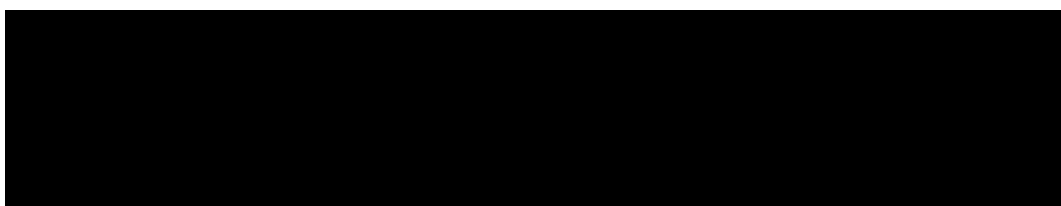


# Representations to Dudley Council's emerging Draft Local Plan Review Publication Stage Consultation Report (Regulation 19) (October 2024).

Representation prepared by:



**25 November 2024**



**Goldfinch Town Planning Services (West Midlands)**

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This 'Made' Representations Statement document is submitted by Goldfinch Town Planning Services (West Midlands) in connection to the above Local Plan Review.

This 'Made' Representations Statement document has been submitted by e-mail to the following public consultation address on the 25th November 2024:

[planning.policy@dudley.gov.uk](mailto:planning.policy@dudley.gov.uk)

This latest Local Plan Representation consultation response would need to be considered alongside Goldfinch Town Planning Services (West Midlands) earlier Representation previously made to Dudley MBC's Regulation 18 Local Plan Consultation (Autumn 2023), as this earlier representation provides important background information and context.

Goldfinch Town Planning Services welcomes the opportunity to enter into constructive and meaningful dialogue with Dudley Council's Planning Policy Team in connection to the council's emerging Local Plan Review.

### Limitations

This document has been prepared for the stated objective and should not be used for any other purpose without the prior written authority of Goldfinch Town Planning Services (West Midlands). Goldfinch Town Planning Services (West Midlands) accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned.

Front cover sheet photograph: Green Belt farmland located south of Racecourse Lane, Norton, Stourbridge, West Midlands. Photograph date: 24/11/2023.

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Representations by Goldfinch Town Planning Services  
(West Midlands) to Dudley Council's Local Plan Review  
Publication Stage Report (Reg 19) (October 2024)

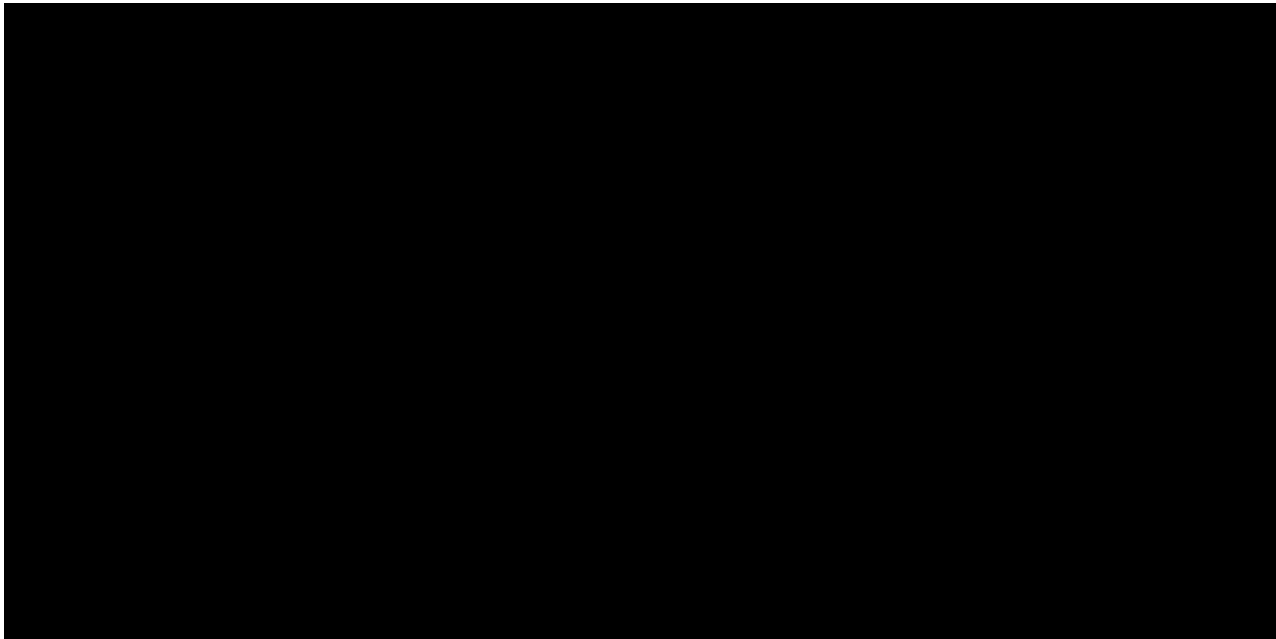
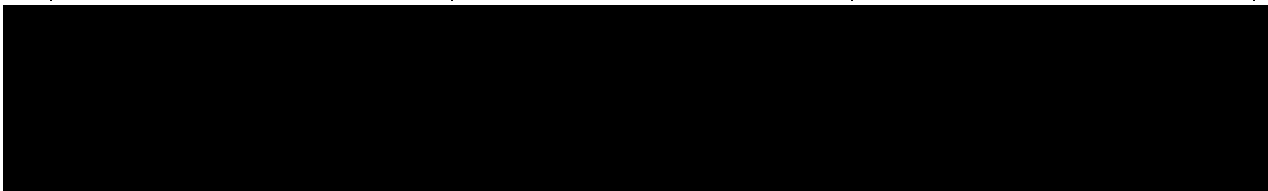
**Representations to Dudley Council’s emerging Local Plan (Review)  
Draft Publication Stage Consultation Report (Regulation 19)  
(October 2024).**

**- Comment Form**

**Part A – Personal Details**

**Dudley Metropolitan Borough Council’s emerging Local Plan (Review)  
– Draft Publication Stage Consultation Report (Regulation 19) (October  
2024)**

	<b>1 Personal details</b>	<b>2. Agent’s details (if applicable)</b>
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Please indicate which of these best describes you / your role in responding to this consultation	
Resident or Individual	
Planning Agent or Consultant	X
Developer or Investor	
Landowner	
Local Business	X
Land and Property Agent or Surveyor	
Local Authority	
Public service provider. e.g. education establishment, health, etc	
Public agency / organisation	
Community or other Organisation	
Local Resident	
Statutory Consultee	
Charity	
Other (please specify in space below):	

<b>Type of Representation:</b> Is this Representation supporting or objecting to Dudley MBC's emerging Local Plan (Review) Draft Publication Stage Consultation Report (Regulation 19) (October 2024)?			
<b>Supporting</b>		<b>Objecting</b>	X
<b>We are neither supporting or objecting to this specific public consultation stage</b>			
		<b>Supporting with concerns</b>	

**Part B**

Name of organisation submitting representation	<b>Goldfinch Town Planning Services (West Midlands)</b>
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3. To which part of the Local Plan relate?	
Paragraph	See further below Representation
Policy	See further below Representation
Policies Map	

4. Do you consider the Plan is:					
(1) Legally compliant		Yes		No	<b>X</b>
(2) Sound		Yes		No	<b>X</b>
(3) Complies with the duty to co-operate		Yes		No	<b>X</b>

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**5. 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.**

See our Representation further below.

(Continue on a separate sheet /expand box if necessary)

**6. 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 5 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.**

See our Representation further below.

(Continue on a separate sheet /expand box 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.**

**7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?**

	<b>No</b> , I do not wish to participate in hearing session(s)		<b>X</b>	<b>Yes</b> , I wish to participate in hearing session(s)
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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.

**8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

1. Goldfinch Town Planning Services continues to maintain its view that the Local Planning Authority (LPA) is taking forward an insufficiently robust, not planning policy compliant, not fit-for-purpose and unsound Local Plan Review forward to the later Examination in Public (EIP) stage. Given the emerging Local Plan Review’s continued refusal and ongoing failure to promote the most environmentally sustainable patterns of new housing development within the Dudley Metropolitan Borough. Most notably, the planning policy expectation that heavily constrained urbanised parts of the Dudley Metropolitan Borough should accommodate the full housing planning policy requirement of 10,470 new homes over the shelf life of the new Local Plan period extending up until the year 2041.
2. Despite the fact that this proposed spatial planning policy approach will deliver huge levels of environmental damage on an “industrial scale” across large parts of the inner urban area (which continues to suffer from a failed, non-existent and ineffective environmental protection approach), fail to improve the urban area’s climate change resilience, and also result in the loss of extensive areas of existing employment land resources – vital for supporting local economic recovery.
3. The LPA has also failed to adequately consider the important role that lower quality areas of Green Belt countryside can play in helping to support the delivery of sustainable residential communities, and the plan-making approach has therefore failed to reflect and effectively respond to the recent significant planning policy shift in policy direction introduced by the recently

elected new Labour government – the plan making approach is therefore not based on proportionate evidence and is therefore in direct conflict with Soundness tests set out under paragraph 35 (indent b) of the Revised NPPF (December 2023).

4. Goldfinch Town Planning Services has continued concerns in relation to the significant imbalance in the spatial distribution of new housing development across the Dudley Metropolitan Borough being brought forward through the council's emerging Local Plan Review, and the need for this important matter to be urgently addressed by Dudley Council's Planning Policy Team within a significantly more heavily revised, more fit-for-purpose and environmentally sustainable planning policy approach.
5. As such, given the above issues, we consider that the LPA is failing to promote the most environmentally sustainable patterns of new housing development within its emerging Local Plan Review (2024), and the Local Plan Review therefore fails the "Sustainability" test of Soundness as specified under paragraph 35 (indent d) of the Revised NPPF (2023).
6. Paragraph 35 (indent d) of the Revised NPPF (December 2023) is perfectly clear that: "...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (indent d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework..." Goldfinch Town Planning Services considers that land located south of Racecourse Lane, Norton, Stourbridge should be removed from the Green Belt boundary within the emerging Local Plan Review, and should be allocated as a major new sustainable urban extension to deliver thousands of new homes for the various reasons highlighted below.
7. This is a key issue and the main focus of Goldfinch Town Planning Services Local Plan Representation. We object to the continued poor quality of the evidence base being used by the Local Planning Authority to support Local Plan preparation – particularly with regards to green infrastructure, nature conservation, and climate change resilience matters.
8. We have concerns that the emerging Local Plan Review is essentially being supported by a huge mountain of heavily out-of-date, not fit-for-purpose and insufficiently robust supporting background technical evidence, and does not therefore conform with the planning policy approach expected by paragraphs 16 (indents a and b), 31 and 35 of the Revised NPPF (2023). Finally, Local Plan preparation has also refused to accept the presence of a 300-year economic-recession-event now adversely affecting the Black Country sub-region, in direct conflict with paragraphs 31 and 86 (indent d) of the Revised NPPF (2023). This recent rapid shift in highly adverse economic circumstances has not been effectively shaped into Local Plan preparation



Previous Local Plans Representations activity by Goldfinch Town Planning Services during 2023.

This latest Representation submitted to Dudley Council's emerging Local Plan Review (Publication Stage Report - Regulation 19) (October 2024) public consultation would also need to be considered alongside the following earlier made representations previously submitted independently by Goldfinch Town Planning Services during 2023. Most notably, previous Representations made to:

- Dudley Council's Local Plan Review Draft Plan Stage Report (Regulation 18) consultation (November 2023).

