

Planning Policy Team
Dudley Metropolitan Borough Council
Dudley Council
Council House
1 Priory Road
Dudley
BY1 1HF

Aspen House
Central Boulevard
Blythe Valley Park
Solihull
B90 8AJ

By Email (planning.policy@dudley.gov.uk)

DX326301
Solihull29

www.fieldfisher.com

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Dear Sirs

Dudley's Regulation 19 Local Plan consultation – Hammond Chemicals Limited

1. Introduction

- 1.1 We act on behalf of Hammond Chemicals Limited ("our Client") in relation to the allocation of its land for housing in the Council's Draft Local Plan.
- 1.2 Our Client has been a cornerstone of the local economy for over 55 years, successfully operating as a solvent blending, storage, packing, and distribution business from its current location.
- 1.3 Our Client strongly objects to the allocation of its land and neighbouring land in the Draft Dudley Local Plan ("DLP"). Specifically, our Client's land is included in allocation references DLP BH 005 and 006 (as indicated in the Regulation 19 Inset Plan), which is designated for housing. The allocation in the DLP indicates that 310 houses are proposed within those allocation references.

2. Objection

- 2.1 Below, we outline significant concerns regarding the soundness of the DLP in the context of our Client's business. The allocation is wholly unsound.

Lack of Engagement by the Council

- 2.2 The Council has not engaged directly with our Client, resulting in a lack of understanding about its business and operations. The Regulation 19 consultation documents contain no analysis of our Client's situation. Our Client only learned of the housing allocation during the general public

consultation, which is wholly inadequate. The absence of direct engagement from the Council is surprising and raises serious concerns about the plan making process. This lack of direct engagement is a critical oversight.

Lack of Assessment

2.3 Our Client directly employs 22 local residents, contributing significantly to the community. Further, our Client's business creates many other local jobs through indirect employment, and in its role as a significant customer of other businesses in the area; in the most recent financial year, the company purchased approximately £14m in goods and services from other businesses. In addition, the business also serves nearly 200 regular customers, providing essential goods and services to businesses across Dudley and the wider West Midlands who in turn employ thousands of people. The potential displacement of this business and the economic multiplier effects it generates, has not been properly considered nor has the Council analysed the costs and knock-on impacts associated with relocating or extinguishing our Client's operations to facilitate residential development.

2.4 Our Client is not prepared to countenance the extinguishment of their long-established and successful business, and in any event, the compensation for the loss suffered could not be met by a proposed housing development, rendering any such housing development unviable.

2.5 Loss of Employment

2.6 The DLP outlines policies to promote and support employment in manufacturing and research and development, reflecting an agenda for economic growth. The National Planning Policy Framework (NPPF) emphasises the importance of supporting economic growth and productivity, considering local business needs and development opportunities. Unfortunately, these principles have been entirely overlooked in the context of our Client's operation, whose vital manufacturing operations are at risk of being undermined by the proposed housing designation.

2.7 The development of our Client's land for residential development would displace an important industrial business which makes a significant contribution to the local economy and adversely affect other local businesses as described at paragraph 2.3 above.

2.8 In the event that our Client's land remains in its current use, the development of the neighbouring land for residential purposes could have a seriously adverse effect upon the carrying on of our Client's business as described further at paragraph 2.13 below.

Inappropriate Housing Allocation

2.9 Our Client's land is not available to be developed for housing and will remain in its current employment use. The allocation of the land in our Client's ownership is therefore deeply flawed and the contribution which any such development would make to the housing numbers for which the DLP seeks to make provision has to be discounted from the overall provision.

2.10 Our Client also objects to the allocation of the land neighbouring its facility for residential development. Such development could have an adverse effect upon our Client's business operations and could restrict its ability to function effectively. Our Client's use involves flammable chemicals and the introduction of further residential use neighbouring the facility could result in the business being unable to operate as it currently does or potentially at all. The business has already suffered harm from previous residential development adjacent to the facility, being development that was permitted notwithstanding our Client's objections. This harm includes increased difficulty in insurance underwriting, and local residents setting off fireworks directed towards the facility despite repeated warnings of the danger of doing so. Existing businesses should not have unreasonable restrictions placed upon them.

- 2.11 These poorly considered proposals may also lead to unnecessary worry and concern for our Client's workforce.
- 2.12 In the time available, we have been unable to find any consideration of these issues in the documentation supporting the Regulation 19 DLP. Please advise whether any such consideration has been given. Our Client reserves its position to make further representations as and when further information is available.

3. Conclusion

- 3.1 The Council's proposals in respect of the allocation are clearly unsound in principle and have been promoted in a manner which fails to engage properly with a key stakeholder and are consequently also procedurally unsound. The Council cannot continue to proceed safely on this basis.
- 3.2 The Council's proposals are in practice undeliverable and consequently the contribution which the allocation is intended to make to housing provision will not be realised. Nor has the Council had regard to the seriously detrimental consequences for existing employment uses which would arise if the proposals were implemented.
- 3.3 Our Client is dismayed by the approach taken by the Council and expects the Council to take steps to rectify the position.

Yours faithfully