**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** | DLP12  |
| **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 12 Delivering Affordable, Wheelchair Accessible and Self Build / Custom Build Housing**

The policy sets out the thresholds for providing affordable housing on different value zones throughout the Borough. It is not clear where the basis for the different thresholds has been derived from although it is assumed that this is down to the viability of specific sites in these areas being able to accommodate affordable housing.

The policy stipulates that on greenfield sites, of medium value zones, 20% affordable housing will be sought. It is noted that of the new allocations proposed in the Plan only 3.5% of the supply is on greenfield land. As such, there is very limited prospect that much affordable housing will come forward on these sites. Furthermore, the requirement to provide 10% affordable housing on previously developed sites on all sites in lower value zones and brownfield sites in medium value zones is likely to raise issues with the viability of such sites being able to deliver this. On unviable sites it will reduce the ability of developers to deliver affordable housing leading to affordable needs going unmet.

We note that the Triangle site in Kingswinford, which is located in a higher value area, is relatively unconstrained and is a greenfield site. In light of the lack of constraints affecting the site it would be one such site that could potentially deliver a policy compliant level of affordable housing (30%) making a significant contribution to the overall needs of the Borough. The provision of affordable housing in an area that is well related and highly accessible to the countryside and the opportunities that this offers for residents is considered a significant benefit in contrast to providing affordable homes in town or strategic centres that are less accessible to the countryside.

The site would also be capable of delivering houses of different types and tenures rather than high density apartment schemes. Again, this would help meet identified needs as set out in the Dudley Housing Market Assessment.

In respect of National Wheelchair Accessibility Standards Barberry object to the differentiation in the requirement to provide wheelchair accessible houses according to the different value areas that the proposed houses are to be built in. A wheelchair user in a low value area would have the same requirement for a wheelchair accessible house as a wheelchair user in a high value area. Wheelchair users are not therefore going to be solely located in high value areas and their needs would need to be accommodated irrespective of the value area that the house was to be built in. In differentiating between brownfield and greenfield sites and the proportion of accessible dwellings to be provided on each, it must be recognised that larger accessible homes require more land to accommodate them. As such, if this is the objective greenfield sites will not be able to accommodate development at the same density as brownfield sites.

In light of the fact that the Plan seeks to differentiate the delivery of wheelchair accessible properties between lower and high value areas indicates that the Council acknowledge that delivery of wheelchair accessible properties will have an impact on the viability of these developments. The inference being that there is an additional cost involved and that this can only be sustained where a higher land value can be sustained from the development. If this is the case then additional sites in higher value areas should be allocated in order to deliver the policy requirements that the Council is seeking.

In respect of self build properties paragraph 8.20 confirms that there are currently 83 individuals on the self build and custom build register for Dudley. If each of these individuals were to construct a house it would equate to 0.76% of the total housing requirement for the Borough. The policy suggests that sites of more than 100 dwellings 5% of dwellings should be made available for self build or custom build housing. Barberry consider that a 5% requirement is in excess of the actual numbers of people on the self build register which is set out above equates to less than 1% of the total housing needed. Barberry suggests that a 1% requirement on sites of 100 or more housing would be a more appropriate figure.

Barberry object to policy DLP12 on the basis that is it’s not effective and not consistent with national policy. The rationale for requiring different levels of wheelchair accessible housing according to the land value that can be achieved ignores the fact that people requiring a wheelchair accessible house do not all live in higher value areas. Similarly, the justification for differential affordable housing thresholds acknowledges that delivery of affordable housing is more likely in higher value areas. If this is the case, then Barberry contend that more sites, such as the land at Swindon Road, Wall Heath, should be allocated for development and which would be capable of making a policy compliant affordable housing contribution. Finally, the requirement to provide self build plots as part of new residential developments of more than 100 dwellings overstates the demand for self build within the Borough. A lower percentage would be appropriate and would likely satisfy the demand for self build.

*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.**

As such, the changes that Barberry are seeking are the removal of the requirements for different accessible housing requirements across the Borough and a reduction in the self build requirement from 5% to 1% on schemes of more than 100 dwellings.

*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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