Our earlier representations submitted independently by Goldfinch Town Planning Services to the above earlier Regulation 18 Local Plan consultation report provide critically important background supporting information and context in relation to our latest representations.

## **Summary of key issues covered in this Local Plan Representation**

1. Land located south of Racecourse Lane, Norton, Stourbridge should be removed from the Green Belt boundary within the Local Plan Review, and should be allocated as a major new sustainable urban extension to deliver major new housing development for the various reasons highlighted below. This is a key issue and forms the main focus of Goldfinch Town Planning Services Local Plan Representation (November 2024).
2. Goldfinch Town Planning Services continues to have significant planning policy concerns that Dudley Council's Planning Policy Team is accommodating and taking forward completely undeliverable and unrealistic housing site allocations within the emerging Local Plan Review (2024/ 2025), which directly conflict with deliverability-focused guidance set out in paragraphs 16 (indent b) and 35 (indent c) of the Revised NPPF (2023). Paragraph 16 (indent b) of the Revised NPPF (2023) is perfectly clear in its view that: "...Plans should (indent b) be prepared positively, in a way that is aspirational but deliverable..." The tests of Soundness for Local Plan preparation set out in paragraph 35 (indent c) of the Revised NPPF (2023) are perfectly clear that: "...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (indent c) Effective – deliverable over the plan period..."
3. Land located south of Racecourse Lane, Norton, Stourbridge should be fully removed from the Green Belt boundary within the Local Plan Review (2024/ 2025) and should be allocated as a major new sustainable urban extension to deliver thousands of new homes to help relieve pressures and protect the environmental quality of the Dudley Borough's inner urban area. Developing this site for major new housing development would help to boost the supply of new housing in a highly sustainable and deliverable site location - consistent with guidance reinforced within paragraph 60 of the Revised NPPF (December 2023).
4. Robust, defensible and up-to-date photographic evidence contained in this Local Plan (October 2024) Representation to the council's Regulation 19 consultation report, and our earlier representations made to the council's Regulation 18 consultation report, demonstrates that the Green Belt farmland located south of Racecourse Lane, Norton, Stourbridge is of a very low quality from a Green Belt landscape perspective, climate change resilience and mitigation perspective (e.g. given its intensively farmed character and severe shortage of existing tree cover) and biodiversity perspective, and has no significant or special historic environment landscape value. It forms an area of sterile intensively farmed countryside, where many features have since been removed from the farmland rural landscape over the last 70 years, due to intensive farming practices. Including miles of previous extensive hedgerow networks crossing pasture farmland, mature veteran and ancient trees from

hedgerow networks, removal of woodland copses, lowland heathland, wetlands, etc. This area has no special landscape merit. It should therefore be fully removed from the Green Belt boundary and developed for a major new housing-led sustainable urban extension south of Stourbridge.

5. This site meets a range of sustainability criteria for major new housing development, given its immediate proximity to already long-established major residential communities located within the Norton area (on its northern boundary), its excellent access to good quality public transport connections, and its close proximity to a main town centre location - Stourbridge Town Centre. Importantly, releasing this area from the Green Belt boundary within the Local Plan Review and developing this area for major new housing development would also help to relieve significant urban cramming pressures and poor-quality environmental conditions currently affecting the environmental quality of the heavily constrained and congested Dudley Borough inner urban area. As well as helping to significantly improve the resilience of the inner urban area to cope with future climate change pressures as discussed further below.
6. Given that the Green Belt farmland located south of Racecourse Lane, Norton, Stourbridge has no special rural landscape merit or historic environment landscape value, it does not therefore meet and robustly satisfy the Green Belt purpose as set out under paragraph 143 (indent d) of the Revised National Planning Policy Framework (NPPF) (December 2023). Continuing to defend this site on Green Belt landscape planning policy grounds is not a robust or defensible planning policy position to take within the emerging Local Plan Review going forwards.
7. Paragraph 143 (indent d) of the Revised NPPF states that: "...Green Belt serves five purposes: (indent d) to preserve the setting and special character of historic towns..."
8. In preparing the council's emerging Local Plan Review, the council's planning policy team has failed to shape into its plan-making approach the significant shift in central government (London) policy which now provides increasing levels of planning policy weight and support for developing lower quality areas of Green Belt for major new housing development. The Plan-making approach being taken forwards by the council's planning policy team within the Regulation 19 Local Plan consultation report (October 2024) therefore strongly conflicts with soundness tests set out under paragraph 35 (indents a and b) of the Revised NPPF (December 2023) which confirm that: "...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (indent a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs... (indent b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence..."
9. The position is clear, the council's emerging Local Plan Review is not positively prepared and is not based on the most proportionate evidence – given its substantial planning policy failure to reflect the very recent planning policy shift towards utilising lower quality parts of the Green Belt countryside for major new housing development, introduced by the recently elected new Labour

government (London). The emerging Local Plan Review is failing to reflect the very latest central government (London) housing and Green Belt policy. The emerging Local Plan Review (2024) is not based therefore based on proportionate evidence and therefore conflicts with planning policy tests specified under paragraph 35 (indent b) and 31 of the Revised NPPF (December 2023).

10. The plan-making approach also conflicts with guidance set out under paragraph 31 of the Revised NPPF (December 2023) which confirms that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..." The plan-making approach is not up-to-date given its substantial failure to reflect very recent changes towards Green Belt policy as discussed above.
11. We object to the continued poor quality of the evidence base being used by the council's planning policy team to support Local Plan preparation.
12. The approach being taken within the emerging Local Plan will worsen the effects of the Black Country Urban Heat Island Effect and cause increased levels of surface water run-off (creating flood risk pressures), given that greenfield sites (green space vegetated surfaces) within the inner urban area will be replaced by heavily urbanising brick, concrete, tile and macadam surfacing. Making the surface water run-off position far worse. We have concerns that the Council's Planning Policy Team appears to have no understanding of the urban heat island effect concept or surface water run-off issues.
13. The LPA is not promoting climate change resilience measures within its proposed spatial planning policy approach being taken towards the distribution of new development. We are alarmed that the council's planning policy team considers it appropriate to re-develop established urban woodlands within heavily constrained urban areas for new housing development. The plan making approach being taken forward by the LPA strongly conflicts with climate change resilience focused national planning guidance set out under paragraphs 157 to 159 of the Revised NPPF (December 2023).
14. There is an increasing shortage and significant under-supply of urban green space natural green space areas, particularly within heavily urbanised parts of Halesowen, Stourbridge, central Dudley, Brierley Hill and Cradley Heath areas. This important urban green space planning policy issue has not been sufficiently taken into account by the LPA. The plan-making approach is therefore insufficiently robust, not planning policy compliant, not fit-for-purpose, potentially vulnerable to later challenge, and contains significant gaps in green infrastructure focused technical evidence base coverage. The emerging Local Plan Review is promoting environmentally damaging and unsustainable patterns of development within the local area.
15. Dudley Council's Planning Policy Team has completely neglected and disregarded the importance of ecological networks within heavily urbanised areas within its Local Plan preparation approach. The now advanced preparation stage emerging Local Plan Review (Reg 19) (Autumn 2024) is not based on a platform of sufficiently robust, fit-for-purpose or credible evidence,

- and fails the “Sustainability” tests of Soundness set out under paragraph 35 (indent d) of the Revised NPPF (December 2023).
16. Need: There is a NEED for this development proposal (to deliver a major new build housing-led urban extension on land located south of Racecourse Lane, Norton, Stourbridge) given the severe and chronic housing shortage currently affecting the Dudley Metropolitan Borough. For a number of year’s the borough has suffered from long-standing housing shortfalls and significant delivery problems associated with bringing forward major urban brownfield land within the inner urban area for major new housing development. Due to significant site constraints, difficult ground conditions, flood risk pressures, contaminated land, mine shafts, totally excessive and completely unrealistic historic environment expectations, onerous affordable housing and CIL planning policy requirements, and significant vehicular access problems. The land located at Old Wharf Road on the northern edge of Stourbridge Town Centre and Daniels Land located opposite the Copthorne Hotel in Brierley Hill Strategic Centre provide robust and defensible evidence and are both good examples of the site constraints affecting existing major housing site allocations (identified in previous Local Plan Reviews) within the inner urban area. Which have been allocated for housing for a number of years and already have planning consent for a number of years. But which have both consistently failed to come forward over the last 23 years.
17. Goldfinch Town Planning Services continues to have concerns that the council’s planning policy team continues to take forward undeliverable housing site allocations within its emerging Local Plan Review, in direct conflict with deliverability-focused guidance set out under paragraphs 16 (indent b) and 35 (indent c) of the Revised NPPF (December 2023). The tests of soundness for Local Plan preparation are set out within paragraph 35 of the Revised NPPF (December 2023). Paragraph 35 (indent c) of the Revised NPPF (2023) is perfectly clear in its view that: “...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are: (indent c) Effective – deliverable over the plan period...”
18. The significant imbalance in the spatial distribution of new housing development across the Dudley Metropolitan Borough being brought forward through the council’s emerging Local Plan Review (2024/ 2025) needs to be urgently addressed by Dudley Council’s Planning Policy Team, within a significantly more heavily revised, more fit-for-purpose and environmentally sustainable planning policy approach. Heavily urbanised parts of the Halesowen, Stourbridge, Brierley Hill and central Dudley urban areas in particular are being completely over-loaded within increasingly unsustainable levels and environmentally damaging patterns of new development. Heavily urbanised parts of the Dudley Metropolitan Borough are already at maximum capacity levels and cannot accommodate any further new development growth within the inner urban area. Some Green Belt release should therefore be considered by the council’s planning policy team within lower quality parts of the Green

- Belt, to reflect the significant recent planning policy shift in central government (London) planning guidance. Within its current plan-making approach, the Regulation 19 consultation report (October 2024) is currently failing the “Sustainability” tests of soundness as specified under paragraph 35 (indent d) of the Revised NPPF (December 2023). Given the emerging Local Plan Reviews ongoing refusal and continued failure to promote the most environmentally sustainable patterns of new housing development.
19. The significant spatial imbalance in the distribution of new development across the Dudley Metropolitan Borough being taken forwards through the Local Plan Review is highly concerning. The environmental quality of the urban area is being severely damaged as part of a seemingly increasingly more desperate urban cramming planning policy approach.
  20. To help clarify the position for Dudley Council, put quite simply, there is a clear limit to how much new development a specific part of the urban area can continue to accommodate. We have concerns that the Council and its town planners, surveyors, transport engineers and urban regeneration specialists are all still failing to grasp these critically important and basic issues. The Halesowen, Stourbridge, Brierley Hill and central Dudley urban areas continue to be over-loaded with increasingly unsustainable patterns of new development, which is damaging to the local environmental quality, and damaging to the health and well-being of hundreds of thousands of local residents who live within heavily urbanised and densely-populated parts of the Dudley Metropolitan Borough. The emerging Local Plan Review is failing to promote the most sustainable patterns of new housing development in direct conflict with the “Sustainability” tests of Soundness as specified under paragraph 35 (indent d) of the Revised NPPF (December 2023).
  21. The proposed Plan-making approach is failing to respond effectively to wildlife corridor focused guidance set out under paragraph 185 of the Revised NPPF (December 2023) which reinforces that: “...To protect and enhance biodiversity..., plans should (indent a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological network, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping-stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and (indent b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity...”
  22. The council’s planning policy team is promoting irresponsible patterns of new development and damaging the environmental quality of the Dudley Borough inner urban area, just to appease local politicians in respect of Green Belt matters. Heavily urbanised parts of the Dudley Metropolitan Borough continue to suffer from a failed, naive and ineffective planning policy protection approach.
  23. The position is perfectly clear, Dudley Council is not promoting the most environmentally sustainable patterns of new development within borough within its emerging Local Plan Review, and the approach being taken by the Council on these matters is therefore in direct conflict with a range of sustainable development focused guidance as reinforced within paragraphs 7, 8, 10, 11, 16

