

# 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?

<b>Title of document</b>	Policy DLP1 Development Strategy (page 69)		
<b>Paragraph/section</b>	Policy DLP1; Table 5.1; p. 5.12	<b>Policy</b>	1a
<b>Site</b>		<b>Policy Map</b>	

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                    | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Sound                                | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Complies with the Duty to co-operate | <input type="checkbox"/> Yes | <input type="checkbox"/> No            |

(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.**

RPS objects to the 10,470 total plan requirement figure. Not least because this falls short of the local housing need for 11,169 homes as calculated by the Standard Method (657 dwellings per annum), and the resultant shortfall of 699 homes. The approach by the Council to deviate from the derived SM figure, will not address the chronic need for homes in the Borough and therefore will not deliver one of the strategic objectives of the Plan.

Based on the draft NPPF 2024, there is a requirement for 1,594 dwellings per annum in Dudley. Given the Standard Method is the minimum starting point, RPS would suggest an uplift of 138% against the current planned requirement figure be provided to assist with addressing the future housing need in the Borough.

The table (enclosed) considers the implications of the draft Summer 2024 consultation NPPF and the transitional arrangements that could pose implications for Dudley, particularly the risks associated with such a reduced growth option. The Inspector at examination in public may consider that the Council are failing to meet the development needs for the area. The Inspector could pause the examination and ask the Council to do additional work to find more sites, delaying the plan and costing the Council financially as was the case with Welwyn Hatfield or simply more likely should the Plan proceed in its current format simply found to be unsound.

This assumes the Council change approach from their high-risk low-growth option.

The Council is opting to push ahead with a draft Plan that seeks to meet considerably less than the identified housing need for the area. The draft Plan would result in a shortfall of between 13,228 and 16,628 dwellings across the new Plan-period, which is a significant shortfall based on the Government's new standard method. The proposed approach is therefore not allocating enough land for housing to meet actual local need. This is a clear dereliction of duty by the Council when the clear direction of travel from the new Labour administration is going in the other direction.

Continue on a separate sheet if necessary.

Respondent No:		Representation No:		Date received:	
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**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.**

So, this present version of the Plan will be ineffective in meeting the housing needs for the area, where it has the physical space to accommodate the need and has not neighbouring authorities which are willing to meet its need. Adoption of this Plan is highly unlikely in its current guise (if it is even accepted by the Planning Inspectorate upon submission).

RPS consider the modifications necessary to make the DLP legally compliant and sound, include adding a significant uplift to the overall housing requirement. RPS consider the applicable Standard Method figure should be at least 1,394 dwellings per annum (Plan period requirement of 23,698). This would ensure the process of plan-making would adhere to Paragraph 226(a) of the draft NPPF 2024, which states that the emerging annual housing requirement in a local plan that reaches or has reached Regulation 19 on or before the new NPPF comes into force should be no more than 200 dwellings below the new Local Housing Need figure (i.e., 1,393 dwellings per annum).

*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)

**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:**

Whilst the current operational version of the NPPF (Dec 2023) provides a basis for pursuing a different housing requirement to the standard method, the Council will be well aware of the draft NPPF (Summer 2024) and the implications of the transitional arrangements for the purposes of plan-making. RPS wish to participate in the hearing sessions given the likelihood that a new NPPF will be operational at the time the Plan is submitted for examination.

Para 226(a) of the draft NPPF is clear that the policies of the draft will apply for the purpose of preparing local plans unless, the emerging annual housing requirement in a local plan that reaches or has reached Regulation 19 stage on or before the NPPF (plus one month) and is no more than 200 dwellings below the new relevant Local Housing Need figure. Clearly the Council are not doing this and by doing so, not future-proofing the Plan to ensure unnecessary delays are avoided. The DLP will therefore need to revise its calculation underpinning the local housing need figure in order to reflect the most up-to-date data, and consequently seek to plan for a minimum of 1,394 (under para 226(a) protections).

Secondly, although the 17 year plan period may exceed the minimum 15-year requirement, NPPF paragraph 22 goes on to state:

“Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.” [Emphasis added]. This will clearly be relevant given the large uplift in overall requirement.

Whilst it is noted that the quantitative threshold qualifying a “significant extension” is ill-defined, the significant uplift on the local housing requirement will undoubtedly result in a need for large allocations and would therefore likely fall within the scope of a significant extension. Consequently, the DLP should employ a 30-year delivery trajectory to align with NPPF paragraph 22.

It is considered that the approach in the DLP to meeting an insufficient housing requirement will fail and the practical outcome will be an even lower delivery of housing numbers. The fundamental purposes of a strategic policy of this nature include to ensure that development needs, for housing and other activities, are fully and properly identified and then addressed (NPPF paragraphs 15 and 20). Policy DLP1 does not do this.

St Modwen Homes therefore wishes to participate in the Examination hearing sessions.

**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@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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Date received:

Growth Option	SM Option	Low Growth Option	SM Option	Low Growth Option	Summer 2024 NPPF	Transitional Arrangements*
Stage		Reg 18		Reg 19	N/A	Alternative Reg 19
Plan Period	2023-2041	2023-2041	2024-2041	2024-2041	2024-2041	2024-2041
Standard Method	665	605	657	616	1,594	1,394
Total Required Housing Target	11,954	10,876	11,169	10,470	27,098	23,698
Supply	10,876	10,876	10,470	10,470	N/A (likely no more than c.10,000)	(likely able to identify c.10,000)
Allocations per annum	295	295	318	318	c.300 (assumes no additional sites identified for potential allocation)	c.300 (assumes no departure from SM)
Shortfall	1,078	1,078	699	699	c.17,000	c.13,000

\*Assumption that Reg 19 stage is implicated by draft transitional arrangements – i.e., the ‘no more than 200 dwellings below’ scenario. This assumes the Council change approach from their high-risk low-growth option.