

Sent by EMAIL ONLY to planning.policy@dudley.gov.uk

22/12/2023

Dear Sir/ Madam

Response by the Home Builders Federation to the draft Dudley Local Plan Consultation (Reg 18) Part One and Part Two

1. Please find below the Home Builders Federation (HBF) response to the consultation on the draft Dudley Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

Legal Compliance

2. HBF note that the Council is proposing to produce a “hybrid Local Plan” that builds on the work that was previously undertaken as part of the now abandoned Black Country Plan (BCP).
3. HBF notes that work that had already been undertaken on the BCP, both in terms of evidence gathering and policy writing, and the BCP had been through two public consultation stages, the Issues and Options consultation in 2017 and Draft Plan Regulation 18 consultation in 2021. However, it will still be important that any policies and evidence that are being ‘rolled forward’ from the draft Black Country Plan into the Dudley Local Plan remain appropriate and are fully supported by an up to date.
4. It is important that any of the policies in the draft Black Country Plan, which are now being proposed to be rolled forward and fed into the Dudley Plan, and the evidence supporting them, are subject to full public consultation.
5. Although HBF would welcome a consistency of approach amongst the Black Country Councils and note there may be merit in including similar or shared policies on certain issues such as pollution, transport, nature networks and other strategic aspects of land use. All the policies in the Dudley Local Plan will need locally justified and evidenced and meet the test of soundness.



6. HBF strongly agree that some matter, such as the meeting the housing need of the West Midlands are best addressed through do effective planning across local authority boundaries and note the challenges that this poses for Dudley and its neighbouring authorities. However, under the current system the issue of the housing need for Dudley, the housing requirement for Dudley, and the need to accommodate any unmet need from neighbouring authorities fall within the remit of the Dudley Local Plan. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Dudley and this may include Green Belt release.
7. HBF note that revision to the NPPF were published on 19th Dec 2023. Our comments reflect the latest policy and guidance, but we note the council may wish, or need, to make further changes to the Plan in light of the revisions to the NPPF, and other policy changes, such as the final version of the PPG on Biodiversity Net gain, which is due to be published in final form January 2024. HBF would encourage an support ongoing engagement with the development industry, and others, as the plan progresses. We would welcome the opportunity to comment formally, and/or informally, on any further changes as they emerge.

Duty to Cooperate (and its replacement)

8. HBF note that following the collapse of Black Country Plan, Dudley has had to undertake its own calculations for the housing need and requirement and must robustly test how much of this can be met within Dudley and how much (if any) is an unmet need. The Council will then need to work with neighbouring authorities to identify how that unmet need will be redistributed and prepare a Statement of Common Ground on this issue. The Council should also prepare a Duty to Cooperate Statement.
9. Currently there is not enough information available for HBF to come to a view as to whether or not Dudley has met, and is meeting, the Duty to Cooperate. The Council will need to evidence its ongoing work with the other neighbouring authorities within the HMA. This will need to be evidenced with more than words of good intentions and be supported with a clear Plan of how all the housing needs of Dudley will be met. We hope this evidence will be forthcoming, and in light of the known issue around housing numbers and unmet need, it is essential that does.
10. HBF's main concerns around Duty to Cooperate relate to ensuring the required amount of housing is delivered in reality. This is particularly important because the current Plan the indicates a shortfall of 1078 homes, (a figure HBF suggest is higher) so the issue of fully meeting housing needs within Dudley remains. Our more detailed comments on this issue can be found in response to Policy DLP1 Development Strategy, however HBF strongly suggest the Council could do more to meet its own needs and minimise or eliminate the amount of unmet so it does not need to rely on neighbouring authorities to meet it for them.

11. However, if there remains any unmet need HBF suggest that the Council will need to prepare a signed Statement of Common Ground between the Council with each of the neighbouring authorities setting out if and how they will contribute to meeting any of Dudley's unmet needs. Such statements will be essential as the Plan progresses. HBF notes the Council's stated intention to be proactive and pro-growth. However, the issue of potential unmet need requires clearly evidenced and ongoing cooperation. This will be essential to show that the Duty to Cooperate has been met.

Vision for Dudley

12. HBF is disappointed that the vision for Dudley Council does not include specific reference about the need to facilitate the provision of market housing and affordable housing. It is therefore very important that this is explicitly referred to in the vision for the Dudley Local Plan. We are in the midst of a housing crisis, making it even more important that the Plan continues to provide an appropriate mix of housing types, sizes and tenures to meet the housing needs of all residents in the Borough and to support the Council's growth aspirations. HBF agrees this issue must therefore be a key part of the vision for the Plan.

