**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** | Duty to Cooperate  | **Policy** |  |
| **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:**

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| --- | --- | --- | --- | --- |
| 1. | Legally compliant |  | Yes X | No **X** |
| 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.**

Harris Lamb Planning Consultancy is instructed by Barberry Summerhill Limited (“***Barberry***”) to submit representations to the Draft Dudley Local Plan (Regulation 19 consultation document) and welcome the opportunity to comment at this time.

These representations are submitted in accordance with the current National Planning Policy Framework (‘The Framework’) that was published in December 2024. However, the Council will be well aware that the Government have recently concluded consultation on revisions to the Framework. The draft Framework includes transitional provisions that would apply should the Plan be submitted for examination prior to or within 1 month of publication. We understand that the Framework is due to be published before Christmas. As such, it is debatable whether the plan will be examined under the current Framework or the new Framework. As well as the transitional arrangements the draft Framework includes significant changes to Green Belt policies as well as the application of the standard method. Should the Council have to calculate its housing requirement using the updated standard method this would result in a significantly different figure to the one currently being promoted. Clearly, without second guessing what the final version of the Framework says and when it is published, should it be relevant to the preparation of the plan we would welcome the opportunity to work with the Council to resolve any issues that it may unearth and particularly if further land for housing is required as a result.

Barberry are promoting land for residential development at Swindon Road, Wall Heath, Kingswinford (referred locally as the Triangle site) and have previously submitted details of the site to the preparation of the Black Country Plan and previously representations to the Black Country Plan Preferred Options consultation that concluded in October 2021.

The land at Swindon Road, Wall Heath, Kingswinford (“***the Site***”) had been proposed as a strategic housing allocation in the Preferred Options Black Country Plan under Policy DSA2. The Site was proposed to be removed from the Green Belt and allocated to accommodate approximately 533 homes. Barberry clearly supported the Black Country authorities’ intention to allocate the Site for housing and submitted representations in support of the Site’s suitability to accommodate residential development. A Delivery Document was prepared that sought to demonstrate how the site could come forward and meet the policy requirements set out in the Preferred Option Plan. However, following the abandonment of the Black Country Plan the Site is no longer identified as a draft allocation and has been omitted from the Dudley Local Plan in its entirety.

The omission of the Site from the Plan is a result of a wider change in strategy that the Council is now advancing, which seeks to focus new development on previously developed land within the urban area. As part of the preparation of the new Local Plan the Council is no longer proposing to release land from the Green Belt to meet its development needs and, further to this, the Council are no longer considering the release of their Green Belt land as an option to meet its housing need, favouring exporting the problem to other yet undefined locations in the Housing Market Area (“**HMA**”)**.** The current National Planning Policy Framework (‘**The Framework’**) states there is no requirement to review Green Belt boundaries when plans are being prepared, but it continues to allow authorities to choose to subject to demonstrating exceptional circumstances. However, it does place more of an onus on Councils to instigate this process and the weight of responsibility that comes with this should not be underestimated.

Where it is identified that Green Belt needs to be released to meet the development needs identified, on the one hand it requires an understanding of the potential environmental impacts that could come from changing Green Belt boundaries, on the other the social and economic disadvantages of meeting the housing and / or economic needs identified. These being real impacts on local people and local business, who will suffer if the needs are not met. In this instance, we consider not delivering the housing need identified will have substantial social and economic impacts for thousands of people and we ask the Council to very carefully consider the impact on these people when deciding whether or not to amend their Green Belt boundary, especially when there are sites that make a limited contribution to the Green Belt that could be released to meet this need.

Barberry, therefore, object to the proposed strategy on the basis that the Council has not explored all the options available to meet the housing need and that it has land available in its administrative boundary to meet its identified housing need, including sites that it has previously supported as draft residential allocations in the Black Country Core Strategy review. We consider there are exceptional circumstances that warrant the Green Belt being reviewed and land released from it to help meet housing needs, which include the substantial social and economic impacts for thousands of local people and businesses.

The Framework still sets out at paragraph 60 the objective of significantly boosting the supply of housing with the overall aim to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community. Paragraph 61 of the Framework states that to determine the minimum number of houses needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method. Indeed, it is debatable whether the strategy advanced by the Council will meet the identified need arising in Dudley in terms of delivering sites that are capable of being developed to meet the need that exists, noting that the majority of new homes required are 3 and 4 bedroom properties and not 1 or 2 bedroom apartments.

Paragraph 60 goes on to conclude that in addition to any local housing need figure, any needs that cannot be met within neighbouring authorities should also be taken into account in establishing the amount of housing to be planned for. There is significant pressure across the HMA from constrained authorities who cannot meet their development needs within their administrative boundaries, with tens of thousands of homes and hundreds of hectares of employment land needing to be found. The number of authorities able to assist with this overspill in the HMA are limited and the evidence suggests they cannot be relied upon when the numbers they have proposed in their emerging plans to assist with addressing the overspill do not even scratch the surface. Consequently, where authorities have the land available, we consider they should be using this unless there is an overwhelming persuasive reason as to why that land should not be developed, with the argument that ‘it is Green Belt land’ not standing up to scrutiny, when it is inevitable that most of the overspill would need to be on land currently designated as Green Belt if the development needs identified are going to be met.

Further to the above, we consider that not only should Dudley be meeting its own housing need, but that it should also be assisting with meeting the overspill from other authorities, such as Birmingham, Sandwell and Wolverhampton, with whom it has a strong functional relationship and that it can provide the land in the locations to help meet the overspill from these authorities close to where the need is arising. We acknowledge that these residents might not fall in your administrative boundary, but when so many people stand to suffer from the lack of land to meet the development needs identified we would implore the Council to not allow administrative lines to stand in the way of helping these people. Accordingly, Barberry have strong reservations about whether the Council’s intended strategy is sound. The tests of soundness remain in the updated Framework as set out in paragraph 35. As it stands, Barberry consider that the Plan is not positively prepared in that does not meet the area’s objectively assessed needs and is not informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development. In light of the failure to identify where and how the Council’s unmet needs are to be met we do not consider that the Council has met the duty to cooperate.

*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.**

*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: |  |

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