

MEETING OF THE COUNCIL – 18TH JULY, 2005

THE REVISED DEPOSIT UNITARY DEVELOPMENT PLAN – RESPONSES TO THE OBJECTIONS/REPRESENTATIONS TO THE PROPOSED MODIFICATIONS OCTOBER 2004

REPORT OF THE CABINET

1.0 PURPOSE OF REPORT

- 1.1 To consider the proposals of the Cabinet in relation to responses to objections received to the Proposed Modifications to the Revised Deposit Unitary Development Plan.

2.0 BACKGROUND

- 2.1 The report of the Director of the Urban Environment attached, containing responses proposed to objections and representations received in respect of the revised Deposit Unitary Development Plan, is being submitted to a special meeting of the Cabinet to be held on 12th July, 2005.
- 2.2 The recommendations of the Cabinet will be reported to the Council.

3.0 PROPOSALS

- 3.1 That the recommendations of the Cabinet, which will be reported to the Council, be approved.

4.0 FINANCE

- 4.1 The financial implications are as set out in section 4 of the report attached.

5.0 LAW

- 5.1 The legal powers applicable are as set out in section 5 of the report attached.

6.0 EQUAL OPPORTUNITIES

- 6.1 The equal opportunities implications are as set out in section 6 of the report attached.

7.0 RECOMMENDATIONS

7.1 That the proposals set out in section 3 above be approved.

8.0 BACKGROUND PAPERS

8.1 The background papers used in the preparation of the report attached are as set out in section 8 of that report.

David Caunt

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LEADER OF THE COUNCIL

DUDLEY METROPOLITAN BOROUGH COUNCIL

REPORT TO SPECIAL MEETING OF THE CABINET – 12th JULY 2005

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

THE REVISED DEPOSIT UNITARY DEVELOPMENT PLAN – RESPONSES TO THE OBJECTIONS/REPRESENTATIONS TO THE PROPOSED MODIFICATIONS OCTOBER 2004.

1.0 PURPOSE

- 1.1 To approve the responses to objections received into the Proposed Modifications made with respect to the Revised Deposit Unitary Development Plan. These are available in the Members' library.
- 1.2 To seek Cabinet approval to proceed to the next stage in the Development Plan preparation and publish the 'Notice of Intention to Adopt the Dudley UDP after 28 days'.
- 1.3 To consider the situation relating to the Coopers Bank site as set out in Appendix 2.

2.0 BACKGROUND

- 2.1 The Revised Deposit UDP was approved for publication at the Full Council meeting held on 21st January 2002. Prior to commencement of the Public Local Inquiry two sets of Pre-Inquiry Changes to the Plan were approved for publication. The first set of Pre-Inquiry Changes was approved by Full Council on 7th October 2002. The second set was approved by the Executive on 28th November 2002 under delegated authority given by Full Council on 18th November 2002.
- 2.2 The Public Local Inquiry into the objections/representations to the Revised Deposit Unitary Development Plan for Dudley MBC was held from 17th December 2002 to 12th June 2003.
- 2.3 The Inspector's report was received on the 31st January 2004. The report contained details of his conclusions and recommendations on the objections/representations made in relation to specific policies contained in the Plan. The Inspector only made recommendations in relation to policies for which objections/representations were received. Any policy which did not receive any objections, which form the overwhelming majority of the plan's contents, were not considered by the Inspector. On 21st April 2004, full Council approved the responses to the Inspector's recommendations.

- 2.4 In response to the Inspector's recommendations, certain changes were proposed to the Revised Deposit Unitary Development Plan. These changes, called Proposed Modifications to the Plan, were approved by full Council on 18th October 2004 and then subject to a statutory six week consultation period from 22nd October to 3rd December 2004. A number of representations were made by objectors. Officers have considered the representations made and have recommended proposed responses to the objections made. These are detailed in **Appendix 1**. If Members' agree with the proposed responses a further Public Local Inquiry will not be required and the Council can then proceed to the next stage in the Development Plan production, and publish its notice of intention to adopt the Plan after the statutory 28 days notification period.
- 2.5 The consideration of this report has been deferred since the 20th April and 15th June Cabinet meetings for the Council to give careful consideration to the specific issues raised regarding the Gibbons Refractory Site at Coopers Bank which has been allocated as a strategic housing site in the modifications stage of the UDP review. An update to this report with specific regard to this issue has therefore been attached as **Appendix 2**. This considers that the Council should proceed on the basis of the way forward set out in paragraph 2.4.