Policy DLP1: Development Strategy

13. The Plan proposes at least 10,876 net new homes and at least 25ha of employment land. Criteria 3 of the policy states "Table 5.1 shows how the full housing and employment land requirements for the Dudley Borough will be met through identified sites, and through reliance on neighbouring and other local authorities who have a functional link with Dudley via the Duty to Cooperate. Those development needs that cannot be accommodated within the Dudley administrative area will be exported to sustainable locations in neighbouring local authority areas."
14. HBF would ask what evidence is there that this approach will be delivered. Our understanding is that neighbouring authorities are themselves declaring unmet needs and looking for Dudley to meet that need. The plan needs to offer certainty as to how the full housing needs of Dudley will be met. It is clearly unacceptable for unmet need to not be met anywhere.
15. Table 5.1 shows a need for 11,954 new homes to 2040/41 of which 1,078 are to be "exported through the Duty to Cooperate", and 72 Ha of employment land is needed within the Borough, but 47 Ha are to be 'exported through the Duty to Cooperate. As currently written the Plan is therefore intended provide just over 90% of its housing need and only 35% of its employment need within the borough, and HBF suggest the housing requirement figure should be higher to start with.
16. HBF suggests that before seeking to export Dudley's housing needs to other areas the Authority must assure itself that it has done all it can to meet its

own needs. This warrants Dudley Council revisiting its approach to housing delivery to ensure it is doing everything it can to meet its own needs. HBF strongly suggest the Council could do more to meet its own needs and minimise, or eliminate, the amount of unmet need, so that it does not need to rely on neighbouring authorities to meet it for them. The revision to the NPPF give further support to the HBF's suggestion more needs to be done within Dudley for the Council to meet its own housing needs in full.

17. HBF notes that the Plan therefore proposes not only an unmet housing need but also a significant unmet employment need. This will constrain the ambitions for Growth in Dudley, and the wider region. HBF suggest these circumstances warrant a full Green Belt review and the allocation of sites to meet the housing and employment requirements of the Borough even if these are within the current Green Belt.
18. More fundamentally though the housing requirement has to be set at the right level before consideration is given to how, and indeed whether or not, it can be fully met within the Plan. HBF believe the housing requirement should be higher to start with and so the percentage of unmet need would be even higher. Even, setting this aside for now, HBF is concerned about this proposed shortfall. Failure to meet the housing needs of Dudley will inhibit growth and do nothing to address the current housing crisis, with implications for the economy and population of wider region. It will be important for the Council to clearly show how the unmet need will be met, and what they will do to ensure that it is. However, the Council needs to first establish the appropriate housing requirement for Dudley before considering if and how this could be met.
19. Para 61 of the newly revised NPPF still says that "to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area". Para 67 states that "The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment.
20. The Dudley Plan acknowledges housing need is calculated using the Government's standard method based on household growth projections. However, HBF suggest that this should still be only the starting point for consideration of the housing requirement itself. HBF strongly support the need for more housing in the Dudley Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing and supporting employment growth. HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether

higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

21. Paragraph 22 of the NPPF requires that strategic policies should look ahead over a minimum 15-year period from adoption. HBF note that the current plan period is to 2041 but would still question if the plan period is long enough to cover this requirement. This Reg 18 consultation closes at the end of 2023 and then the representations need to be considered and analysed, a submission plan prepared and consulted, examination, main modifications consultation, inspectors report and adoption by the Council.
22. HBF suggest that the plan-making process may take some time, especially if additional Green Belt release is needed, and suggest that the plan period could be extended now, especially as this would require an update to the evidence base as is important for the evidence base to be consistent with the Plan Period. Extending the plan period would also require an increase to the housing requirement to cover the additional years, and consequential additional housing supply.
23. The Government has made it clear that it still supports the national target of 300,000 new homes per year. The standard method housing requirement has always been the minimum starting point for setting the housing requirement, and HBF support more housing than the standard method housing requirement in order to support economic growth, provide a range and type of sites and to support small and medium house builders.
24. HBF suggest that each of these reasons on its own could justify an increase in the housing requirement for Dudley and the Council should consider planning for an additional amount of housing to address each reason in turn. However, as previously mentioned it is important that the housing requirement is established, before any consideration is given to any issues around housing land supply, or lack thereof.
25. The plan-led system requires Council to proactively plan to meet the needs of their community. This means that there is a need to provide a range and choice of sites, a need for flexibility and viability considerations to be taken into account, and a need for the Council to consider whether higher levels of open-market housing are required in order to secure the delivery of affordable housing and/or support economic growth.
26. Once the housing requirement has been set, the next phase is to consider housing land supply. It is important to both minimise the amount of any unmet needs that cannot be accommodated within the Borough and clearly set out how any unmet need will be addressed elsewhere. HBF note the Council's view of the constrained nature of the Borough but suggest more can be done to reduce the size of the shortfall in Housing and Employment land being proposed in this plan. It is important that the housing needs of Dudley are met in full.