- (indent a), 35 (indent d), 38, and 157 – 159 and 185 of the Revised NPPF (December 2023).
24. The Council's Planning Policy Team is not promoting climate change resilience measures within its proposed spatial planning policy approach being taken towards the distribution of new development within the emerging Local Plan Review (2024/ 2025). We are alarmed that the council's planning policy team considers it appropriate to re-develop established urban woodlands within heavily constrained urban areas for new housing development – within the inner urban area, and develop other important urban green space areas within the inner urban area for new housing, just to save some low quality Green Belt locations. The plan making approach being taken forward by the LPA strongly conflicts with climate change resilience focused national planning guidance set out under paragraphs 157 to 159 of the Revised NPPF (December 2023). The emerging Local Plan Review is failing the "Sustainability" tests of Soundness as specified under paragraph 35 (indent d) of the Revised NPPF (December 2023).
  25. No transparent transport assessments have been generated to support the various proposed new housing site allocations being brought forward across the urban area through the council's emerging Local Plan Review (2024). The transport evidence is obscure and far too vague, and therefore provides insufficiently robust evidence. This is particularly relevant given the completely unsafe, tightly constrained and dangerous character (from a highway safety perspective) of many of the urban sites being brought forward for new housing development through the Local Plan Review. The position is clear, the proposed Plan-making approach being taken forward by the LPA within its emerging Local Plan Review is not based on proportionate evidence and therefore fails soundness tests specified under paragraph 35 (indent b) of the Revised NPPF (December 2023).
  26. The proposed urban cramming of 10,471 new homes (over the shelf-life of the new Local Plan period extending up to the year 2041) solely within the inner urban area will result in the loss of extensive areas of sensitive urban green space areas which currently provide a critically important outdoor recreational resource, serving heavily populated urban areas. These urban green space areas located on the doorstep of local communities play a critically important role in helping to promote more physically active healthy lifestyles. The proposed urban cramming approach being taken towards housing delivery within Dudley Council's emerging Local Plan Review (2024/ 2025) will make the out-of-control obesity crisis which continues to disproportionately affect the Dudley Metropolitan Borough and neighbouring Walsall far worse. The proposed Plan-making approach being taken forwards by Dudley Council's Planning Policy Team is therefore making the out-of-control local obesity crisis even far worse and failing to promote the most environmentally sustainable patterns of new development - in direct conflict with the 'Sustainability' tests of soundness as set out under paragraph 35 (indent d) of the Revised NPPF (December 2023). The plan-making approach being taken forwards by Dudley Council's planning policy team is also conflicting with a range of health-focused

- guidance set out within paragraphs 8 (indent b), 96 (indent c) and 102 of the Revised NPPF (December 2023). The council is damaging the local area.
27. The Council's Planning Policy Team "Needs to get the balance right" in relation to its approach being taken towards the delivery of sustainable development within its emerging Local Plan Review (2024/ 2025).
28. The proposed urban cramming of 10,471 new homes (over the shelf-life of the new Local Plan period extending up to the year 2041) solely within the inner urban area will result in the loss of extensive areas of sensitive urban green space which currently provide a critically important outdoor recreational resource, serving heavily populated urban areas. These urban green space areas located on the doorstep of local communities play a critically important role in helping to promote more physically active healthy lifestyles. The proposed urban cramming approach being taken towards housing delivery within Dudley Council's emerging Local Plan Review (2024/ 2025) will make the out-of-control obesity crisis which continues to disproportionately affect the Dudley Metropolitan Borough and neighbouring Walsall far worse. The proposed Plan-making approach being taken forwards by Dudley Council's Planning Policy Team is therefore making the out-of-control local obesity crisis even far worse, and failing to promote the most environmentally sustainable patterns of new development - in direct conflict with the 'Sustainability' tests of soundness as set out under paragraph 35 (indent d) of the Revised NPPF (December 2023). The plan-making approach being taken forwards by Dudley Council's planning policy team is also conflicting with a range of health-focused guidance set out within paragraphs 8 (indent b), 96 (indent c) and 102 of the Revised NPPF (December 2023). The council is damaging the local area.
29. The council has not even got an up-to-date, defensible or sufficiently robust Green Infrastructure (GI study) background technical evidence base study document in place to support the emerging Local Plan Review preparation. This is an alarming situation given that important wildlife sites directly located within strategically important landscape-scale green infrastructure networks (wildlife corridors) are being actively promoted for complete destruction for new housing development within the emerging Local Plan Review. The plan-making approach strongly conflicts with green infrastructure/ wildlife corridor focused guidance set out under paragraph 185 of the Revised NPPF (December 2023). We continue to maintain our view that the inner urban area is being completely over-loaded within increasingly unsustainable levels of new development, in direct conflict with the "Sustainability" tests of Soundness set out under paragraph 35 (indent d) of the Revised NPPF (December 2023). The council is taking forward an insufficiently robust, not fit-for-purpose and not planning policy compliant Local Plan Review forwards to the later Examination in Public (EIP) stage.
30. The global coronavirus pandemic (COVID-19) previous recent lock-down restrictions across the UK has highlighted and placed into very sharp focus the continued importance and relevance of urban green space areas to the health and well-being of local communities – from both a physical and mental health



well-being perspective. These important “pandemic-related factors” have been given absolutely no consideration or material planning policy weight whatsoever by the council’s planning policy team when shaping policies within it’s emerging Local Plan Review, and when forcing through the proposed urban cramming spatial distribution approach being taken towards new development within heavily urbanised parts of the Dudley Metropolitan Borough. Which contain areas of sensitive urban green space. The Council’s planning policy approach on these matters therefore fails the “Sustainability” tests of soundness as specified under paragraph 35 (indent d) of the Revised NPPF (December 2023), as well as a range of health-focused guidance set out under paragraphs 8 (indent b), 96 (indent c) and 102 of the Revised NPPF (December 2023).

31. The global coronavirus pandemic (COVID-19) represents one of the worst global health pandemic events to affect the United Kingdom (UK) within the last 100 years. The emerging Local Plan Review has failed to shape these “pandemic-related factors” into its policy approach.
32. The Sustainability Appraisal (SA) which provides the critically important planning policy foundations underpinning and supporting Dudley Council’s emerging Local Plan Review (2023/ 2024) is not being informed by sufficiently robust, defensible, planning policy compliant or credible green infrastructure background technical evidence. In particular, robustly-based wildlife corridor focused green infrastructure assessments (GI studies) as expected by paragraph 185 of the Revised NPPF (2023). The SA process has also failed to robustly consider reasonable alternatives in respect of releasing land in lower quality areas of Green Belt countryside within the Dudley Borough for new housing development. Finally, the emerging SA has failed to shape into its approach the substantial recent planning policy shift introduced by the recently elected new Labour government, which has placed increasing planning policy emphasis on releasing lower quality areas of Green Belt for major new housing development. Any reasonable person would therefore take the view that the SA’s assumptions are therefore based on flawed, insufficiently robust, not defensible and missing evidence. The council’s planning policy team “Needs to get the balance right” and address these substantial failings within the SA approach. This is all now too late for this now advanced Reg 19 Local Plan Review. The spatial distribution approach towards new development within the emerging Local Plan Review is not based on a platform of sufficiently robust or defensible evidence. The LPA is taking forward an unsound Local Plan Review which fails to satisfy various tests of soundness specified under paragraph 35 of the Revised NPPF (December 2023).
33. There has been a significant material change and huge shift in material planning policy circumstances now facing the local area given the issues discussed above. Dudley Council’s Planning Policy Team has failed to shape these critically important issues into its Local Plan preparation, which is now at the final and very advanced Regulation 19 stage. The emerging now advanced Local Plan Review is “not Positively prepared”, does not take into account

- “Reasonable alternatives” and is not based “on Proportionate evidence” - therefore failing various ‘Soundness’ tests specified under paragraph 35 (indents a and b) of the Revised NPPF (December 2023).
34. There is absolutely no point in Dudley Council declaring a climate change and ecological emergency and taking forward a climate change action plan, if the council’s planning policy team has absolutely no intention whatsoever of ever promoting sustainable patterns of new development within its own emerging Local Plan Reviews (Development Plan Reviews).
  35. We are concerned that Dudley Council has made a pledge within its climate change and ecological emergency to improve the climate change resilience of the local area, without a clear, effective and committed pathway to delivery. This is resulting in the delivery of a Local Plan without a Plan. The council should not be supporting the destruction of sensitive urban woodlands within heavily urbanised parts of the borough, if it is serious about delivering on its multiple and varied climate change resilience pledges. The failure to consider low quality Green Belt locations for new housing development within the council’s Local Plan Review is making the climate change resilience position far worse, given that huge areas of sensitive urban green space areas and urban woodlands are being proposed for destruction within the inner urban area within the council’s Local Plan Review. These urban green space areas provide a vital contribution towards helping to reduce flood risk by reducing surface water run-off pressures during severe rainfall storm events, removing and helping control levels of urban air pollution, promoting carbon storage and helping to reduce the worsening effects of the Black Country Urban Heat Island Effect (promote urban cooling) during summer heatwaves. These urban green space areas also play a key role in helping to tackle the long-standing “out-of-control adult and childhood obesity crisis and epidemic” which continues to affect the Dudley Metropolitan Borough as discussed further above. Based on recent press reports coverage in local press arenas, it is also noted that the council is under severe financial pressure and financial strain with the risk of declaring itself effectively bankrupt, which is likely to potentially further hinder its ability to deliver on its various multiple climate change pledges. There still however needs to be a detailed audit and review undertaken by the LPA to identify why specific failings have taken place in respect of the council’s climate change resilience action plan, and failure to deliver on the multiple pledges made. The council cannot continue to let down local communities in respect of these important issues.
  36. The loss of extensive urban woodlands and other natural green space areas within the Dudley Metropolitan Borough inner urban area as a result of an environmentally irresponsible proposed severe urban cramming spatial development distribution planning policy approach being taken forwards within the council’s emerging Local Plan Review as discussed in extensive detail above, will materially harm and damage the residential amenity of established residential occupiers within long established residential communities that directly overlook these various natural green space sites, being proposed for

development. This will result in irreversible harm (given the severe urban green space landscape impacts), damage and adversely affect their residential amenity and outlook. The proposals being taken forwards within the now advanced Regulation 19 (final Local Plan consultation) emerging Local Plan Review will therefore materially harm the ability of these established residential occupiers to be able to continue to enjoy their homes and property peacefully, therefore conflicting with protecting their human rights as set out under Article 1 of the Human Rights Act (1998). The significant increase in harmful levels of traffic-related urban air pollution will also conflict in protecting thousands of local residents 'Right to Life' in densely populated parts of the borough, therefore contravening their human rights as specified under Article 2 of the Human Rights Act (1998). The proposed spatial planning policy distribution approach towards new development being forced-through by the LPA as discussed above, will also make thousands of local residents living within heavily urbanised parts of the borough more vulnerable to the more severe effects of climate change – which will be significantly amplified and more intense within heavily urbanised parts of the borough. Including surface water run-off flash flooding incidents, the effects of urban air pollution on health, and hotter summer temperatures. The position is perfectly clear, the emerging Local Plan Review is having a damaging impact on the Human Rights of those local residents who live within densely populated and heavily urbanised parts of the Dudley Metropolitan Borough.

