borough to accommodate has not yet been identified. Paragraph 5.13 confirms that “*As a result, the Council continues to work constructively with neighbouring authorities to help provide as much certainty as possible about how and where the borough’s full housing and employment land needs will be delivered*”.

The spatial option that the Council have decided to pursue seeks to focus on meeting the development needs of the Council on previously developed sites within the urban area, use of low quality open space and through duty to cooperate discussions meaning that the Council will be looking to the other authorities in the HMA to accommodate its unmet need of 699 dwellings. Barberry object to this approach and do not consider it sound.

If the 699 dwellings are to be accommodated in adjoining authorities this would likely result in those authorities immediately adjoining Dudley, which also have significant areas of Green Belt, having to release land from their Green Belt in order to meet Dudley’s needs. If land has to be released from the Green Belt in order to meet the development needs it is Barberry’s view that Dudley should be looking at opportunities within its own administrative area first, including land in its Green Belt in order to accommodate this, before looking to its adjoining neighbours. If adjoining authorities take the same viewpoint as Dudley and decide that they also do not need to release land from the Green Belt, housing needs arising from Dudley and across the HMA are not going to be met.

The Plan does not elaborate on the Council’s decision not to release land from the Green Belt to meet its needs particularly when the Plan highlights that there is a shortfall of what is needed against what land is available to accommodate this need. Barberry consider this to be a short-sighted approach particularly when land is available albeit it is in the Green Belt, which could help meet the Council's housing needs over the Plan Period. This point is particularly pertinent when under the Black Country Plan Preferred Options version, the Council had proposed to release land from the Green Belt to meet the Council's needs as well as the unmet needs arising in the wider Black Country authorities. Again, the Plan does not provide clear or sufficient justification for the decision of the Council not to release land from the Green Belt nor why this unmet need should be met elsewhere when there is sufficient suitable land available within the Borough to meet these needs. Furthermore, whilst the current Framework does not require Green Belt to be reviewed, it does state that it can still be reviewed in exceptional circumstances. Barberry contend that exceptional circumstances exist that warrant a review of the Green Belt. These include:

* worsening affordability as demand outstrips supply,
* worsening delivery and provision of affordable housing,
* increased homelessness
* Worsening overcrowding and living conditions,
* Increased pressure on private rental sector with associated issues of unsecure tenancies and susceptibility to rent increases,
* Increasing ageing population with resultant increase in demand on social and health care services,
* Economic impacts on the working age population as those adults who are able to work may not have suitable accommodation to live in thus resulting in increased commuting distances, worsening impacts on congestion and air quality, and
* The inability to attract workers into the HMA could have significant repercussions for the wider economy if the right type of houses are not available for those wanting to live and work in the conurbation.

The land at Swindon Road, Wall Health, Kingswinford was identified as a draft allocation in the Black Country Plan Preferred Options as a strategic housing site capable of accommodating 533 dwellings. Clearly at some point, the Council considered that the Site was suitable to accommodate residential development sufficient for it to be identified as a draft allocation. The Site was considered suitable and deliverable and Barberry remain of the view that it should be included as a draft allocation in the Plan. In allocating the land at Swindon Road, Wall Heath, it could potentially reduce the shortfall in housing that is required but unable to be currently accommodated in the Borough leaving only a further 166 dwellings to be found on other sites in Dudley. We set out above why we consider that the Site is suitable for development and why it should be allocated as a site for housing in the Borough Plan.

In addition to the shortfall in housing land that the Borough Council is currently unable to accommodate there is also a shortfall in the amount of employment land that is needed but which sufficient land has not been identified in order to accommodate the employment requirements going forward. Paragraph 5.12 confirms that the EDNA establishes a need for 72 hectares (98 hectares including replacement of employment land losses) of land for employment development although there is an anticipated supply of just 22.6 hectares resulting in a shortfall of 50 hectares (increasing to 76 hectares if including replacement of employment land losses). The Plan goes on at paragraph 5.13 to confirm that unmet employment land need will be provided across the Greater Birmingham and Black Country HMA, the Functional Economic Market Area (FEMA) and other areas with which the Borough has a physical or functional relationship. The Council is, therefore, looking to accommodate its housing and employment needs outside of its administrative area via agreeing with adjoining authorities for them to make land available to meet Dudley’s needs. Barberry do not consider this to be a sound approach for similar reasons as to those set out above in respect of meeting its housing needs. Barberry contend that Dudley has suitable land available within its own administrative area albeit it is in the Green Belt and that the Council should be considering the suitability of this land for development first rather than asking its neighbouring authorities to meet its needs and potentially to release land from its Green Belt in order to do so.

The issue of unmet housing need arising across the HMA and how this will be addressed is a key issue that the Plan will need to address. Whilst the Dudley Local Plan identifies a relatively modest shortfall in housing land there are wider issues specifically arising in Sandwell and Wolverhampton that may compound the issue of where and how housing need is met. Sandwell Council has recently consulted on its Pre-Submission Draft Local Plan which identifies a shortfall of 15,916 dwellings that the Council need but which are unable to accommodate within its own administrative area. Wolverhampton have also recently taken a report to its Cabinet seeking approval to go to consultation on its Regulation 19 plan. The Council has a shortfall of 10,398 dwellings. Both Councils have stated that they will be looking to its adjoining neighbours, of which Dudley is one, in order to see whether their need can be met outside of their administrative areas.

Furthermore, Birmingham City Council has now commenced a review of its Local Plan and consulted on Issues and Options for a draft Plan concluding in December 2022 and more recently undertook Regulation 18 consultation concluding in August 2024. The Regulation 18 Plan advised that the Standard Method housing requirement for the period 2020 to 2042 is 149,180 dwellings. The Plan stated that a supply of 103,027 dwellings had been identified leaving a shortfall of 46,153 dwellings.

Dudley, in seeking to meet part of its unmet need by reaching agreement with adjoining authorities in the HMA will, to a degree, be competing with other authorities that also have a much more significant shortfall to meet and which have less land, including Green Belt land to meet this. This reinforces Barberry’s view that the Council should be doing all it can to meet its needs in full in its administrative area even if it means releasing land from the Green Belt to do so. By meeting all its development needs within Dudley this would reduce the wider pressures within the HMA on other adjoining authorities to help meet the unmet needs arising principally in Sandwell, Wolverhampton and Birmingham.

Barberry consider policy DLP1 unsound on the basis that it is not positively prepared, not effective and not consistent with national policy. As drafted, significant housing need will go unmet leading to a wide range of social and economic problems associated with the lack of suitable and affordable housing for residents of the Borough. Similarly, the failure to address the shortfall in provision of housing at the HMA wide level will only add to those significant housing pressures that many in the conurbation already face.

*Continue on a separate sheet if necessary.*

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| Respondent No: |  | Representation No: |  | Date received: |  |

**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.**

In order to address our concerns the Council should review all sources of available land within the Borough including Green Belt land to identify sufficient land so that it can meet all of it housing needs within its own administrative area. In doing so, it will reduce pressure on other authorities in the HMA to make land available for those authorities that have a larger unmet need and greater need for land for housing than Dudley do. In reviewing the Green Belt, the land at Swindon Road, Wall Heath, should be removed from the Green Belt and allocated for housing development.

*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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**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)

 X **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:**

As a promotor with a significant land holding within the Borough that would largely address the Council’s housing shortfall we would welcome the opportunity to present our case in person to the Inspector .

***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.**

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