27. Although HBF is pleased to see the Council commit to ongoing working with neighbouring authorities to try and address this matter under the Duty to Cooperate (or its replacement) the fact remains that the Local Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Dudley's housing requirement. If it is not possible to do this within the boundary then Green Belt release may be needed.
28. HBF believe that Dudley's inability to meet its housing (and employment) needs requires revisiting the Spatial Strategy results in the 'exceptional circumstances' that would require the need for a Green Belt review as set out in para 140 of the NPPF.
29. HBF notes that the issue of fully meeting housing needs within Dudley remains, despite the ending of the work on Black Country Plan. Dudley therefore needs to undertake its own calculations for the housing need and requirement, robustly test how much of this can be met within Dudley and how much (if any) is an unmet need. The Council then need to work with neighbouring authorities to identify how that unmet need will be redistributed and prepare a Statement of Common Ground on this issue. This issue is both a soundness and a Duty to Cooperate issue.

Policy DLP2: Growth Network Regeneration Corridors and Centres

30. HBF does not comment on individual sites or allocations, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice to ensure that housing needs are met in full. HBF would wish to see the Plan set out a logical settlement hierarchy which meets all the housing needs and addresses all areas of the housing market, with a range of sites proposed for allocation. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.

Policy DLP3: Areas outside the Growth Network

31. HBF reiterates that it does not comment individual sites or allocations but does support the need for the Plan to provide for a wide range of deliverable and developable sites and to ensure that housing needs are met in full.
32. HBF notes point five of the policy states that Dudley's Green Belt boundaries will be maintained and protected from inappropriate development. However, HBF would argue that the current housing crisis and the inability of Dudley to meet its own needs provide just such exceptional circumstances to necessitate a Green Belt review, which must include the consideration of both employment and housing sites.

33. Para 11 of the NPPF states that “all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”.
34. NPPF para 60 clearly states that “to support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”
35. HBF support ambitious growth aspirations in Dudley. HBF highlight the need to consider the interaction between employment and housing. An increase in the number of jobs can it itself generate a requirement for additional housing, and failure to provide housing can have negative impacts on the economic and social wellbeing of the area.
36. HBF believes the Council’s inability to meet their own housing need in the midst of a housing consider is a factor that constitutes the exceptional circumstances that justify green belt release.
37. The Plan need to ensure there is a sufficiency of Housing Land Supply (HLS) to meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (5YHLS) and achieve Housing Delivery Test (HDT) performance measurements. HBF cannot see how achieving these aims is possible without Green Belt release. It is noted that this may in turn also effect the spatial strategy for the Local Plan.
38. HBF also suggest the Council should give explicit consideration to whether BNG development is acceptable within the Green Belt and/or if green belt boundaries need to be revised in order to accommodate schemes that deliver off-site, and possibly even on-site biodiversity gains.

Policy DLP6: Infrastructure Provision

39. HBF observe that Criteria 3 of the policy seems to be seeking to give Local Plan policy status to SPDs that have yet to written, which is not appropriate and contrary to national guidance. Planning policy must be made through the Local Plan process and be subject to the requirements for public consultation and independent scrutiny through the Examination process.
40. HBF note that criteria four allows for flexibility in relation to proposed development not meeting its on-site and off-site infrastructure only in exceptional circumstances. HBF note that a viability appraisal for the Dudley Local Plan was published in Nov 23 but it is unclear how this has influenced this consultation version of the Local Plan. HBF also have significant concerns about the viability report itself, which are detailed more fully in our

response to Policy DLP12 Delivering Affordable, Wheelchair Accessible and Self-Build / Custom-Build Housing.

41. Para ES20 of the Local Plan Viability appraisal says “we recommend that the policy should be differentiated by housing market zone and greenfield/brownfield land.”, but then goes on to suggest the same affordable housing targets for both greenfield and brownfield sites of 30% in the High Value Zone, 20% in the Medium Value Zone and 10% in the Lower Value Zone. Para ES24 then sets out a justification for keeping a 10% affordable housing requirement in lower value areas, even though the paragraph before said it was viable.
42. HBF request that the Aspinall Verdi Viability Appraisal is fully checked and reviewed by the Council (and/or their consultants) to ensure it is correct, internally consistent and reflects the findings of the Dudley specific viability appraisal that have been undertaken. Once this has been undertaken HBF would request that the fourth criteria of the policy is then revisited, to ensure it reflects the findings of the viability appraisal. HBF suggest additional flexibility in the policy wording is likely to be needed. It should not be necessary for developers to have to go through the process and cost of a site-specific viability appraisal when the evidence at the plan-making stage has already shown it to be unviable.