37. The Habitat Regulations Assessment (HRA) undertaken as part of the supporting background technical evidence base for the emerging Local Plan Review is insufficiently robust, given that it has failed to adequately consider the impacts of substantial built urbanising development encroachment and habitat fragmentation within established wildlife corridor networks, due to the proposed severe urban cramming development approach being forced-through by the council's planning policy team within the emerging Local Plan Review within the borough. The HRA is also not informed by a sufficiently robust, defensible, reliable and fit-for-purpose Green Infrastructure (GI study) technical evidence base study, as required by paragraph 185 of the Revised NPPF (December 2023).
38. The scale of excessive and completely disproportionate new residential development growth being proposed solely within the Dudley Borough inner urban area is promoting inappropriate, damaging and unsustainable patterns of development within the local area. Based on 4 cars per household, the proposed 10,470 number new build residential dwellings being proposed over the lifespan of the new Local Plan (extending up to the year 2041) will generate an additional 41,880 vehicle trips on the already heavily constrained, heavily pressured and heavily congested highway networks within the Dudley Borough inner urban area. Which already suffers from severe levels of traffic congestion. The inner urban area various housing site allocations will result in enormous adverse residential amenity impacts affecting established local communities living within heavily urbanised parts of the borough. As well as result in

enormous adverse impacts on the heavily constrained highway networks which are unable to accommodate and cope with this significant scale of new traffic growth. The proposals being taken forwards and forced-through within the Regulation 19 Local Plan consultation report are just completely unsustainable. Within the Local Plan Review, the council should be exploring the release of Green Belt land south of Stourbridge for major new housing development in order to help relieve pressures within the inner urban area. The current plan-making approach is failing the “Sustainability” tests of Soundness set out under paragraph 35 (indent d) of the Revised NPPF (December 2023). The Council’s Planning Policy Teams continued refusal to consider reasonable alternatives to the growth strategy (e.g. considering Green Belt release south of Stourbridge) is also failing Soundness tests set out under paragraph 35 (indent b – failure to consider reasonable alternatives) of the Revised NPPF (December 2023).

39. Established residential communities located within the Norton area of Stourbridge have a particular shortage of children’s care homes provision and supported housing accommodation for adults with special needs. In order to promote sustainable patterns of development and inclusive communities, this matter should therefore be explored further within the council’s emerging Local Plan Review (2024/ 2025).
40. The emerging Sustainability Appraisal (SA) supporting background technical evidence base accompanying the emerging Local Plan Review and policies contained within the Local Plan Review are both currently failing to address the critical climate change emergency now affecting the Dudley Metropolitan Borough inner urban area, by continuing to support a spatial planning policy approach that is forcing through 10,470 new homes solely within the inner urban area.
41. In the Dudley Metropolitan Borough, the main contributor to poor urban air quality is from the emissions produced by transport. The two most harmful are Nitrogen Dioxide (NO<sub>2</sub>) and Fine Particulate Matter (PM<sub>2.5</sub>). There is a particular problem of very poor air quality within the Dudley Borough inner urban area, given that existing road networks within this area are already heavily congested. The traffic highway congestion implications of focusing proposed 10,470 new homes within the urban area will be considerable. Given that existing road infrastructure networks within urban areas within the Dudley Metropolitan Borough are already heavily constrained and heavily congested with vehicular traffic. They have no capacity to accommodate this significant scale of new traffic growth.
42. Within the emerging Local Plan Review the council should focus on protecting existing employment land sites (including lower quality employment land sites which are currently struggling during the severe economic recession) in order to ensure that there is a sufficient ready supply of employment land available to meet the Dudley Borough’s current and future employment land needs. Essentially to ensure that local communities have a supply of local jobs within the inner urban area close to existing established residential communities. This plan-making approach will help to ensure the delivery of sustainable

communities consistent with guidance reinforced in paragraph 35 (indent d) of the Revised NPPF (December 2023). The proposed spatial planning policy approach of focusing 10,470 new homes into the inner urban area will result in the loss of employment land sites within the inner urban area, which could help to positively contribute towards meeting future local community employment needs. All types and condition of employment land sites should therefore be safeguarded within the inner urban area in the emerging Local Plan Review, and significant new housing development focused towards a housing-led sustainable urban extension in the borough's low quality Green Belt countryside at land located south of Racecourse Lane, Norton, Stourbridge. The position is perfectly clear, there are now sufficiently robust exceptional circumstances and planning policy grounds now in place for the LPA to now consider Green Belt release within this emerging Local Plan Review, in order to help protect and maintain a sufficient and adequate supply of employment land within the inner urban area. To help ensure that there is a sufficient supply of locally-based employment land opportunities provision available to meet local community urgent needs, during a severe prolonged economic recession and cost-of-living crisis.

43. This is particularly relevant given that the Black Country's traditional manufacturing industry has suffered extensive decline during the last 60 years. There is a need to future proof existing employment sites within the urban area with new, more resilient employment uses to help meet the local communities needs. The economic vitality of the inner urban area needs to be protected as the local area emerges from the post COVID-19 fragile economic recovery.
44. It is noted that some large employment land sites within the inner urban area are being proposed for re-development for major new housing within the council's emerging Local Plan Review. Examples include land at Birmingham New Road, proposed for 472 new build residential dwellings. (site area 26.4 Hectares). DLP Part Two reference HO31 (site ref: CFS/SHLAA/Dev Strat) H16.1, referred to on page 212 of the DLP Part Two report (October 2024). Losing large areas of existing employment land within the inner urban area is not promoting sustainable patterns of development. The position is clear, the council's Planning Policy Team is promoting inappropriate, damaging and unsustainable patterns of development within the local area, contrary to the "Sustainability" tests of Soundness set out under paragraph 35 (indent d) of the Revised NPPF (December 2023). The emerging Local Plan Review has also failed to consider "Reasonable alternatives" in relation to the loss of inner urban area large employment land sites. As well as failing the Sustainability test the Local Plan Review is therefore also failing Soundness tests set out under paragraph 35 (indent b) of the Revised NPPF (2023) given its continued failure to consider reasonable alternatives. The council should be releasing land from the Green Belt south of Stourbridge to help deliver thousands of new homes in order to help maintain a sufficient supply of employment land within the Dudley Borough inner urban area to help meet local community needs.

45. The Sustainability Appraisal (SA) has failed to adequately and robustly consider the loss of employment land sites within the inner urban area and has also not thoroughly investigated Reasonable alternatives – in terms of loss of employment land sites. It is therefore failing Soundness tests in paragraph 35 (indents b and d) of the Revised NPPF (December 2023).
46. There is a lack of sufficient in-house specialist technical expertise within both Dudley Council's Planning Policy and Development Management Teams to effectively deliver Net Zero policies being taken forward within the emerging Local Plan Review. This will have a damaging impact on the private sector bringing forward new planning applications as the council will continue to use a one-size-fits-all approach and continue to place excessive and heavily onerous demands on private sector housing developers bringing forward new planning applications. A more flexible planning policy approach should be used by the LPA in relation to these policy requirements, given the highly adverse economic circumstances currently affecting housing developers. This flexible planning policy approach will not be possible given the lack of in-house technical expertise.
47. Goldfinch Town Planning Services has concerns that highly onerous Climate Change Net Zero policies are being taken forward within the emerging Local Plan Review which will place a financially damaging burden on new housing development proposals coming forward at a time when the house building construction industry is operating within a severe 300-year-economic recession-event climate, and at a time when the construction industry is being adversely affected by prolonged and stubbornly high interest rates, high inflation and a varied range of other factors considered within the Appendix section of this Local Plan Representation. The Council should ensure that the approach taken towards Local Plan preparation is based on the most up-to-date and robust economic evidence in order for the Plan making approach to respond effectively to paragraphs 31, 35 (indent b) and 86 (indent d) of the Revised NPPF (December 2023).
48. The LPA is taking forward a seemingly inflexible, heavily out-of-date, unsound, unreasonable, financially unsustainable and highly onerous affordable housing (30% affordable housing target) planning policy regime, an onerous Community Infrastructure Levy (CIL) and planning obligations policy regime into the emerging Local Plan Review (2024). These policies, such as affordable housing policy, are fixed and based on heavily out-of-date and no longer reliable planning policy assumptions made a number of years ago now, as part of the evidence base work previously undertaken for the now collapsed Black Country Plan (BCP) Review (Autumn 2022). This BCP Review not fit-for-purpose evidence base work is based on insufficiently robust and heavily out-of-date pre-COVID-19 economic data which is no longer defensible, reliable or sufficiently robust. This planning policy approach is therefore in direct conflict with guidance reinforced within paragraphs 31, 35 (indent b) and 86 (indent d) of the Revised NPPF (December 2023). Future Policy formulation and policy shaping needs to remain significantly more responsive to the adverse economic

landscape now facing housing developers operating across the Black Country sub-region for the various economic factors discussed within this Local Plan Representation now facing the construction industry. The LPA cannot continue to keep placing unreasonable, financially onerous and financially damaging planning policy demands on rural landowners and housing developers within the borough during a severe 300-year-economic-recession-event.

49. Supporting the future vitality and viability of Brierley Hill High Street is considered very important. Photographic evidence within this Local Plan Representation shows the extensive town centre decline of this once vibrant town centre location.
50. The Brierley Hill Waterfront night-time economy has declined and suffered within this once thriving and busy night-time entertainment district over the last 30 years. This area requires strong planning policy protection going forwards within Dudley Council's emerging Local Plan Review (2024/ 2025), in order to help resurrect future night time industry uses (nightclubs, bars and restaurants) at the waterfront location. This area can play a key role in regenerating the local area in future years as the long-term economic recession gradually starts to subside, and as more supportive policies are provided for the night-time entertainment industry by central government (London) – including reversing some of the extensive damage caused to the night-time entertainment industry by Labour's recent Autumn 2024 Budget.
51. Within Dudley Council's emerging Local Plan Review, a very long-term planning policy view point should therefore be taken for this important and special location, the Brierley Hill Waterfront. In order to help protect this area's important future role and function for providing an important night-time entertainment district (important for both job creation and to encourage new inward investment opportunities). As well as safeguarding this area's role as an important future office work location. This area has huge potential to return back to a busy night-time entertainment area in future years, and as an important office work destination. The loss of extensive public carparks serving the Brierley Waterfront location to new housing development within the council's emerging Local Plan Review, will have a damaging impact upon the economic vitality, health and viability of this location.
52. Consistent and repeated failures of centres and retail studies and employment land previous background technical evidence base studies used to support earlier Dudley Borough Local Plan Reviews, the adopted Black Country Core Strategy (2011), and the now collapsed Black Country Core Strategy (BCCS) Review (Autumn 2021). Failure to deliver meaningful changes on the ground and deliver fit-for-purpose and effective planning policy approaches for earlier Local Plan Reviews. Previous centres studies prepared by private sector planning consultants are clearly not fit-for-purpose and do now warrant the significant financial expense of commissioning these documents from so called retail and employment land specialist private sector planning consultancies. The Council now needs to use in-house expertise to complete such studies to avoid previous retail study failings, which consistently fail to deliver any

meaningful and effective on-the-ground improvements within the borough's main town centre locations centres.

