**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** | DLP10 |
| **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.**

**Policy DLP 10 Delivering Sustainable Housing Growth**

We have set out above our comments in respect of the proposed housing requirements and the Council’s strategy for meeting the housing need within its own administrative area. Notwithstanding this approach there is still a shortfall of 699 dwellings that are required but which sufficient land is yet to be identified to accommodate these homes.

Putting the shortfall aside we have a number of concerns about the sources of housing land supply that the Council sets out in Table 8.1 of the Plan.

In respect of sites with planning permission or prior approval it is not clear whether a non-implementation allowance has been applied to this source of supply. Typically, a 10% non-implementation allowance would be applied to such sites.

Table 7 of the SHLAA also identifies potential supply from occupied employment sites albeit that a 15% non-implementation allowance has been applied to this source. It is noted that reliance on redevelopment of existing employment sites was a key theme for delivering new houses through the adopted Black Country Core Strategy. However, the intended strategy was not wholly successful as issues relating to the release of multi-ownership employment sites did not result in significant new residential development coming forward. Furthermore, retention of employment sites in employment use proved commercially as viable, if not more viable, than developing for residential use. The outcome being that a number of employment sites that had been earmarked for residential development remained, and continue to remain, in employment use. It is questionable whether the same reliance on existing employment sites to deliver new residential development in the current Plan would have resulted in a different outcome. As such, the application of only a 15% non-implementation allowance seems on the low side and that a much higher non-implementation allowance should be applied. Due to the uncertainties associated with this source of supply coming forward and making any meaningful contribution to the supply of housing there is an argument to say it should be removed completely from the potential supply of new homes.

A windfall allowance of 184 dwellings per year has also been allowed for. Whilst the Framework confirms that where an allowance is made for windfall sites as part of the anticipated supply there should be compelling evidence that they will provide a reliable source of supply. The windfall allowance that has been allowed for equates to nearly 25% of the total housing requirement which is a significant proportion of the overall supply that is expected to come forward on non-allocated sites. It is also noted that the windfall allowance is on top of the supply that is also identified on occupied employment land sites and other sites within town centres and the regeneration corridors.

In respect of occupied employment land sites such as those identified in Brierley Hill there is again a question mark over whether these will come forward and specifically when they will come forward for development. Whilst Table 8.1 indicates that these would not start contributing to the supply until 2028 there is no certainty that this source of supply will contribute to the overall supply of housing.

Table 8.1 also includes a centre uplift allowance which accounts for a number of sites increasing the density of development that that site is capable of accommodating. Whilst in theory this may be possible there is a question mark over whether this would actually deliver as intended. Due to the uncertainty that this will occur and the limited contribution it makes to the overall supply this element of the supply should also be removed.

A further source of supply is from a redevelopment of offices in Brierley Hill waterfront. This has been included on the basis that office demand has decreased following the Covid pandemic and that the office capacity would be available for redevelopment for housing through the plan period. More recently, there has been a slew of announcements from companies publicly stating that they want their employees to return to the office. There is a degree of uncertainty over whether existing offices will be available for redevelopment in the volumes that are envisaged and as such it cannot be guaranteed that the element of supply would be deliverable. If it did take place this would be considered a windfall and doesn’t need to be identified as a separate source of housing in the supply.

Totalling up all the sources of supply in Table 8.1 equals 10,470 homes. This is the same number as the proposed housing requirement set out in the Plan. The Plan does not propose to over-allocate against the housing requirement in case for whatever reason certain sources of the supply do not come forward as expected. As it stands, all sources of the supply would have to come forward to meet the housing requirement (albeit there is still a shortfall of 699 homes against what is actually needed). This risks the housing requirement not being met in full if sites do not come forward as anticipated and we have set out above there are a number of risks with certain elements of the supply that may not deliver as intended.

Clearly, if the Council were to over-allocate against the housing requirement this would identify additional sites for housing that could meet the Standard Method housing requirement that the Council are currently stating that they cannot meet in full. As it stands Barberry are concerned that the sources of supply that have been identified would not be sufficient to meet the housing requirement as proposed and that due to various reasons relating to non-implementation or delivery of certain sites/sources of supply there would be a shortfall in supply against the housing requirement. In order to address this, additional land should +be made available to protect against any non-implementation that may occur.

Barberry object to policy DLP10 on the basis that it is not effective and not consistent with National policy and if adopted in this form will result in significant additional housing need going unmet beyond the 699 homes that the Council are currently not planning for.

*Continue on a separate sheet if necessary.*

**For official use only**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 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.**

To address our concerns, Barberry contend that additional sources of supply of housing land should be identified to supplement or replace the questionable elements of the supply we have identified above and to allocate additional sites such as the land at Swindon Road, Wall Heath as additional or alternative residential allocations.

*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.*

**For official use only**

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

**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**](mailto:planning.policy%40dudley.gov.uk?subject=)

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: |  |