Policy DLP7: Broadband and Telecommunications

43. There is no need for the first three criteria of this policy on Fibre to the Premises broadband because this matter has been addressed through the Part R update to building Regulations that came in last year on 26 December 2022, which ensures development provides gigabit ready physical infrastructure.
44. These elements of the Policy should therefore be deleted.

Policy DLP8: Health and Wellbeing

45. The policy seeks to require a screening Health Impact Assessment (HIA) as part of the planning application on (amongst other things) residential developments over 150 dwellings or 5ha. However, the justification text refers to HIA. HBF understand that screening HIAs are a different thing from full HIAs. The Plan needs to be clear which it is referring to and provide definitions of both to avoid any confusion.

Policy DLP9: Healthcare Infrastructure

46. In relation to criteria three of this policy HBF would draw the Council's attention to HBF would draw attention to the High Court Decision on R (on the application of the University Hospitals of Leicester NHS Trust) versus Harborough District Council. This has drawn into question the legitimacy of

asking for develop contributions for acute healthcare that is funded through general taxation.

Policy DLP10: Delivering Sustainable Housing Growth

47. With regards criteria one, HBF's detailed comments in relation to the amount of housing needed in Dudley can be found in our response to Policy DLP1-Development Strategy. In summary, HBF request that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.
48. HBF suggests that these considerations should result in a higher housing requirement for Dudley which set be set out in the Local Plan. Only then should consideration around deliverability and housing land supply come into play, the housing requirement should be established first. HBF conclude that insufficient sites are being allocated to meet the housing needs of Dudley and allocation of further sites, including greenfield and Green Belt sites are needed.
49. In relation to Table 8.1 HBF note that the council is looking to phase the plan and delivery of the housing requirement. For the plan to be effective and justified, a clear explanation of this approach and the reasoning behind for it is needed. As HBF is of the view that the overall housing requirement for Dudley should be higher, it follows that our view is that the numbers in each phase should be higher too.
50. HBF supports the principal of discounted the housing land supply to take account of non-implementation rates. HBF agrees that the Plan should include lapse rate for existing permissions and these figures should be clearly evidenced. As currently drafted, there is potential for confusion between the text and the numbers. It should be clear form the Plan what the figures are before a discount was applied, what level of discount was applied and what the resulting final figure is. HBF also notes that no allowance is made for non-delivery of windfall sites, and we believe one is needed. HBF would question if the discount rates should in fact be higher especially for sites that are currently occupied in employment use.
51. HBF note that para 8.6 states "Together, these discounts provide sufficient flexibility in the housing land supply to meet any unforeseen circumstances". HBF would strongly disagree. The discounts applied reflect the reality of development and as such the discounted houses are not expected to be brought forward. As such this does not provide any flexibility in relation to housing numbers, flexibility and a range and choice in sites can only be

provided through additional allocations (or windfalls), not discounting of sites that will not forward in practice.

52. HBF are very also concerned that the Council is expecting to deliver 97% of their new housing on brownfield land, and question how realistic this is. Although HBF agree that the NPPF is clear in its support for a 'brownfield first' approach, it must also be recognised that housing on greenfield sites is essential to address the housing crisis and ensure a range of sites are provided to deliver a range of housing reflecting the mix, type and tenure.
53. HBF remain unclear about the rationale behind, and plans that will create, a loss of current housing of 360 over the Plan period. The text in relation to this policy appears silent on this issue.
54. HBF also suggests further thought should be given to the interaction between employment sites and housing suggesting there is a need for housing and employment to be considered together, and implications of not meeting with the housing and employment need of the borough present the exceptional circumstances required to justify Green Belt release.
55. The NPPF requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.
56. HBF would therefore wish to see the 10% small sites allowance delivered through allocations (and not windfall). Indeed, we would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.
57. HBF also note that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and

(possibly most importantly), be of a scale that can come forward and making a contribution to housing numbers earlier in the plan period.

58. In relation to criteria three, HBF notes that NPPF (para 72, Dec 2023) only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. HBF are also of the view that any buffer provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations.
59. Para 8.7 of the Plan says "the Plan period has been divided into four phases – 2023 to 2028 (five years), 2028 to 2033 (five-ten years), 2033 to 2038 (ten-fifteen years) and 2038 to 2041 (fifteen to eighteen years). A trajectory showing delivery for each phase is shown in the most up to date SHLAA, which demonstrates a steady supply of housing completions over the Plan period." HBF suggest this trajectory should be included within the Plan, as it forms a fundamental part of the monitoring framework. It should not be relegated to a separate document.
60. It should also be possible to see from Housing Trajectory how much reliance is being made on windfalls, and from when. To be both justified and effective the Housing Trajectory should include break down the housing numbers into different sources of supply. It should also be possible to see when the demolitions are expected and if and how they relate to regeneration projects.
61. The trajectory should also provide a site-by site projections of housing permission and completions to enable effective monitoring of the housing supply, enabling the council to take action if monitoring shows an under-delivery of much needed housing.
62. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be included within the Plan.