53. Goldfinch Town Planning Services would suggest that the emerging Local Plan Review could be significantly strengthened and improved from a nature conservation new habitat creation planning policy perspective, by emphasising the important role that new high quality housing development schemes can play in helping to promote and deliver new on-site nature conservation habitat features, integral for helping to support the delivery of Biodiversity Net Gain (BNG) across the Dudley Metropolitan Borough.
54. Up-to-date photographic evidence within this Local Plan Representation provides robust and defensible evidence to demonstrate that extensive areas of Green Belt farmland located south of Racecourse Lane, Norton, Stourbridge has particularly suffered from significant environmental damage as a result of 70 years of successive intensive farming practices. Which have all resulted in the removal of miles of hedgerow networks, removal of woodland copses and blanket tree removal across vast areas of southern Green Belt countryside, loss of wetland habitat features, mature veteran and ancient trees, wildflower meadows, etc. This has all created a vast, open, sterile, prairie style "severely ecologically damaged and heavily eroded rural landscape," which now has no significant biodiversity interest.
55. There is therefore an significant opportunity to replace some of the threatened wildlife habitat features that have already been lost from this area of countryside, within a future new-build residential site layout coming forward as part of a future major housing-led sustainable urban extension, to help deliver net gains for biodiversity, consistent with the planning policy approach strongly encouraged in paragraphs 8 (indent c), 124 (indent a), 180 (indent d), 185 (indent b), and paragraph 186 (indent d) of the Revised NPPF (December 2023).
56. Guidance in paragraph 186 (indent d) of the Revised NPPF (December 2023) is perfectly clear in its view that development proposals whose primary objective is to conserve or enhance biodiversity should be strongly supported by Local Planning Authorities.
57. This biodiversity enhancement approach discussed above is also strongly supported and encouraged by guidance from the Birmingham and Black Country Local Biodiversity Action Plan (BAP), which, alongside the Birmingham and Black Country Wildlife Trust, are both highly supportive of new build housing development proposals which include measures which actively seek to support the recovery of vulnerable and highly fragile populations of Priority Wildlife Species, and the recovery of priority wildlife habitat features across the wider Birmingham and Black Country sub-region. These measures are also likely to be supported by ecologists working within Dudley Council's own Countryside Services Team and by ecologists working within the Council's Planning Policy and Development Management Teams.
58. Dudley Council's Planning Policy Team cannot continue to ignore planning policy guidance set out within paragraph 186 (indent d) of the Revised NPPF



(December 2023), which confirms that: "...Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate..."

59. There is therefore a sufficiently robust, clear and compelling planning policy case to release the area of Green Belt farmland located south of Racecourse Lane, Norton, Stourbridge for a major new housing-led sustainable urban extension, in order to help deliver substantial new nature conservation habitat creation/ green infrastructure benefits and climate change resilience features (via significant new tree planting and wetland habitat creation features), within an area of currently severely ecologically damaged intensive farmland.
60. The LPA is not promoting climate change resilience measures within its proposed spatial planning policy approach being taken towards the distribution of new development. We are alarmed that the council's planning policy team considers it appropriate to re-develop established urban woodlands within heavily constrained urban areas for new housing development. The plan making approach being taken forward by the LPA strongly conflicts with climate change resilience focused national planning guidance set out under paragraphs 157 to 159 of the Revised NPPF (December 2023).
61. There is an increasing shortage and significant under-supply of urban green space natural green space areas, particularly within heavily urbanised parts of Halesowen, Stourbridge, central Dudley, Brierley Hill and Cradley Heath areas. This important urban green space planning policy issue has not been sufficiently taken into account by the LPA within the policy shaping exercise or the accompanying Habitat Regulations Assessment (HRA) and Sustainability Appraisal (SA). The plan-making approach is therefore insufficiently robust, not planning policy compliant, not fit-for-purpose, potentially vulnerable to later challenge, and contains significant gaps in green infrastructure focused technical evidence base coverage. The emerging Local Plan Review is promoting environmentally damaging and unsustainable patterns of development within the local area.
62. The Local Plan Review policy shaping and approach taken towards new housing site allocations is not supported by a sufficiently robust and up-to-date Green Space Audit (Open Space Needs Assessment), contrary to guidance within paragraph 102 of the Revised NPPF (December 2023).
63. Dudley Council's Planning Policy Team has completely neglected and disregarded the importance of ecological networks within heavily urbanised areas within its Local Plan preparation approach. The now advanced preparation stage emerging Local Plan Review (Reg 19) (Autumn 2024) is not based on a platform of sufficiently robust, fit-for-purpose or credible evidence, and fails the "Sustainability" tests of Soundness set out under paragraph 35 (indent d) of the Revised NPPF (December 2023).

64. The public consultation approach undertaken by Dudley Council's Planning Policy Team has been unfair and inadequate, resulting in substantial prejudice.
65. The public consultation approach has accommodated a number of failings. The public consultation approach is not considered to be fit-for-purpose or sufficiently robust. This is damaging towards local community confidence in the Local Plan making process, and alienates key stakeholders who feel excluded from the Local Plan-making process, due to the removal of key pieces of information from the public domain (e.g. Local Plan Representations made by other key stakeholders).
66. Large numbers of local residents, local businesses, landowners, housing developers, property investors, and other key stakeholders were completely unaware of the Autumn 2024 Regulation 19 Local Plan consultation.
67. Representations made by housing developers, private sector landowners, local businesses, property investors, planning consultants, local communities and other key stakeholders have been deliberately withheld from the public domain by the council's planning policy team as part of this Regulation 19 (Autumn 2024) and the earlier Regulation 18 (Autumn 2023) Local Plan public consultation stages. The approach lacks sufficient transparency, is unfair and unreasonable, and has placed key stakeholders at a considerable disadvantage as they have not been able to view comments and concerns raised by other stakeholders. As stated above, the public consultation approach undertaken by Dudley Council's Planning Policy Team has been unfair and inadequate, resulting in substantial prejudice. We object to the way that key stakeholders have been excluded and obstructed from the Local Plan making process by a failed and ineffective public consultation approach.
68. The 'Local Plans Consultation Portal' (Opus Consult) is unclear, not fit-for-purpose and highly confusing for members of the public and other key stakeholders. This creates a restrictive approach and forms a barrier to effective community engagement, in direct conflict with paragraph 16 (indent c) of the Revised NPPF (2023). These types of public consultation portals which are both highly ineffective, take far too long in terms of timescale for members of the public to use, and are unnecessarily complex, and are not effective ways for Local Planning Authorities to consult local communities for Local Plan Reviews. LPA's should now therefore start to finally begin to accept that these types of public consultation portals are completely ineffective, as well as a considerable waste of local Council Tax payers money. Given that these IT systems are very expensive to maintain due to the high financial service charges costs from the private sector IT companies that own and manage these consultation portals. The public consultation approach undertaken by the LPA is therefore ineffective, is inadequate, results in substantial prejudice – particularly towards those key stakeholders described above.
69. The public consultation approach taken towards this Regulation 19 consultation (Autumn 2024) and the earlier Autumn 2023 Regulation 18 consultation has not proved "effective" or fit-for-purpose, and has therefore failed to respond robustly to guidance reinforced within paragraph 16 (indent c) of the Revised NPPF

(2023), which is perfectly clear that: "...Plans should: (indent c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees..."

70. The emerging Local Plan Review does not contain an Infrastructure Delivery Plan (IDP). The Plan-making approach is therefore not based on proportionate evidence and therefore fails Soundness tests specified under paragraph 35 (indent b) of the Revised NPPF (December 2023).
71. For far too many years the Black Country Council's Planning Policy Teams have consistently failed to get a grip of the problem of appropriately dealing with the problem of severe traffic congestion when preparing emerging Local Plan Reviews. These problems and substantial planning policy failures stem all the way back to the adopted Black Country Core Strategy (BCCS) (2011).
72. Dudley and the wider Black Country sub-region continues to suffer with poor economic regeneration jobs growth in comparison to other parts of the UK. Such as the home counties surrounding London, and places like Oxfordshire, South Warwickshire and Northamptonshire. This should therefore be a key Local Plan priority. The Black Country sub-region is falling far behind other parts of the UK given its continued very weak economic performance, subdued and poor-quality new jobs growth. This is harming local communities. The Index of Multiple Deprivation (IMD) (2019) confirms that: "...19% of people living in the Black Country are in the top 10% most deprived areas..." The Black Country area is experiencing continued and long-standing high levels of unemployment and social and economic disadvantage. Reducing the supply of existing employment land sites within the Dudley Metropolitan Borough within the emerging Local Plan Review will make this situation far worse will eliminate any prospects of significant future economic recovery within the local area. This approach is failing local communities.
73. The Council's Planning Policy and Development Management Teams now "Need to get the balance right" in relation to how the LPA responds to the critical climate change emergency within the Dudley Metropolitan Borough. This is relevant given that the Met Office reported during early January 2024 that the UK experienced its second warmest year on record during the year 2023. These global records are bringing the world closer to breaching key international climate targets.
74. We question the robustness of the air quality assessments submitted to support the council's emerging Local Plan Review. We are concerned that the air quality assessments do not consider all the likely air quality effects of the development in combination, and against a reliable baseline of existing air quality.
75. There are already air pollution exceedances, particularly NOx, in heavily urbanised parts of the Dudley Metropolitan Borough. The proposed spatial planning policy approach towards the distribution of new housing development within the urban area and removal of urban woodlands would only worsen air quality issues, resulting in damaging impacts on local residents and their health. The Council is being both irresponsible and negligent in its duty of care and

function as the Local Planning Authority, in its failure to protect public health from proposals within the emerging Local Plan Review which will cause severe air quality safety concerns. We have concerns about the ongoing failure of the LPA to protect public health within policies being brought forward through the emerging Local Plan Review. Dudley Council has a Legal duty under Article 2 of the Human Rights Act (1998) to ensure that the health of its local residents is protected when the Council is making decisions on formal planning applications, and when the Council's Planning Policy Team is preparing emerging Local Plan Reviews (Development Plan Reviews).

76. The Dudley Metropolitan Borough is a heavily urbanised area with its own set of problems. Given the long-standing severe social and economic challenges that this area continues to face (such as poor jobs growth, low levels of new inward investment, and substantial decline in the once thriving manufacturing sector industries), the Council should be prioritising high quality economic regeneration jobs growth to the borough's existing industrial estates. To help support high quality new job creation opportunities, and positive new inward investment opportunities - which the local area so desperately needs. The proposals being taken forward within the emerging Local Plan Review fail to deliver on any of these key economic objectives, and will only serve to harm future economic recovery, encouraging new business investment growth opportunities to re-locate and focus outside of the Dudley Metropolitan Borough, in other parts of the neighbouring Black Country sub-region. The proposals being taken forward within the Local Plan Review fail to give the Dudley Metropolitan Borough local area an economic edge and advantage over the neighbouring Black Country Borough's, and wider West Midlands Region. We have particular concerns relating to the loss of existing employment land sites within the Dudley Borough urban area as already discussed further above, as well as damaging policies being taken forward on extensive public car parks adjacent to the Brierley Hill Waterfront. The proposals being brought forward through the emerging Local Plan Review will harm the economic outlook and recovery of the local area, failing to respond effectively to guidance in paragraph 38 of the Revised NPPF (December 2023) which confirms that: "...Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area..."
77. The Council's economic regeneration approach for the borough lacks sufficient ambition. The Plan is not being Positively prepared in direct conflict with Soundness tests set out under paragraph 35 (indent a) of the Revised NPPF (December 2023). Proposals which will harm the local areas economic outlook and recovery, and which will discourage new business inward investment opportunities should not be supported by the LPA within the emerging Local Plan Review.

