

Representation form

Dudley Local Plan Publication Plan

Consultation October 2024



DUDLEY LOCAL PLAN

We are inviting your views on the publication version of the Dudley Local Plan. This form should be used to make comments (known as representations) in response to the consultation.

Guidance notes are available to help you complete this form and can be found online at www.dudley.gov.uk/localplan

The consultation period begins on Friday 18 October 2024, and closes at 5pm on Friday 29 November

Comments can be submitted:

Online: On our online portal available here www.dudley.gov.uk/localplan

By email: planning.policy@dudley.gov.uk

By post: Dudley Local Plan, Planning Policy, Planning & Regeneration, Council House, Priory Road, Dudley, DY1 1HF.

Additional copies of this response form can be downloaded at www.dudley.gov.uk/localplan or a copy can be posted to you - please call us on 01384814136.

This form has three sections:

Section A: Personal details

Section B: A declaration which you will need to read and sign

Section C: Your representation/comments on the Plan, Sustainability Appraisal or supporting evidence.

Please note:

- 1 You can use this form to comment on more than one site and/or policy. For each comment, please tell us the site/policy reference that your comment refers to. A separate form C should be completed for each comment.
2. Responses must include your name and address.
3. Your comments cannot be treated as confidential. By completing this form, you agree to your details being shared and your name and comment (but not your address or other personal details) being made available for public viewing.
4. It is recommended that groups that share a common view send a single response rather than multiple copies of the same response. Please attach a list of the contact details of each person who supports the comments, including their names and addresses.
5. **Completed forms should be received by us no later than 5pm 29 November 2024.**
6. Paper copies of this form and guidance notes can be found in selected libraries - visit www.dudley.gov.uk/localplan for the full list and at Dudley Council House, 1 Priory Road, Dudley, DY1 1HJ.

Individual acknowledgement of receipt will not be possible.



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| Respondent No: | | Representation No: | | Date received: | |
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Part A - Personal details

| | 1. Personal details | 2. Agent's details (if applicable) |
|--------------------------------|---------------------|------------------------------------|
| Title | | |
| First name | | |
| Last Name | | |
| Job Title (where relevant) | | |
| Organisation (where relevant) | | |
| House No./Street | | |
| Town | | |
| Post Code | | |
| Telephone Number | | |
| Email address (where relevant) | | |

Notes:

1. If you are responding as an individual (e.g. a resident) you do not need to fill in the job title and organisation boxes unless you are responding as a member of an organisation.
2. If you are an agent responding on behalf of an organisation please ensure that your details are in the Agent's details column and give the details of the client you are responding for in the Personal details column, only the title, name and organisation boxes are necessary.

| Please indicate which of these best describes you / your role in responding to this consultation | |
|--|---|
| Resident or Individual | |
| Planning Agent or Consultant | |
| Developer or Investor | x |
| Landowner | |
| Land & Property Agent or Surveyor | |
| Local Authority | |
| Public service provider e.g. education establishment, health etc | |
| Public agency /organisation | |
| Community or other Organisation | |
| Charity | |
| Other (please specify in space below) | |
| | |

Please note that copies of all comments received, including the name(s) of the respondent(s) will be made available for the public to view. All other personal details will remain confidential. Dudley Council will process your personal data in accordance with the Data Protection Act 2018. Our Privacy Notice is at the end of this form.

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Part B: Declaration

How we will use your personal information

The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act 2018. The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004, and may be used by the council to contact you if necessary regarding your submission. Your name, organisation and comments will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and in order to protect personal data, we will not publish signatures, telephone numbers, addresses or email addresses on the internet.

Your details will be kept until the Local Plan is adopted plus a further ten years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. When other agencies are involved in Local Plan preparation, we may need to share details about you to enable us to work together for your benefit. Information will only be shared with third parties if they have genuine and lawful need for it. Information shared on this basis will not be reused for any other purpose. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

Please sign and date this form.

Forms signed electronically will be accepted.

Declaration:

By completing and signing this form, I agree to my name, organisation and representations being made available for public inspection on the internet.

I understand that in submitting my representations, that my details will be added to the Dudley Local Plan Consultation database and I may be contacted at future stages of the local plan process.

All personal data will be processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulation ('GDPR'). If you do not wish to be contacted further, please advise us.

A copy of our privacy notice is available at <https://www.dudley.gov.uk/privacy-disclaimer-statement/regeneration-and-enterprise-dudley-local-plan-privacy-notice/>

Thank you for taking the time to provide your response.

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Part C: Representation

(Please fill a separate sheet for each representation you wish to make)

Q1. To which part of the document does this response relate?

| | | | |
|--------------------------|------------------|-------------------|-------|
| Title of document | Draft Local Plan | | |
| Paragraph/section | 9. Employment | Policy | DLP18 |
| Site | N/A | Policy Map | N/A |

Responses can address any of the Supporting Documents and Evidence by relating them to the resulting paragraph, policy or site in the Dudley Local Plan.

Q2. Do you consider the Local Plan is:

- | | | |
|---|-----|----|
| 1. Legally compliant | Yes | No |
| 2. Sound | Yes | No |
| 3. Complies with the Duty to co-operate | Yes | No |

(Mark as appropriate) [highlighted in yellow]

Please refer to our guidance notes for help with the above definitions - 1 to 3.