3.0 PROPOSAL

3.1 Members are asked to :-

- Approve the responses to the objections made to the proposed modifications as detailed in Appendix 1.
- Consider the Coopers Bank site situation as set out in Appendix 2.
- Recommend that the proposed modifications be put forward to full Council for approval and subsequent publication of the Council's 'Notice of Intention to Adopt the Dudley Unitary Development Plan after 28 days publication notice'.

4.0 FINANCE

- 4.1 The costs of preparing the Revised Deposit Plan are met from budgets specifically identified for that purpose. The costs of a modification inquiry could be significant and may not be able to be met from existing budgets.

5.0 LAW

- 5.1 The review of the UDP is being prepared under Part 2 of the Town and Country Planning Act, 1990.
- 5.2 Once adopted, the UDP will be a saved Plan in accordance with the Planning and Compulsory Act 2004.

6.0 EQUAL OPPORTUNITIES

- 6.1 The preparation of the UDP has been undertaken in full accordance with the Council's equal opportunities policy and part 1 of the UDP emphasises the priority attached to this in formulating the policies.

7.0 RECOMMENDATION

- 7.1 It is recommended that the proposals set out in Section 3 of this report be approved with the proviso that the Planning Authority would not welcome a planning application for residential development on the Gibbons Refractory site prior to the second phase of housing development commencing March 2007 as set out in Appendix 2 of the report.

8.0 BACKGROUND PAPERS

Proposed Modifications September 2004

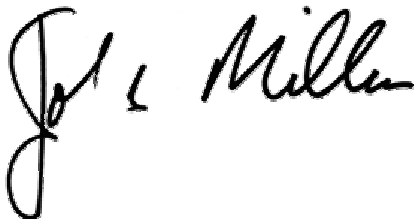
Inspectors Report into the Revised Deposit Unitary Development Plan

Second Set of Pre-Inquiry Changes November 2002

First Set of Pre-Inquiry Changes October 2002

Revised Deposit Unitary Development Plan

Counsel Advice with regard to Gibbons Refractories Site, Coopers Bank. Kings Chambers, Manchester (Council's appointed UDP Barrister) 28 June 2005.