Windfall Developments

63. In relation to windfall, HBF are concerned about the Councils reliance on windfall in place of allocating housing sites. The Plan currently includes 2685 homes on windfall sites, with 358 in the first phase from 2023-2028. HBF are of the view that any allowance for windfall should not be included until the fourth year of a housing trajectory, given the likelihood that dwellings being completed within the next three years will already be known about (as they

are likely to need to have already received planning permission to be completed within that timeframe).

64. HBF contend there is need for greenfield development in Dudley to address the housing crisis and meet the housing requirement, some of these greenfield sites may need to be on Green Belt land. If monitoring showed underperformance of housing delivery additional housing will need to be brought forward which could include allowing additional green field sites. The policy should be amended to account for this possibility.
65. It should be noted that HBF also support the need for additional greenfield allocations to meet the housing requirement.

Policy DLP11: Housing Density, Type and Accessibility

66. HBF would also question how realistic the densities proposed in criteria three are noting that the setting of residential density standards should be undertaken in accordance with the NPPF (para 125). HBF suggest that density needs to be considered on a site by site basis to ensure schemes are viable, deliverable and appropriate for the site, and policy needs to include some flexibility if needed to enable it to respond to site specific circumstances.
67. HBF would question of the density proposed are realistic deliverable and viable as the deliverability of high-density residential development in Dudley will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings, and policy enables for the range of housing types and tenures to be provided to meet the range of need and demand in Dudley.

Policy DLP12: Delivering Affordable, Wheelchair Accessible and Self/custom build Housing

Affordable Housing

68. Although HBF welcomes the recognition in criteria one, that the delivery of affordable housing in Dudley may raise issues of viability. Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF have concerned about some of the detail of the Viability Assessment as it has not considered a number of key costs and requirements. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.

69. Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable. HBF have numerous concerns about the whole plan viability study, including the omission of some key policy costs. For example, an realistic and evidenced allowance for mandatory BNG needs to be included within the viability assessment of the Local Plan.
70. The costs of BNG should have been considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.
71. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of considerations.
72. The geographical distribution of development may impact on the Plan's ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.
73. It will be also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore be a need to include green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weight to the need to consider Green Belt release(s).

74. The HBF does not comment on individual sites, other than to say the Plan should provide for a wide range of deliverable and developable sites across the area in order to provide competition and choice and a buffer to ensure that housing needs are met in full. The soundness of strategic and non-strategic site allocations, whether brownfield or greenfield, will be tested in due course at the Local Plan Examination.
75. As HBF said in response to Policy DLP6 Infrastructure Provision, additional flexibility in the policy wording is needed to address issues of viability. It should not be necessary for developers to have to go through the process and cost of a site-specific viability appraisal when the evidence at the plan-making stage has already shown it to be unviable. Criteria 2, also needs amending to address this point.
76. Criteria 3 of the policy seems to be seeking to give Local Plan policy status to SPDs that have yet to be written, which is not appropriate and contrary to national guidance. Planning policy must be made through the Local Plan process and Borough Wide Design Guides that are subject to the requirements for public consultation and independent scrutiny through the Examination process.

National Wheelchair Accessibility Standards

77. This policy seeks to require 20% of homes in lower value areas to meet to meet M4(2) (Accessible and adaptable dwellings) of Building Regulations and 15% in higher value areas to meet M4(3) (Wheelchair user dwellings) and all the remaining to meet M4(2) on schemes of more than 10 homes.
78. The requirements to meet Part M4(2) will be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. The requirement to address this issue in planning policy is therefore unnecessary.
79. HBF are of the view that this matter should be left to Building Regulations, however if a policy were to be needed, the wording needs to differentiate between Part a) and part b) of M4(3) technical standards. M43a sets out standards for wheelchair adaptable housing, where M43b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. Any such requirements would also need to be fully considered from a viability perspective.
80. The PPG states:

“What accessibility standards can local planning authorities require from new development?”

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations and should not impose any additional information requirements (for instance provision of furnished layouts) or seek to determine compliance with these requirements, which is the role of the Building Control Body. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements. There may be rare instances where an individual’s needs are not met by the wheelchair accessible optional requirement – see paragraph 011 below.

Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”

Paragraph: 008 Reference ID: 56-008-20160519
Revision date: 19 05 2016

81. The PPG sets out some of the circumstances where it would be unreasonable to require M4(2) and M4(3) compliant dwellings. Such factors include flooding, typography and other circumstances. HBF note that some flexibility is provided in criteria six but suggest additional flexibility is needed to reflect other site-specific characteristics. HBF would also question the viability evidence in support of these policy, in light of our concerns about the viability appraisal (which are set out elsewhere within our representation).