Q3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Response to Question 3

Policy DLP18 states that the Council will seek to deliver at least 72ha of new employment land over the plan period. It proposes to do this in three ways: -

- Development of employment opportunity sites totalling 21ha.
- Development of windfall sites.
- Development of employment sites outside the Borough, which have a functional economic link with the Borough, through the Duty to Co-operate process.

Nurton Developments Ltd (NDL) does not take issue with this strategy. It recognises that the opportunities for employment development, particularly for large sites, is very constrained by the dense urban character of the Borough. As such, there is an obvious requirement on neighbouring authorities, which are not so constrained and enjoy much better access to the motorway and strategic road network, to help the Borough meet its unmet needs.

However, NDL questions the quantification of need of employment land for both the Borough and the wider Black Country. It considers that the assessment of this need is flawed with the quantitative need substantially under-estimated.

The principal evidence base for employment land need is still the Black Country EDNA 2023. This study formed the evidence base for the Regulation 18 draft Local Plan. NDL made representations in December 2023 in response to consultation of this draft version of the plan. As the evidence base has not been renewed or refreshed since, these representations still stand. A copy of these representations forms an addendum to this submission.

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The representations made in December 2023 concentrated wholly on the EDNA 2023. In terms of the assessment of need, five principal concerns were raised about its methodology and analysis. These covered the following: -

- Arbitrary deployment of method for each authority and lack of consistency.
- No allowance for suppressed demand.
- Under-estimation of replacement of future losses.
- No allowance for flexibility or market churn.
- Wider assessment of strategic employment land.

The EDNA 2023 projected an overall need of 533ha for the Black Country, of which 98ha represented Dudley’s portion. As acknowledged by paragraph 9.11 of the Regulation 19 draft Local Plan, these figures take into account the need to replace existing employment land which would be lost as it is allocated for housing. It is not clear why policy DLP18 refers to 72ha, which does not make such an allowance for the replacement of losses.

NDL assessed these figures of need as an underestimation for the reasons referred to above. Instead, NDL contended that the **minimum need for the Black Country should increase to 672ha**.

Of this, NDL considers **Dudley’s portion should be 149ha**. This is made up of a base need of 142ha (based on the OE forecast set out in Table 2.7 of the EDNA) and an additional 6.82ha as a margin for flexibility (based on 2 years’ take-up as set out in Table 2.6 of the EDNA).

NDL’s representations to the Regulation 18 draft Local Plan also sets out some concerns on the assessment of supply. These covered: -

- The nature of the supply.
- The likely yield.
- The assumption that windfall sites should be counted.

NDL concluded that the maximum supply of employment land serving the Black Country would be 302ha, with no allowance made for windfall sites.

The consequence of these conclusions is that the shortfall between need and supply is significantly greater than projected by the EDNA 2023. This is illustrated in the table below.

Table 1 - Shortfall between Need and Supply (hectares)

| | EDNA 2023 | | NDL’s Assessment | |
|-----------|---------------|--------|------------------|--------|
| | Black Country | Dudley | Black Country | Dudley |
| Need | 533 | 98 | 672 | 149 |
| Supply | 380 | 25 | 302 | 23* |
| Shortfall | 153 | 73 | 370 | 126 |

* This is based on the supply figures provided by the Addendum – Updated Employment Land Supply Overview.

In addition, there is a clear qualitative shortage of large strategic sites. The EDNA 2023 makes no reference to this.

In summary, the EDNA 2023 has adopted an overly conservative approach. This approach does not accord with the aspirations and ambitions of the Black Country Strategic Economic Plan. Instead, a much bolder approach is called for. The release of significantly greater levels of employment land in the Black Country, and its neighbouring authorities, particularly for large strategic employment sites, will provide the Black Country with a range and choice of sites. This would confer an important and necessary competitive advantage in attracting inward investment.

Addendum – Representations of NDL to the Regulation 18 draft Local Plan

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Q4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q3. above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Response to Question 4

In the absence of any changes to the evidence base, NDL submits that Policy DLP18 should refer to a need of at least 149ha. This reflects NDL's assessment of need for employment land in Dudley.

NDL notes the EDNA 2023 is being updated (reference paragraph 9.12). This is to reflect a number of factors: -

- Local plan period for Wolverhampton to 2042.
- Economic remodelling based on more recent census data.
- The most recent post-Covid economic data.

NDL submits that this latest update to the EDNA takes into account also the critical assessment of its methodology and analysis as set out in our representations to the 2023 Regulation 18 draft Local Plan as summarised by this submission.

***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.

Q5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Response to Question 5

Yes, I wish to participate in hearing session(s)

***Please note,** that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.*

Q6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Response to Question 6

The representations raise some serious and complex matters. Our participation at the relevant hearing sessions should help the appointed inspector to gain a full appreciation of the issues involved.

***Please note,** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Representations cannot be kept confidential and will be available for public scrutiny, including your name and/or organisation (if applicable). However, your contact details will not be published.

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Completed representations forms can be submitted by emailing: planning.policy@dudley.gov.uk

Please enter **Dudley Local Plan Representation** in the subject field of the email.

Alternatively, completed consultation forms can also be submitted by post to: **Planning Policy, Planning Services, Dudley Council, Council House, Priory Road, Dudley DY1 1HF by 5pm 29 November 2024.**

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