Director of the Urban Environment - John B. Millar

Contact Officer: Sandra Ford ext 4172

APPENDIX I

Responses to Representations to the

PROPOSED MODIFICATIONS



Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
AM13	PM/01/AM13	Carole Freer	Halesowen Township	Supporting Representation for modification to Policy AM13 to include reference to the protection and enhancement of all Public Rights of Way	Not Applicable	Not Applicable	Not Applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
BHTC1	PM/01/BHTC1	Noel Holdstock	Wyre Forest District Council	Supporting representation to the proposed modification to delete the Brierley Hill Chapter of the Plan.	Not Applicable	Not Applicable	Not Applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
CR1	PM/02/CR1	Noel Holdstock	Wyre Forest District Council	Supports the removal of references to Brierley Hill in policy CR1 (Hierarchy of Town Centres and Regeneration	Not applicable	Not applicable	Not applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
CR1	PM/01/CR1	*	Tesco Stores Ltd	The Objector considers that convenience store capacity is not identified in paragraph 11 of Policy CR1 (Hierarchy of Town Centres and Regeneration Areas) whereas comparison store capacity in retail terms is identified.	The Objector wishes to add reference to a 7,000 sq metre foodstore to the modification to Paragraph 11 of Policy	The Council considers that the issue raised by the objector is covered elsewhere in the plan. The Council made modifications to include references into Policy CR2 (Expansion of Centres) relating to the convenience shopping requirements of the Borough's town centres. This policy also refers to other policies which contain greater detail including floorspace figures where appropriate.	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
CR11	PM/01/CR11	Carole Freer	Halesowen Township	Supporting Representation to modification made to delete the original Policy CR11 (Car Sales and Service Centres).	Not Applicable	Not Applicable	Not Applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
CR2	PM/01/CR2	*	Revelan Group	The Objector considers that the Plan should state that if no sites are available to meet retail needs in the Town Centres sites should be made available on the edge of centres or in close	The Objector requests that Policy CR2 (Expansion of Centres) be amended to permit additional new retail floorspace on sites on the edge of, or in close proximity to the centres if requirements are not within those centres to link with Policy CR9 (Edge-of-Centre and Out-of-Centre Development).	The Objection is not duly made as it does not seek any amendments to the modifications but seeks changes to the Revised Deposit Plan itself which is not appropriate at this stage.	The Objection is not duly made.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
CR2	PM/03/CR2	Noel Holdstock	Wyre Forest District Council	Supporting representation in favour of the removal of references to Brireley Hill in policy CR2 (Expansion of Centres).	Not applicable	Not applicable	Not applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
CR2	PM/02/CR2	*	Tesco Stores Ltd	Objection to the absence of the identification of a need for convenience shopping floorspace in policy CR2 (Expansion of Centres).	The objector is asking for specific reference to a need for convenience shopping floorspace in Policy CR2.	The Council made modifications to include references into Policy CR2 (Expansion of Centres) relating to the convenience shopping requirements of the Borough's town centres. This policy also refers to other policies which contain greater detail including floorspace figures where appropriate. The Council feels that this adequately covers the issue raised by the objector.	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
CR7	PM/01/CR7	Carole Freer	Halesowen Township	Supporting Representation to the modifications made to Policy CR7 (New Retail Development -bulky	Not Applicable	Not Applicable	Not Applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
CR8	PM/04/CR9	*	WM Morrison Supermarkets Plc.	The Objection relates to the absence of wording in policy CR9 (Edge-of-Centre and Out-of-Centre Development) to state that sites as part of the sequential sites approach should be suitable, viable and available for proposed use within a reasonable period of time.	The objector proposes to insert additional text to Policy CR9 to confirm that sites assessed as part of the sequential approach should be suitable, viable and available for the proposed use within a reasonable period of time.	The proposed modifications are in accordance with the inspectors reasons, conclusions and recommendations. The policy guidance contained in PPG6 will be of prime consideration alongside the Plan in the determination of planning applications in any event.	The objection is refuted.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
CR8	PM/01/CR8	*	Sainsbury's Supermarket Plc	Objector considers that the removal of Brierley Hill retail area should be reinstated in Policy CR8 (New Retail Development - Large Foodstores) as the area contains the Merry Hill shopping centre which is considered suitable to support large foodstores.	The Objector wishes to reinstate reference to Brierley Hill to Policy CR8.	The removal of the references to Brierley Hill in all policies in the Plan was done in accordance with the inspectors conclusions, reasons and	The Objection is refuted
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
CR9	PM/01/CR9	Carole Freer	Halesowen Township	Supporting Representation to the modifications made to Policy CR9 (Edge-of-Centre and Out-of-Centre Development) to insert a condition that requires development to safeguard the Borough's green assets.	Not Applicable	Not Applicable	Not Applicable

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
CR9	PM/02/CR9	Carole Freer	Halesowen Township	Supporting Representation to proposed modifications to Policy CR9 (Edge-of-Centre and Out-of-Centre Development)	Not Applicable	Not Applicable	Not Applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
CR9	PM/03/CR9	Carole Freer	Halesowen Township	Supporting Representation in favour of the modifications made to Policy CR9 (Edge-of-Centre and Out-of-Centre	Not Applicable	Not Applicable	Not Applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
DD13	PM/01/DD13	Norman Gillan	Mobile Operators	Supporting representation to the modifications to Policy DD13 (Telecommunications) which brings the policy in line with National Policy in the form of PPG8 (Telecommunications).	Not applicable	Not applicable	Not applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
EE1	PM/01/EE1	*	Revelan Group	The objection relates to the absence of a proposed modification to delete land (to the West of High Street, Amblecote and land to the south of High Street, Wollastion) from Policy EE1 (Key Industrial Areas and Development Sites).	The objector seeks to delete the Policy EE1 designation from land to the West of High Street, Amblecote and land to the south of High Street, Wollaston or amend policy EE1 to allow a more comprehensive approach to urban restructuring to take place on the identified land.	The objection is not duly made as it does not relate to a proposed modification but instead seeks to introduce a new modification to the Plan which cannot be considered at this stage of the Plan process.	The objection is not duly made.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
EE3	PM/01/EE3	Revelan Group	Quadrant West	The objector considers that the Policy EE3 (Existing Employment Uses) should be reviewed and or deleted and considers that land at Brook Lane, Bowling Green should not be subject to the provisions of Policy EE3.	The objector requests the deletion or amendment to Policy EE3 as well as requesting that land at Brook Lane, Bowling Green should not be subject to the provisions Policy EE3.	The objection is not duly made as it does not relate to a proposed modification but instead seeks to introduce a new modification to the Plan which cannot be considered at this stage of the Plan process.	The objection is not duly made
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/15/H1	*	West Midlands RSL Planning Consortium	Supporting representation as to the increased housing figure in Policy H1 (New Housing Provision)	Not applicable	Not applicable	Not applicable