Self-Build and Custom Build Plots

82. In relation to Self-Build and Custom Build Plots, the policy requires sites of 100 or more dwellings, to provide at least 5% as serviced plots for self and custom build, if there is evidence of demand. If after twelve months of a thorough an proportionate marketing exercise the plot remains unsold, the requirements falls away.
83. HBF does not consider that requiring major developments to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils’ own land for such purposes and/or allocating sites specifically for self and custom-build home

builders- although this would need to be done through discussion and negotiation with landowners.

84. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.
85. HBF agree that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self & custom builders. Therefore, if the current policy requirements are retained HBF would support the suggestion that any unsold plots remaining after a six-month marketing period revert to the original developer. The policy should be changed from twelve to six months.

Financial Viability Assessments

86. As the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or values of a specific site fall outside the parameters used of a typology that was tested. Some sites will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. HBF therefore support the recognition of the potential need for flexibility in relation to site specific viability issues. As such overage clauses may not be appropriate in all cases, and the Plan should allow for such circumstances.

Policy DLP31: Nature Conservation

87. HBF note that LNRS have yet to be prepared. It will be important for the Plan to reflect the current position of the LNRS preparation as plan-making processes continue.
88. Criteria 7 of the policy seems to be seeking to give Local Plan policy status to SPDs that have yet to be written, which is not appropriate and contrary to national guidance. Planning policy must be made through the Local Plan process and be subject to the requirements for public consultation and independent scrutiny through the Examination process.

Policy DLP32: Nature Recovery Network and Biodiversity Net Gain Policy

89. HBF again note LNRs has yet to be prepared and mandatory national BNG is expected to come in in January 2024 after the close of this consultation. HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time and note that it is somewhat unfortunate that the timing of the release of the draft Planning Practice guidance from DLUHC and the Draft DEFRA BNG Guidance has seen this information released midway through your consultation period.
90. HBF note that there is a new information for the Council to work through and consider the implications of, in order to make the necessary changes to the Biodiversity Net Gain policy so that it complies with the latest policy and guidance as it finalised.
91. The BNG PPG has been published in draft form to allow for “familiarisation” and as such some details may change between now and the implementation date in January 2024. Similarly, HBF understand the DEFRA Guidance is still being refined before the implementation date, and indeed may be further refined once mandatory BNG is working in practice, to reflect any early lessons learnt.
92. There are clearly some areas of your guidance that need revising and updating, particularly because the (draft) PPG is clear that there is no need for Local Plan policies to repeat national guidance. For example, HBF would suggest criteria five and eight needs amending to allow for off-site BNG where this may be more appropriate and the use of statutory credits where no other option is available. Criteria six and seven may be unnecessary as they are merely repeating national policy, and criteria ten needs to properly reflect how BNG will work in practice. It should be noted that compliance with the national BNG condition is a post permission consideration and a final BNG Plan can only be submitted once planning permission has been granted. Management and monitoring of BNG will be part of this plan, and as such may be separate to the planning permission.
93. It will be important for the Council to fully consider the PPG and DEFRA guidance once it has been formally published, which HBF notes will be in January 2024, after the close of this consultation period. Although no significant changes to the approach to BNG are expected, further clarity may be needed on some of the finer details, and some amendments and additional advice and guidance are anticipated.
94. It is the HBF’s opinion that the Council should not deviate from the Government’s requirement for biodiversity net gain as set out in the Environment Act. There are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council’s viability assessment. It is important that BNG does not prevent, delay or reduce housing delivery.

95. Any requirements to go beyond 10% BNG needs to be clearly demonstrated with evidence including considering the implications of the policy approach as part of the whole plan viability appraisal. In particular, HBF would question how the viability of more than 10% BNG can be established when the market for off-site credits, and therefore the costs of delivering the 10% mandatory BNG system are still emerging.
96. HBF notes that the proposed policy wording and supporting text will need to reflect both that the Environment Act which requires 10% Biodiversity Net Gain, and the emerging policy, guidance and best practice on how Mandatory Biodiversity Net Gain will be implemented. There is an important policy distinction to made between the national mandatory requirements and any optional further requests from LPAs to go further and faster. In particular the 10% national target is non-negotiable from a viability perspective, but policies seeking over 10% can be challenged on viability grounds. This distinction needs to be recognised within the Local Plan.
97. HBF suggest particular care is needed in terminology to ensure the Dudley policy reflects the national policy and guidance. For example, on site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. It is important for the wording of the policy to accurately reflect the legalisation and guidance.
98. HBF suggest that it should be for the BNG plan to set out what happens if monitoring shows any BNG measure are ineffective. It is also important to note that large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development is still awaited.
99. As mentioned previously, Local Nature Recovery Strategies are new initiative, and one has yet to be prepared that covers Dudley. As the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy to reflect the LNRS may be needed.