## **APPENDIX 1 – Photographs**

Photographs copyright (2024), Goldfinch Town Planning Services (West Midlands).

All site photographs within this document were taken by Goldfinch Town Planning Services (West Midlands) on both the 24<sup>th</sup> November 2023 and the 12<sup>th</sup> November 2024. This Local Plan Representation is therefore based on a platform of sufficiently robust, defensible and up-to date evidence consistent with guidance reinforced within paragraph 31 of the Revised NPPF (December 2023), which confirms that: “...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence...”

### **Photograph 1**

View looking west showing Green Belt countryside located south of Racecourse Lane, Norton, Stourbridge, West Midlands.

(Photograph date: 24<sup>th</sup> November 2023).



## **Photograph 2**

View looking south showing Green Belt countryside located south of Racecourse Lane, Norton, Stourbridge, West Midlands. Photograph shows robust and defendable evidence of extensive landscape and ecological habitat damage caused by 70 years of successive intensive farming practices. These intensive farming practices have also substantially eroded and damaged the rural landscape quality, local distinctiveness, character and appearance of this area. We are dismayed and disappointed that Dudley Council's Planning Policy Team still continues to apply a not fit-for-purpose and one-size-fits-all planning policy approach towards landscape protection and sensitivity matters within the borough's southern Green Belt, and still continues to attach considerable and unjustified levels of landscape importance and sensitivity to this specific countryside location. Which, in Goldfinch Town Planning Services view, is of a low landscape quality and sensitivity, and which has no particularly special landscape significance or biodiversity interest. The Council's Planning Policy Team's position on these matters is no longer sufficiently robust or defendable.

(Photograph date: 24<sup>th</sup> November 2023).



### **Photograph 3**

View looking south-east showing Green Belt countryside located south of Racecourse Lane, Norton, Stourbridge, West Midlands. Photograph shows extensive landscape and ecological habitat damage caused by 70 years of successive intensive farming practices. Blanket tree removal across large expanses of countryside has resulted in a sterile and severely damaged rural landscape, which provides no climate change mitigation resilience features to help tackle the worsening Black Country Urban Heat Island Effect, poor urban air quality levels, sustainable urban drainage, etc. This intensively farmed landscape does not contain any beneficial wildlife habitats, such as wetland habitats, species rich native flower meadows, extensive areas of native species broadleaved deciduous woodlands, lowland heath habitats, etc. Dudley Council's Planning Policy Team has attached an unreasonable, completely unjustified and disproportionate level of landscape planning policy sensitivity and nature conservation sensitivity and importance to this rural location within its emerging Local Plan Review (2024/ 2025). Natural green space areas within the Dudley Borough's inner urban area have significantly increased levels of biodiversity importance and sensitivity and outdoor recreational importance for local communities in comparison to this intensively farmed rural location. Dudley Council's Planning Policy Team has substantially failed to take on board these critically important issues within its plan-making and policy shaping approach being taken forwards within its emerging Local Plan Review (2024/ 2025).

(Photograph date: 24<sup>th</sup> November 2023)



#### **Photograph 4**

View looking south-east showing Green Belt countryside located south of Racecourse Lane, Norton, Stourbridge, West Midlands. View showing abandoned and derelict former agricultural buildings which make a poor-quality visual contribution towards the surrounding location.

(Photograph date: 24<sup>th</sup> November 2023).





### **Photograph 5**

View looking south-west showing Green Belt countryside located south of Racecourse Lane, Norton, Stourbridge, West Midlands. Showing derelict agricultural buildings which make a poor-quality visual contribution to the surrounding rural landscape.

(Photograph date: 24<sup>th</sup> November 2023).



**Photograph 6**

View showing Green Belt countryside located south of Racecourse Lane, Norton, Stourbridge, West Midlands. Showing the presence of long established heavily urbanising features within the damaged Green Belt rural landscape.

(Photograph date: 24<sup>th</sup> November 2023).



## **Photograph 7**

View showing Green Belt countryside located south of Racecourse Lane, Norton, Stourbridge, West Midlands. Showing the presence of long established heavily urbanising features within the damaged Green Belt rural landscape.

(Photograph date: 24<sup>th</sup> November 2023).



### **Photograph 8**

View of long-established residential occupiers located along Racecourse Lane, Norton, Stourbridge.

(Photograph date: 24<sup>th</sup> November 2023).



**Photograph 9**

View of Fairways Avenue, Norton, Stourbridge (immediately bordering Racecourse Lane) showing long-established residential occupiers.

(Photograph date: 24<sup>th</sup> November 2023).



## **Photograph 10**

Photograph of Brierley Hill Waterfront showing vacant ground floor units previously occupied by a former nightclub use. The night-time economy has declined and suffered within this once thriving and busy night-time entertainment district over the last 30 years. This area requires strong planning policy protection going forwards within Dudley Council's emerging Local Plan Review (2024/ 2025) in order to help resurrect future night time industry uses (nightclubs, bars and restaurants) at the waterfront location. This area can play a key role in regenerating the local area in future years as the long-term economic recession gradually starts to subside, and as more supportive policies are provided for the night-time entertainment industry by central government (London) – including reversing some of the extensive damage caused to the night-time entertainment industry by Labour's recent Autumn 2024 Budget. Within Dudley Council's emerging Local Plan Review, a very long-term planning policy view point should therefore be taken for this important and special location, the Brierley Hill Waterfront. In order to help protect this area's important future role and function for providing an important night-time entertainment district (important for both job creation and to encourage new inward investment opportunities). As well as safeguarding this area's role as an important future office work location. This area has huge potential to return back to a busy night-time entertainment area in future years, and as an important office work destination.

(Photograph date: 24<sup>th</sup> November 2023).



Representations by Goldfinch Town Planning Services (West Midlands) to Dudley Council's Local Plan Review Publication Stage Report (Reg 19) (October 2024)

## **Photograph 11**

Photograph of Brierley Hill Waterfront showing vacant ground floor units previously occupied by a nightclub.

(Photograph date: 24<sup>th</sup> November 2023).



## **Photograph 12**

Photograph of Brierley Hill Waterfront showing office uses on upper floors. The wider Brierley Hill Waterfront area provides a critically important office work location (providing modern and good quality office provision) which should be recognised in Dudley Council's emerging Local Plan Review with appropriate and suitably robust planning policy protection measures.

(Photograph date: 24<sup>th</sup> November 2023).





### **Photograph 13**

View of extensive public car parking areas serving existing long-established office uses located at the Brierley Hill Waterfront. This extensive public car parking area helps to protect the business viability of office uses located at the Brierley Hill Waterfront, which forms a major employer within the Dudley Metropolitan Borough, employing thousands of office workers. This extensive public car parking area is being proposed for major new housing development within Dudley Council's emerging Local Plan Review (2024). Goldfinch Town Planning Services has concerns that Dudley Council's emerging Local Plan Review (2024/ 2025) is failing to promote the most sustainable patterns of new development contrary to the "Sustainability" tests of Soundness as set out under paragraph 35 (indent d) of the Revised NPPF (December 2023).

(Photograph date: 12<sup>th</sup> November 2024).



### **Photograph 14**

View of extensive public car parking areas serving long-established existing office uses located at the Brierley Hill (Merry Hill) Waterfront. The Brierley Hill Waterfront continues to serve as a major employer employing thousands of office workers who rely heavily on this public car park. It is important that these employment locations are protected within Dudley Council's emerging Local Plan Review, particularly during the very fragile post-COVID-19 economic recovery and during the severe economic recession and cost-of-living-crisis. Developing this extensive public car parking area for major new housing development is likely to have a damaging impact on the future business viability of businesses located at the Brierley Hill (Merry Hill) Waterfront. Losing this extensive public car parking area is also likely to further harm the business viability of the last remaining few bars and restaurants located along the canal side waterfront.

(Photograph date: 12<sup>th</sup> November 2024).



**Photograph 15**

View of established high quality modern office uses located at the Brierley Hill Waterfront.

(Photograph date: 12<sup>th</sup> November 2024).



## **Photograph 16**

View of established high quality modern office uses located at the Brierley Hill Waterfront.

(Photograph date: 12<sup>th</sup> November 2024).



### **Photograph 17 – Taking forward undeliverable housing site allocations**

Photograph of Daniels Land located adjacent to the Copthorne Hotel, Brierley Hill Waterfront, Level Street, Brierley Hill, West Midlands. This parcel of land has previously been allocated for major new build housing in a number of previous Dudley Borough Local Plan Reviews. The site shown in the below photograph also has planning consent for major new housing. Daniels Land has consistently failed to come forward over an extensive timeframe over the last 23 years, despite being allocated for major new housing development in various other previous Dudley Borough Local Plan Reviews. Most notably, the site in question was previously allocated for major new housing development within Dudley Council's adopted Unitary Development Plan (UDP) (2002), adopted Black Country Core Strategy (BCCS) (2011) and the adopted Dudley Borough Development Strategy (DBDS) (2017). Goldfinch Town Planning Services has increasing concerns that Dudley Council's Planning Policy Team is taking forward completely undeliverable housing site allocations within its latest emerging Local Plan Review (October 2024), contrary to guidance reinforced within paragraphs 16 (indent b) and 35 (indent c) of the Revised National Planning Policy Framework (NPPF) (December 2023). The tests of soundness for Local Plan preparation are set out within paragraph 35 of the Revised NPPF (December 2023). Paragraph 35 (indent c) of the Revised NPPF (2023) is perfectly clear in its view that: "...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (indent c) Effective – deliverable over the plan period..."

(Photograph date: 24<sup>th</sup> November 2023).



Representations by Goldfinch Town Planning Services (West Midlands) to Dudley Council's Local Plan Review Publication Stage Report (Reg 19) (October 2024)

**Photograph 18**

New housing sites allocated in previous Dudley Borough Local Plan Reviews which have consistently failed to come forward over the last 23 years. Photograph of Daniels Land, located adjacent to the Cophorne Hotel, Brierley Hill Waterfront (Level Street, Brierley Hill). The reinforced concrete pile foundations for a future residential apartment scheme are visible within this photograph. These pile foundations were installed over 20 years ago.

(Photograph date: 24<sup>th</sup> November 2023).



**Photograph 19**

View of Daniels Land, Brierley Hill.

(Latest updated photographic evidence taken on the 12<sup>th</sup> November 2024).



## **Photograph 20 – Taking forward undeliverable housing site allocations**

Photograph of Land at Old Wharf Road, Stourbridge, West Midlands, located on the north west edge of Stourbridge Town Centre. This site continues to be proposed for major new housing development within Dudley Council's latest emerging Local Plan Review (October 2024). Referred to on page 208 of the DLP – Part Two Report (October 2024). Referred to as proposed new housing site allocation site reference DLP H002 (site ref (CFS/ SHLAA/ Dev Strat)) 22. Land at Old Wharf Road, Stourbridge. Proposed for 256 number new build residential dwellings (gross site area (Hectares) 7.02 (Ha).