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/09/H1	*	Persimmon Homes (West Midlands)	<p>The Objector considers that the Plan has a significant shortfall in housing land provision and no steps have been taken to supply housing land post 2011. Objection as the policy states that " Table 1 shows how the RPG target will be met" and the target is not met, therefore contradiction.</p>	<p>The objector proposes that the wording at the top of Table 1 in Policy H1 (New Housing Provision) be amended and that a ten year allocation of housing land is included.</p>	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision. The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan. This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	<p>The objection is refuted.</p>

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/10/H1	*	Persimmon Homes (West Midlands)	The Objector considers that housing conversions and windfalls in Policy H1 (New Housing Provision) should cover a ten year period from the proposed adoption date of the Plan.	The objector wishes that reference is made to housing conversions and windfalls up to 2016.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision.</p> <p>The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan.</p> <p>This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/11/H1	*	Persimmon Homes (West Midlands)	The objector considers that Policy H1 (New Housing Provision) should contain three phases of housing land	The objector proposes that Policy H1 should include a third phase of housing allocations after 2011.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision. The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan. This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted.
H1	PM/20/H1	Carole Freer	Halesowen Township	Supporting Representation to changes made to Policy H1 (New Housing Provision) in relation to the deletion of New Hawne Colliery as a Strategic Housing Allocation.	Not Applicable	Not Applicable	Not Applicable

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/12/H1	*	Persimmon Homes (West Midlands)	The objector considers that Policy H1 (New Housing Provision) should cover a ten year supply of housing land from the proposed adoption date of the Plan.	The objector proposes that the Plan be amended to create further years of housing land supply up to 2016.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision. The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan. This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/14/H1	*	Glen Dimplex Group	The objector requires that the modification to include the Gibbons Refractory site at Coopers Bank as a Strategic Housing Allocation be reconsidered.	The objector proposes that the Gibbons Refractory site is deleted as a Strategic Housing Allocation.	<p>At the Public Local Inquiry the Council defended the Gibbons refractory site arguing that it was an employment site and contributed to the economy and employment provision within the Borough. The Inspector at the time of the Public Local Inquiry knew that the site was in use at the time for employment purposes and employed approximately 60 people. The Inspector also knew at the time that the leaseholder intended to purchase the site at the end of the lease period (2006). However, he made the decision in light of all the considerations brought into the planning balance before him, including the points detailed above, that the most beneficial land use for this site would be residential.</p> <p>The objectors contest this modification on the basis that new information is now available, which they consider, if the inspector had at the time of the Inquiry, may have resulted in a different recommendation. The Council has sympathy with, and appreciates the position of the tenants of the premises, and acknowledges that new information can always be put forward. Nevertheless, the Inspector in his consideration of the matter, covered all of the issues and acknowledged that the redevelopment of the site would accord with PPG3 (Housing). Furthermore, a balance has to be struck, in consideration of these matters, to ensure that the Borough has an adopted up-to date Development Plan to create certainty in the planning</p>	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/01/H1	*	Barratt West Midlands	The objector considers that the reference to conversions of dwellings and housing windfalls in Policy H1 (New Housing Development) should look to a ten year period from adoption of the Plan.	The objector proposes that the figures should be revisited in the context of a ten year timescale from the adoption of the Plan.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision. The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan. This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/02/H1	*	Barratt West Midlands	The Objector considers that there should be three phases of housing development allocations within Policy H1 (New Housing Development) of the Plan including a third phase after 2011. The Objector considers that a ten year supply of housing should be provided in line with RPG11.	The objector proposes the provision of a third phase of housing development allocations after 2011 within Policy H1 of the Plan.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision.</p> <p>The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan.</p> <p>This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted.
H1	PM/19/H1	*	Persimmon Homes	The Objector seeks a site in Holbeache Lane, Wall Heath for a Strategic Housing Allocation or a Strategic Reserve Site	The objector proposes that Holbeache lane be added as a Strategic Housing Allocation or a Strategic Reserve site in Housing Table 1 under Policy H1 (New Housing Provision).	The objection is not duly made as it does not relate to a proposed modification, instead relating to other changes to the Plan which are not appropriate at this time.	The objection is not duly made.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/08/H1	*	Persimmon Homes (West Midlands)	The objector considers that Policy H1 (New Housing Provision) should contain three phases of housing land	The objector proposes that Policy H1 should include a third phase of housing allocations after 2011.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision.</p> <p>The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan.</p> <p>This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted.
H1	PM/18/H1	*	Persimmon Homes	The Objector considers that a site at Holbeache Lane, Wall Heath should be deleted from the Green Belt to provide housing provision for the Borough through its insertion in Policy H1 (New Housing	The objector proposes that the site at Holbeache Lane, Wall Heath be deleted from the Green Belt.	The objection is not duly made as it does not relate to a proposed modification, instead relating to other changes to the Plan which are not appropriate at this time.	The objection is not duly made.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/16/H1	Andrew Faizey	George Wimpey Strategic Land	The objector copnsiders that there is a shortfall in housing land provision in Policy H1 (New Housing Provision) to meet demand.	The objector proposes that further housing sites are allocated to make up this shortfall.	<p>The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan fom the outset. In particular in relation to the plan's housing provision. The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan.</p> <p>The inspector has stated that if the Council proceeds with this early review then further fundamental changes to the plan at this stage will not be</p>	The objection is refuted.
H1	PM/21/H1	Carole Freer	Halesowen Township	Supporting Representation to changes made to Policy H1 (New Housing Provision)	Not Applicable	Not Applicable	Not Applicable