Policy DLP33: Provision, retention and protection of trees, woodlands, Ancient Woodland, and Veteran trees

100. HBF are keen to understand how this policy interacts with other policies on BNG and nature conservation, and viability. HBF suggests that the council needs to fully consider if and how the tree policy could impact on the land uptake for any development and the implications this may have for the density of developments, which in turn has the potential to have an impact on the viability.

Policy DLP34: Provision, retention, and protection of Hedgerows

101. HBF would question if criteria one is necessary in Local Plan policy as repeats other national legislation and protection. HBF are also keen to understand how this policy interacts with other policies on BNG and nature conservation, and viability. HBF suggest further flexibility is needed in the policy, for example hedgerow removal may be an essential to gain access to a site, but BNG policies which require 10% net gain from the pre-development baseline so any loss would already have to be compensated. HBF suggest the Council should give more thought to how the suite of environmental policies are intended to work together so that developers are completely clear what is expected of them, and to ensure that the policies do not serve to make development undeliverable. The interrelationships between the BNG policy and other environmental policies needs to be fully considered and explained.

Policy DLP39: Design Quality

102. HBF are supportive of the use of 'Building for a Healthy Life' as best practice guidance but suggest its use should remain voluntary rather than becoming a mandatory policy requirement. Building for a Healthy Life is not really a 'standard' to be achieved, but rather a toolkit for considering design and thinking about the qualities of successful places.
103. In light of the new NPPF revision HBF are keen to understand if and when the Council is intended to produce a Borough Wide Design Code.

Nationally Described Space Standard

104. The HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Councils do not need to set local energy efficiency standards in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard, which are currently out for consultation.
105. HBF does not support the introduction of the optional Nationally Described Space Standards through policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the optional nationally described space standards (NDSS) to all dwellings should only be done in accordance with the NPPF¹, which states that "policies may also

¹ para 130f & Footnote 49

make use of the NDSS where the need for an internal space standard can be justified”.

106. The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

107. HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

108. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

109. HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

110. If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

Policy DLP41: Increasing Efficiency and Resilience

111. As the Plan should be read as a whole, HBF questions what this policy adds to existing policies already with the Plan, and question if is necessary, or if it is a duplication that could create confusion.
112. HBF would also draw the Council's attention to the recent Ministerial Statement on this issue which says "the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale." See <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123>
113. The Council should be aware that the long awaited consultation on the Future Homes standard was published on Dec 13th 2023 and consultation closes in 6 March 2024. The consultation documents can be found online at <https://www.gov.uk/government/consultations/the-future-homes-and-buildings-standards-2023-consultation>

Policy DLP42: Energy Infrastructure

114. HBF is concerned about mandatory requirements to connect to district heating networks. HBF considers that it is important that this is not seen as a requirement and is instead implemented on a flexible basis. Heat networks are one aspect of the path towards decarbonising heat, however, currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies. This may mean that it is more sustainable and more appropriate for developments to utilise other forms of energy provision, and this may need to be considered.

115. Government consultation on Heat Network Zoning also identifies exemptions to proposals for requirements for connections to a heat network these include where a connection may lead to sub-optimal outcomes, or distance from the network connection points and impacts on consumers bills and affordability.
116. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies.
117. The Council's proposed policy approach is unnecessary seeks to go beyond the 2021 Part L Interim Uplift and the Future Homes Standard without justification. It is the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers.
118. The Council should be aware that the long awaited consultation on the Future Homes standard was published on Dec 13th 2023 and consultation closes in 6 March 2024. The consultation documents can be found online at <https://www.gov.uk/government/consultations/the-future-homes-and-buildings-standards-2023-consultation>
119. HBF is also concerned about any policies which mandate on-site renewable energy generation, which may not be appropriate in all cases- see comments in response to DLP47.

Policy DLP47: Renewable and Low Carbon Energy and BREEAM Standards

120. HBF is concerned about any policies which mandate on-site renewable energy generation. HBF considers that it is important that this is not seen as a requirement and is instead implemented on a flexible basis. HBF recognises that there may be potential for renewable energy generation on-site, however, it may be more sustainable and efficient to use larger scale sources rather than small-scale, it is also noted this policy also takes no account of the fact that over time energy supply from the national grid will be decarbonised.