The parcel of land in question has previously been allocated for major new build housing development in a number of other previous Dudley Borough Local Plan Reviews. Most notably Dudley Council's previously adopted Dudley Borough Unitary Development Plan (UDP) (2002), the adopted Black Country Core Strategy (BCCS) (adopted 2011), the Stourbridge Area Action Plan (AAP) (adopted 2013) and the Dudley Borough Development Strategy (DBDS) (adopted 2017). The site shown in the below photographs also has planning consent for major new housing development. Land at Old Wharf Road has consistently failed to come forward over an extensive timeframe over the last 23 years, despite being allocated for new housing development within a range of other previous Dudley Borough Local Plan Reviews referred to above. Goldfinch Town Planning Services has concerns that Dudley Council's Planning Policy Team is taking forward completely undeliverable housing site allocations within its latest emerging Local Plan Review (October 2024), contrary to deliverability-focused guidance reinforced within paragraphs 16 (indent b) and 35 (indent c) of the Revised NPPF (December 2023). The tests of soundness for Local Plan preparation are set out within paragraph 35 of the Revised NPPF (December 2023). Paragraph 35 (indent c) of the Revised NPPF (2023) is perfectly clear in its view that: "...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (indent c) Effective – deliverable over the plan period..."

(Photograph date: 12<sup>th</sup> November 2024).



Representations by Goldfinch Town Planning Services (West Midlands) to Dudley Council's Local Plan Review Publication Stage Report (Reg 19) (October 2024)



### **Photograph 21 – Taking forward undeliverable housing site allocations**

Photograph of land at Old Wharf Road, Stourbridge, West Midlands, located on the north west edge of Stourbridge Town Centre.

(Photograph date: 12<sup>th</sup> November 2024).



**Photograph 22 – Taking forward undeliverable housing site allocations**

Photograph of land at Old Wharf Road, Stourbridge, West Midlands, located on the north west edge of Stourbridge Town Centre.

(Photograph date: 12<sup>th</sup> November 2024).



### **Photograph 23 – Taking forward undeliverable housing site allocations**

Photograph of the River Stour watercourse which extends directly through the central part of the Old Wharf Road site land parcel, Stourbridge.

The Old Wharf Road site suffers from a number of challenges and difficult site constraints, including significant flood risk pressures from the River Stour watercourse which extends directly through the central part of the proposed new major housing site allocation, from heavily onerous historic environment constraints due to the presence of Listed Buildings and the immediately adjacent designated Stourbridge Branch Canal Conservation Area, contaminated land, difficult ground conditions, from wildlife corridor nature conservation constraints, Japanese Knotweed invasive plant species, poor quality and heavily constrained vehicular access constraints, poor urban air quality (primarily from vehicular traffic related air pollution), and from traffic congestion alongside the adjacent Stourbridge Ring Road.

(Photograph date: 12<sup>th</sup> November 2024).



**Photograph 24**

View of semi-mature broadleaved woodland immediately bordering the Old Wharf Road site land parcel, Stourbridge. The Old Wharf Road site falls within a strategic wildlife corridor (landscape-scale wildlife corridor of borough-wide significance) which follows the River Stour and Stourbridge Branch Canal networks. The presence of this wildlife corridor provides further site constraints for the Old Wharf Road proposed new housing site allocation.

(Photograph date: 12<sup>th</sup> November 2024).



## **Photograph 25**

Showing the condition of poorly maintained external building facades above existing ground floor shops located along Brierley Hill High Street Conservation Area during November 2024. Showing the range of very poor-quality shopping offer currently located along Brierley Hill High Street Conservation Area during November 2024. Goldfinch Town Planning Services remains unconvinced that policy measures being taken forwards through Dudley Council's emerging Local Plan Review Publication Stage Plan (Regulation 19) (October 2024) will provide effective planning policy solutions, interventions and measures to help prevent further levels of decline within this currently failing centre.

(Latest updated photographic evidence taken on the 12<sup>th</sup> November 2024).



Representations by Goldfinch Town Planning Services (West Midlands) to Dudley Council's Local Plan Review Publication Stage Report (Reg 19) (October 2024)

## **Photograph 26**

Showing the range of very poor-quality shopping offer currently located along Brierley Hill High Street Conservation Area during November 2024. Goldfinch Town Planning Services remains unconvinced that policy measures being taken forwards through Dudley Council's emerging Local Plan Review Publication Stage Plan (Regulation 19) (October 2024) will provide effective planning policy solutions, interventions and measures to help prevent further levels of decline within this currently failing centre. The Plan will do little to help improve the vitality and viability of this centre and improve its economic health.

(Latest updated photographic evidence taken on the 12<sup>th</sup> November 2024).



## **Photograph 27**

Poor quality shopping offer within Brierley Hill High Street Conservation Area which harms the vitality and viability of High Street and discourages new inward investment opportunities.

(Photograph date: 24<sup>th</sup> November 2023).



## **Photograph 28**

Poorly maintained external building facades above existing ground floor shops along Brierley Hill High Street Conservation Area.

(Latest updated photographic evidence taken on the 12<sup>th</sup> November 2024).





## **Photograph 29**

Vacant ground floor retail units and poorly maintained shop frontages along Brierley Hill High Street Conservation Area.

(Photograph date: 24<sup>th</sup> November 2023).



## **APPENDIX 2**

### **Significant financial cost pressures now adversely affecting private sector housing developers (small, medium-sized and large-scale volume housebuilders) and urban and rural landowners within both the Black Country sub-region area and across the wider United Kingdom.**

There are a significant number of severe, complex and wide ranging unprecedented financial cost pressures now facing private sector housing developers, private sector landowners and property investors operating across the Black Country sub-region area, and the wider UK. These varied pressures include:

1. Significant financial costs increase pressures (sharp price increases) in the costs of purchasing commonly used building construction materials. Due to shortages of supply of building materials (supply chain issues and global raw materials shortages). As well as increased financial cost pressures as a direct result of prolonged and stubbornly high inflation, higher interest rates, and high energy prices. Combined with the increasing high demand for construction materials as a result of Brexit and the recent coronavirus pandemic (COVID-19) lockdowns. (The significant recent increases in the costs of building construction materials continues to be one of the main dominant concerns of the UK private sector house building construction industry).
2. Significantly increased costs of manufacturing construction materials, such as steel, bricks and pre-cast concrete products, due to prolonged and significantly higher UK and worldwide energy prices. For example, steel, pre-cast concrete products and bricks are all very energy inefficient to produce and rely on using considerable amounts of oil and gas in their manufacturing processes. Higher gas/ oil/ electricity energy prices have substantially increased costs of producing these commonly used building construction materials.
3. The rise in building material prices in the UK is having a significantly damaging impact on property developers, making it more expensive to build new homes, convert existing buildings to residential apartments, and complete commercial development projects. This is impacting profitability and forcing developers to make difficult choices about their projects.
4. The increased costs of building construction materials is reducing profitability for developers. This is because they are still selling new homes and commercial properties at the same prices, but their costs are now much higher. This is significantly impacting upon financial profit margins.
5. Severely constrained housing land supply across the UK, making it significantly more financially expensive for housing developers to bring forward new housing development schemes due to very high land purchase costs.
6. Severe shortages of experienced, skilled, time-served and specialist construction labour (skilled trades shortages such as bricklayers, gas

- engineers, carpenters, plumbers and electricians) which has resulted in increased costs associated with employing skilled construction labour. (Alongside concerns about the significant financial costs of building construction materials, the significant decline in the number of experienced trades people (skilled labour shortages) is one of the other main dominant concerns affecting the UK private sector house building construction industry).
7. The ageing workforce in the UK construction industry. Many highly experienced bricklayers for example are now near retirement age in the UK. This is contributing to general labour shortages of highly experienced, skilled and time-served construction trades people.
  8. An unprecedented 300-year-economic-recession-event now adversely affecting the Black Country sub-region and wider UK economy, caused by the unprecedented levels of UK government (UK government debt) borrowing at the height of the global coronavirus pandemic (COVID-19). The UK economy is currently struggling and experiencing very weak to non-existent economic growth over a prolonged period of time, weighed down as a result of billions of pounds of a public debt mountain currently affecting the UK economy. The economic downturn affecting the UK economy has been made worse by policies being brought forward through Labour's recent Autumn 2024 Budget.
  9. A continued UK wide very high and excessive taxation burden adversely affecting private sector housing developers, property investors, private sector landlords and private sector urban/ rural landowners. This completely excessive and financially damaging taxation burden affecting the private sector has been made far worse by further tax increases delivered through the 30<sup>th</sup> October 2024 UK Autumn Budget.
  10. The damaging impact of Labour's Autumn 2024 Budget on the UK private sector house building construction industry and property investors. Including the impact of significant increases in private sector employer National Insurance (NI) contributions – resulting in considerably higher staffing costs, increased Capital Gains Tax by 24% collectively, higher Stamp Duty costs, the increased continued unsustainable business rates burden, and plans to upgrade worker's rights - which will add significant financial costs and complexity. Ultimately, the higher taxation burden introduced by Labour's Autumn 2024 Budget will have a damaging financial impact on the UK private sector house building construction industry, significantly affecting their already narrow profit margins, undermining business viability and confidence, and the ability of firms to continue to invest in future new projects. The huge and unprecedented scale of the tax rises burden announced through the Autumn 2024 budget will have a damaging impact on economic growth across the already severely struggling Black Country sub-region (which continues to struggle with failure and weak economic growth) and across the wider UK economy.
  11. The damaging financial impact of Labour's Autumn 2024 Budget on farmers and rural landowners as result of inheritance tax changes and reforms to agriculture and business property relief. This could affect housing delivery in areas of countryside bordering urban areas and affect rural landowner's future

- investment decisions, affecting Labour's housing policy, and Labour's ambitious (and potentially undeliverable) plans to significantly increase housing supply across the UK by a total of 1.5 million new homes over the next 5 years.
12. "...Labour's Autumn 2024 Budget set out planned increases in public spending of an average of £69.5 billion, or 2.2% of Gross Domestic Product (GDP), a year from 2025/ 2026. On average, two-thirds of this increase will go on current, or day-to-day, spending and one-third on capital spending such as transport, housing, and research and development (R&D)..." (Source: House of Lords Library (London), November 2024).
  13. Significantly increasing financial cost pressures facing housing developers due to significantly higher borrowing costs, as a result of prolonged and stubbornly high inflation and high interest rates affecting the UK economy.
  14. The impacts of increased global economic uncertainty caused by the ongoing Russia and Ukraine War conflict, and considerable uncertainty in the Middle East as a result of the currently escalating Israel – Gaza conflict.
  15. Ongoing UK wide severe cost-of-living-crisis adversely affecting consumer confidence and reduced demand for buying new homes. Due to job security concerns of prospective house purchasers, and significantly higher mortgage borrowing costs, tighter household budgets as a direct result of prolonged and stubbornly high inflation and high interest rates.
  16. The above has resulted in slower sales for new build housing development schemes.
  17. Highly onerous, unreasonable, totally excessive and totally financially unsustainable social housing (affordable housing) targets set by LPA Planning Policy Teams which is collapsing the financial viability of many new housing schemes, causing a damaging impact on housing delivery across the UK. Dudley Council's proposed heavily onerous and completely financially unsustainable 30% affordable housing target being brought forward through the council's emerging Local Plan Review (2024) is likely to collapse the financial viability of many future new housing sites coming forward within the borough over the next 20 years, affecting the council's ability to meet Local Plan house building targets.
  18. Council's expecting housing developers to address the shortfall in council funding as a result of 20 years of financial austerity measures being imposed by the previous Conservative government. Combined with the rapidly increasing service delivery costs on council's caused by delivering the adult social care burden (elderly care) and care of children with complex care needs. Council's across the UK are increasingly expecting housing developers to unfairly make up some of the shortfall and share the financial burdens which have absolutely nothing to do with the private sector house building construction industry.
  19. There is an urgent need for an overhaul of the UK town planning system to deliver much-needed planning reforms, to help simplify and streamline processes, remove unnecessary red tape, tackle years of failure and non-delivery, onerous constraints and the regulatory burden regime to help create much-needed efficiency for private sector house building companies looking to

deliver housing at scale and at speed. This is compounded from 14-years-of-failure from the previous Conservative government, who oversaw repeated failures to intervene and successfully overhaul the UK planning system. The increasing shortage of public sector town planners and lack of resources, competency levels and technical town planning skills shortages within many LPA's across the UK due to years of financial austerity measures being imposed from central government (London) is causing further challenges.