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/04/H1	*	Barratt West Midlands	The objector considers that Policy H1 (New Housing Provision) should identify a ten year supply of housing land from the proposed date of adoption of the Plan.	The objector proposes that Policy H1 should include housing land supply provision for a ten year period from the proposed adoption date of the Plan.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision.</p> <p>The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan.</p> <p>This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/07/H1	*	Revelan Group	The Objector considers that plan should provide housing allocations up to 2016 in Policy H1 (New Housing Provision).	The objector proposes that housing land allocations to cover the period up to 2016 should be included.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision.</p> <p>The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan.</p> <p>This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted.
H1	PM/22/H1	Carole Freer	Halesowen Township	Supporting Representation to changes made to Policy H1 (New Housing Provision)	Not Applicable	Not Applicable	Not Applicable

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/13/H1	Mr R H Southwell	Butterfly Conservation	The Objector is concerned that the Caledonia Sewage Works allocation as a strategic housing site compromises its value as part of the Stourbridge Linear Open Space corridor.	The Objector does not propose a change to the allocation of the site, but requires assurances that mitigation will occur in its development to protect the	The site retains its Linear Open Space designation and the SLINC designation. At planning application stage surveys will be requested to consider these issues and provide mitigation where it is deemed necessary in accordance with National nature conservation policies and the suite of other nature conservation policies within the Plan.	The objection is refuted.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/05/H1	*	Barratt West Midlands	The objector disagrees with the deletion of the New Hawne Colliery as a strategic housing allocation under Policy H1 (New Housing Provision).	The objector proposes that the New Hawne Colliery be reinstated as a Strategic Housing Allocation.	The site was deleted in accordance with the inspectors reasons, conclusions and recommendations following the inquiry. The Inspector concluded that to allocate the site for housing purposes would conflict with other policies within the Plan such as Policy S3 (Green Assets) and Policy NC6 (Wildlife Sites).	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/03/H1	*	Barratt West Midlands	The Objector considers that Policy H1 (New Housing Development) should cover the period in terms of housing provision up to 2016.	The objector proposes that Policy H1 be amended to cover Housing allocations for the period up to 2016.	The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision. The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan. This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.	The objection is refuted
H1	PM/17/H1	Neil Wyatt	Birmingham & Black Country Wildlife Trust	Supporting representation to the deletion of New Hawne Colliery as a strategic housing allocation in Policy H1 (New Housing Provision).	Not applicable	Not applicable	Not applicable