Policy DLP49: Green Belt

121. HBF notes that we are in the midst of a Housing Crisis. Housing delivery is therefore a key challenge facing Dudley Borough. To address the housing crisis the Council needs to allocate enough sites to meet the housing requirement and provide choice and flexibility in supply. This will require the allocation of a mix and range of sites in a variety of locations. The policies in the Plan with then near careful monitoring to ensure they are delivering the housing. The Dudley Local Plan must ensure the delivery of new housing to meet both open market and affordable housing needs.
122. The issue of housing is critically important and needs urgently addressing through the plan-making process. HBF believes that the Council needs to explore any and all options to meet the housing need and requirement of Dudley. This must include full consideration of the current Housing Crisis and if it results in the 'exceptional circumstances' that would require the need for a Green Belt review. A plan that does not meet the area's housing needs in full is simply not good enough and does represent an effective use of the plan-led system.
123. There remains a need to address issues that are wider-than-local matters in a joined-up manner under the Duty to Cooperate. The HBF notes that Dudley was closely involved in the production of the Black Country Plan (BCP), alongside the other three Black Country councils, but that work on the joint BCP officially ceased in October 2022.
124. The HBF notes that the BCP website says "it is with regret that we are unable to reach agreement on the approach to planning for future development needs within the framework of the Black Country Plan". The statement on the website continues that "Local Plans for the four Black Country Councils will now provide the framework for the long-term planning of the Black Country. The Black Country Plan 2039 work programme will end, and we will now transition to a process focused on Local Plans. The issues of housing and employment land need will now be addressed through individual Local Plans for each of the authorities. The Councils will co-operate with each other and with other key bodies as they prepare their Local Plans."
125. This suggests compliance with the Duty to Cooperate may be a key challenge for meeting the legal requirements of plan-making in Dudley, as well as policy issue. This issue has gained in importance now the NPPF revision seek to ensure housing need is meet where it originated wherever possible.
126. HBF suggest that there is a need for housing monitoring to be undertaken across the wider region. If other areas are providing housing to meet Dudley's need, Dudley will need to be monitoring this delivery to ensure its needs are being met. However, HBF firmly believe Dudley should be doing more to address its own needs, including Green Belt release.

Policy DLP63: Public Open Space within New Large Housing

Developments

127. Criteria 2 and 3 of the policy seems to be seeking to give Local Plan policy status to SPDs, which is not appropriate and contrary to national guidance. Planning policy must be made through the Local Plan process and be subject to the requirements for public consultation and independent scrutiny through the Examination process.

Policy DLP64: Children's Play Areas

128. Criteria 3 of the policy seems to be seeking to give Local Plan policy status to SPDs, which is not appropriate and contrary to national guidance. Planning policy must be made through the Local Plan process and be subject to the requirements for public consultation and independent scrutiny through the Examination process.

Policy DLP83: Access for All

129. Although HBF is fully supportive of the need for accessible environments, Criteria 2 of the policy seems to be seeking to give Local Plan policy status to an SPD which is not appropriate and contrary to national guidance. Planning policy must be made through the Local Plan process and be subject to the requirements for public consultation and independent scrutiny through the Examination process.

The Need for Delivery, Monitoring, and Implementation

130. HBF suggest there is a need for a monitoring framework within the Plan. Flexibility is needed within the plan so that it is able to respond to any changing circumstances and monitoring can play an important part in this. HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of homes. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review.
131. It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy to the potential to bring forward supply earlier. However, as the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites, particular sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing permissions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing

Delivery Test or local plan monitoring. The Plan needs to set out how and when monitoring will be undertaken and more is needed on what action(s) will be taken when if monitoring shows under delivery of housing.

132. The HBF would encourage the Council to fully consider the housing needs of the Borough and robustly consider the need for additional housing in the housing requirement before then considering how much of the housing requirement can be met within the Borough, and how much may be unmet. It is important for the housing requirement to reflect the housing needs and growth aspirations of the Borough and not be restricted by capacity considerations, which should be considered after the housing requirement has been set.

133. HBF suggest that the Plan should include a monitoring framework at the end of the Plan. HBF note that as we are in the midst of a housing crisis, it is very important that the Council ensures that the Local Plan delivers all the housing that is being planned for. Dudley should also monitor the delivery of any unmet need by neighbouring authorities and actively participate in local plan consultation and examination to ensure the need for other authorities to meet their need is robustly supported in neighbouring Local Plans.

Dudley Local Plan: Part Two

134. Although HBF do not comment on specific site allocations we would question how the list of potential BNG gain sites which are Council owned can be implemented in practice. For these sites to be useful for off-site BNG the Council will need to actively establish them as a Habitat Bank either through its own endeavours or in partnership. HBF would be keen to understand further the Council's Plans in this regard and suggest that additional wording may be needed in the supporting text of Policy DLP32 Nature Recovery Network and Biodiversity Net Gain Policy to explain how the potential of these BNG sites can and will be operationalised.

Future Engagement

135. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

136. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

Yours faithfully

A handwritten signature in blue ink that reads "R. H. Danemann". The signature is written in a cursive style with a large 'R' and 'D'.

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