20. There has been a prolonged house building slump in the UK since the start of the April 2020 global coronavirus (COVID-19) pandemic. This house building slump is continuing across the UK despite the recently elected new Labour government setting ambitious house building targets to deliver 1.5 million new homes over the next 5 years across the UK. These ambitious UK house building targets may later prove undeliverable based on past house building performance over the last 20 years in the UK.
21. Planning approvals for new houses in England have dropped to a 10-year low, according to new figures that underline how difficult it will be for Labour to hit its target of building 300,000 homes a year. The data, from the Home Builders Federation (HBF), shows the number of new houses being approved is just over half what it was three years ago, having fallen to a level not seen since 2014. (Source: The Guardian Newspaper, 20/09/2024 – article title: New home planning approvals in England fall to lowest level in a decade).
22. The drop in binding house building targets (removal of mandatory house building targets for local authorities) has affected new housing delivery. This policy decision made by the previous Conservative government has now recently been reversed by the new incoming Labour government, to try and boost housing delivery across the UK.
23. Significant financial costs of developing urban brownfield (previously-developed land) sites for new housing due to land contaminated issues, considerable highway access constraints, unreasonable and totally excessive Planning Policy and Development Management (DM) policy requirements, presence of Japanese Knotweed, ground stability issues, completely unsustainable, unreasonable and damaging historic environment constraints, increased build costs due to difficult ground conditions, etc - which all affect the financial viability of bringing forward urban brownfield sites for new housing.
24. Prolonged and stubbornly high energy prices across the UK.
25. Higher fuel prices (petrol and diesel).
26. Continued very weak economic growth across the UK affecting housing developer investment decisions and causing considerable uncertainty.
27. Prolonged and stubbornly high inflation and high interest rates.
28. Significant supply chain disruption problems: Some building construction materials are experiencing supply chain problems due to ongoing conflict in the Middle East affecting major global trade shipping lanes in the Gulf of Aden in the Red Sea in the Middle East. This is increasing financial costs of some building materials and components used in the UK house building construction industry. Shipping in the Gulf of Aden in the Red Sea is currently being affected by attacks by Houthi rebels in Yemen. This disruption in supply chains will bring

- a further spike in prices. The problem is potentially significant because the Suez Canal ordinarily handles 30% of all global container traffic and goods worth over USD\$1 trillion annually (equivalent to around 12% of global trade).
29. Uncertain/ changing planning rules due to a constantly changing UK planning system, political uncertainty, constant political interference in the UK planning system, a continued UK wide high planning policy burden/ red tape/ increasingly burdensome and highly onerous regulatory regime affecting housing developers. This is all affecting the financial viability of new housing schemes.
  30. Unfair and totally excessive financial demands and completely unrealistic expectations from Local Planning Authorities which is making some housing schemes completely financially unviable. Particularly with regards to Community Infrastructure Levy (CIL) excessive financial demands and other planning obligations demands, and financially unsustainable and excessive planning policy affordable housing requirements, etc.
  31. CIL is a completely unfair, unrealistic, highly onerous, financially damaging and unreasonable tax on the private sector house building development industry and private sector landowners, and is obstructing housing delivery across the UK due to making some schemes financially unviable. This is a particular problem facing the Black Country sub-region.
  32. Highly onerous, unfair and unreasonable, and totally excessive Planning Conditions requirements from many LPA's at the Development Management planning application stage.
  33. Highly onerous, unrealistic, excessive and financially damaging Net Zero Planning Policy requirements.
  34. Some Council Planning Policy/ Local Plans Teams who just seem to be completely unable to accept any form of constructive criticism and differences in opinion from private sector key stakeholders, in relation to views from stakeholders about various policies and plan-making approaches being brought forward through emerging Local Plan Reviews. Including matters connected to excessive CIL planning policy requirements, other proposed planning obligations, affordable housing requirements, Net Zero planning policy requirements, proposed spatial planning policy approaches, policy drafting matters, etc.
  35. An increasing excessive technical evidence base burden now required to accompany formal planning applications. This is significantly increasing financial cost pressures for housing developers and urban/ rural landowners, making it more difficult and financially expensive to bring forward new sites. It also results in substantial time delays during the LPA planning application registration stage process. Given the huge amount of technical evidence reports now required to accompany even very small-scale housing schemes below 10 residential units.
  36. The technical evidence base burden is completely excessive, disproportionate and financially unsustainable, and needs to be urgently and thoroughly investigated as part of emerging Planning Reforms being considered by the new UK Labour government. In order to help boost housing supply and

economic recovery across the Black Country sub-region and across the wider UK.

37. LPA town planners working in Development Management Teams experiencing completely unsustainable planning application caseloads (some council's now experience caseloads of 150+ planning applications for individual officers for example). This is adding significant time delays for private sector housing developers given that LPA's have not got sufficient staff resources in place due to 20 years of unfair financial austerity measures being imposed by central government. This is causing significant time delays and affecting housing delivery across the UK, combined with very poor quality officer decision making processes, far too much red tape/ regulatory pressures affecting developers.
38. The ongoing failure and continued refusal of many LPA's to take into account and remain sufficiently flexible in their financial demands and unreasonable planning policy expectations in relation to the rapid shift in highly adverse economic circumstances, and considerable financial pressures now facing private sector housing developers and urban/ rural landowners. Many LPA's across the UK have still failed to remain sufficiently flexible in their Development Management and Planning Policy plan-making policy drafting approaches, and continue to operate using completely unsustainable financial costings set at pre-COVID-19 economic levels. Failing council's need to ensure that these matters are given full consideration. Particularly in relation to highly onerous, unreasonable and excessive CIL financial demands, affordable housing, and other planning obligations demands - which are damaging housing delivery across the UK due to the adverse economic climate, and at a time when the UK economy is particularly struggling during the very fragile post-COVID-19 economic recovery.
39. The lack of private sector business experience of many LPA public sector town planners, and lack of commercial awareness.
40. LPA's should remain sufficiently flexible to adverse economic circumstances in their Development Management decision-making approach and their approach taken towards Local Plan-making in accordance with guidance reinforced within paragraph 86 (indent d) of the Revised NPPF (December 2023).
41. Paragraph 31 of the Revised NPPF (December 2023) confirms that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..."
42. On-going severe chaos, the division, failure, frequent infighting, internal power struggles, non-delivery and political uncertainty across the UK and at a local authority level, affecting private sector businesses investment decisions, and uncertainty relating to the UK town planning sector discussed further above.
43. Having assessed the evidence, we consider that the policy shaping exercise being taken forward within Dudley Council's emerging Publication Stage Report (Regulation 19) Local Plan Review (Autumn 2024) has substantially failed to sufficiently take into account the varied and complex range of factors discussed at length above, and the huge recent shift in highly adverse economic circumstances now facing private sector housing developers, private sector

rural and urban landowners, and property investors who operate across the Black Country sub-region.

44. On this basis, it is considered that the emerging Local Plan Review (2024) Publication Stage Report (Regulation 19) is failing to respond effectively to guidance reinforced within paragraph 86 (indent d) of the Revised NPPF (December 2023), which is perfectly clear in its view that: "...Planning policies should: (indent d) be flexible enough to accommodate needs not anticipated in the plan, ... and to enable a rapid response to changes in economic circumstances..." The Plan-making approach being taken forward by Dudley Council's Planning Policy Team also strongly conflicts with guidance expected by paragraph 31 of the Revised NPPF (December 2023) which confirms that: "...The preparation and review of all policies should be underpinned by relevant and up-to-date evidence..." The emerging Local Plan Review Publication Stage Report (Regulation 19) (2024) also fails tests of soundness for Local Plan making reinforced within paragraph 35 (indent b) of the Revised NPPF (December 2023), given that the emerging Local Plan Review is not based on 'proportionate evidence' as it has failed to remain sufficiently flexible and sensitive to significant recent rapid changes in highly adverse economic circumstances. Which have become more prominent and more severe since the start of the April 2020 global coronavirus (COVID-19) pandemic. Paragraph 35 (indent b) of the Revised NPPF (2023) states that: "...Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are: (indent b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence..."
45. Goldfinch Town Planning Services continues to maintain its view that Dudley Council's emerging Local Plan Review Publication Stage Report (Regulation 19) (October 2024) is not based on proportionate, defensible, sufficiently robust and up-to-date evidence. Given that it has substantially failed to accommodate and remain sufficiently flexible to the extensive range of adverse issues facing housing developers, property investors and landowners as discussed further above. The extensive range of issues described above have not been effectively shaped into the Local Plan-making approach currently being taken forward by the LPA, in direct conflict with guidance set out within paragraphs 31, 35 (indent b) and 86 (indent d) of the Revised NPPF (December 2023),





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Goldfinch Town Planning Services provide the following services to the house building development industry and both urban and rural landowners:

- Site feasibility studies and development site appraisals.
- Ability and knowledge to promote sites and influence policy through the local plan process.
- Land promotion activities.
- Planning Policy (Local Plans) specialists.
- All types of Local Plan Representations.
- Preparation of Planning Statement Reports to support both formal Planning Applications and emerging pre-application proposals.
- Call for Sites Representations to promote new housing land through LPA emerging Local Plan Reviews.
- Auditing and monitoring the performance and effectiveness of LPA Planning Policy and Development Management Teams on behalf of local businesses, landowners, the house building development industry, local communities and other interested key stakeholders.
- Determination and resilience.
- Preparation of Representations for housing developers to promote potential new housing development sites through LPA emerging Local Plan Reviews, on both greenfield and urban brownfield sites.
- Fully qualified town planners.
- General development site promotion work through the planning process.
- Greenfield and urban brownfield land housing development site promotion specialists.
- Promotion of housing development sites ranging from very small through to large-scale strategic housing development sites.
- Expert witness at Public Local Inquiries specialising in promoting urban brownfield land and greenfield housing development sites through the Local Plan Review process.
- Objections to other planning applications which could potentially have a damaging impact on our client's land interests.
- Tracking and monitoring service available for housing developers and urban/ rural landowners to monitor progress of LPA emerging Local Plan Reviews and subsequent public consultation timescales, to help assist in timely site promotion work at all Local Plan various Regulation 18 and 19 public consultation stages.
- Ecological services including incorporation of on-site and off-site nature conservation habitat features as part of new housing development proposals and habitat mitigation solutions.
- Supply, manufacture and installation of bat boxes to help support Biodiversity Net Gain (BNG) delivery as part of planning applications.
- Bat habitat mitigation specialists.
- Bat Emergence Surveys (dusk surveys).
- Bat foraging activity and commuting route dusk surveys.