**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** | DLP47 |
| **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 47 Renewable and Low Carbon Energy and BREEAM Standards**

We note the requirement in Part 3 of the policy that major developments creating 10 or more homes must incorporate the generation of energy from renewable or low carbon sources sufficient to offset at least 20% of the estimated residual energy demand of development on completion. It is not clear on what basis the requirement for a 20% energy reduction has been based on and it seems an arbitrary figure without any justification. Whilst Barberry are supportive in principle of new development achieving energy reductions and sustainability we consider that building regulations are the most appropriate way of securing energy reduction targets. Building regulations are constantly updated and will ensure that new development is able to achieve the requisite energy reduction standards in place at the time of construction. Building regulations are, therefore, more responsive to changes in Government and national policy whereas the Local Plan policy would be static until the Local Plan was reviewed. The policy is a duplication of control with other legislation and as such it is considered unnecessary.

Barberry object to Policy DLP47 on the basis that it is not justified and that proportionate evidence is not presented that requires 20% of estimated residual energy to be generated by renewable sources. Barberry also consider that the policy seeks to duplicate control of this matter with building regulations. As such, we contend that this requirement should be deleted from the Policy.

*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.**

Barberry object to Policy DLP47 on the basis that it is not justified and that proportionate evidence is not presented that requires 20% of estimated residual energy to be generated by renewable sources. Barberry also consider that the policy seeks to duplicate control of this matter with building regulations. As such, we contend that this requirement should be deleted from the Policy.

*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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