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H1	PM/06/H1	*	Revelan Group	The bjector considers that Policy H1 (New Housing Provision) should cover a time period up to 2016 within the	The objector proposes an increase in housing allocations and targets to cover a time period up to 2016.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan fom the outset. In particular in relation to the plan's housing provision.</p> <p>The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan.</p> <p>This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted.
H3	PM/02/H3	*	Barratt West Midlands	Objector considers that the wording of Policy H3 (Phasing of Housing Development) requires further modification to ensure that it can operate effectively through development	The objector proposes that Policy H3 should state that "planning permission will be granted where it can be demonstrated that the following criteria are met...".	The original modification was carried out exactly in accordance with the inspectors reasons, conclusions and recommendations. The Policy is therefore considered to be worded appropriately and adequately to be effective for development control purposes.	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H3	PM/03/H3	*	Revelan Group	Objector considers that Policy H2 (Phasing of Housing Development) should cover the period in terms of housing provision up to 2016.	The objector proposes that a third phase of Housing Provision for the post 2011 period should be specified in the Policy.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision.</p> <p>The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan.</p> <p>This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted.
H3	PM/05/H3	*	Persimmon Homes (West Midlands)	The Objector requires stronger wording to the Policy H3 regarding criteria for bringing forward housing sites.	The objector proposes that Policy H3 should be more stringly worded to state that "planning permission will be granted where it can be demonstrated that the following criteria are met...".	The modification was carried out exactly in accordance with the inspectors reasons, conclusions and recommendations. The Policy is therefore considered to be worded appropriately and adequately to be effective for development control purposes.	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H3	PM/04/H3	*	West Midlands RSL Planning Consortium	The Objector considers that there should be a reference to affordable housing and the benefits of its provision in Policy H3 (Housing Assessment Criteria).	The objector proposes to include reference to affordable housing and its benefits in Policy H3.	The modifications are entirely in accordance with the inspectors reasons, conclusions and recommendations. The plan needs to be read as a whole and, in this respect, the issue of affordable housing is clearly and adequately set out as a specific policy priority in policy H5 (Affordable Housing).	The objection is refuted.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H3	PM/01/H3	*	Barratt West Midlands	The Objector considers that Policy H3 (Phasing of Housing Development) should be in three phases to go beyond 2011 as stipulated in the Regional Spatial Strategy.	The objector proposes that the Council includes a third phase of housing allocations beyond 2011 and to bring forward other sites to meet that potential shortfall.	The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision. The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan. This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.	The objection is refuted

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H4	PM/01/H4	*	West Midlands RSL Planning Consortium	Supporting representation to the modifications to Policy H4 (Housing Mix) regarding the addition of the Housing Needs Survey as a monitoring tool.	Not applicable	Not applicable	Not applicable

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H5	PM/01/H5	*	Revelan Group	The objector considers that Policy H5 (Affordable Housing) should be amended to state that the 1440 figure relates to 2011 and that the requirement from 2011-2016 needs to be addressed and will be determined by future Housing Needs Surveys.	To amend policy H5 to state that the figure is for the period up to 2011 and that the requirement post 2011 will be determined by future Housing Needs surveys.	The figure in Policy H5 covers the life of the Revised Deposit Unitary Development Plan upto 2011. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision. The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan. This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
H5	PM/02/H5	West Midlands RSL Consortium	*	The Objector considers that the 1440 figure for affordable housing in Policy H4 (Affordable Housing) in the Plan is insufficient compared to the figure in the original Plan of 2000.	The objector wishes to reinstate the original figure 2000 for affordable housing	The 1440 figure is the current 2003-2011 figure which is the remainder required to meet the needs of the Borough. The overall target has not changed but has merely been updated to reflect the period since the original revised UDP was done. Furthermore, the inspector, in his reasons, conclusions and recommendations has stated that the figure is for indicative and monitoring purposes.	The objection is refuted.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
HTC2(X)	PM/01/HTC2(X)	Carole Freer	Halesowen Township	Supporting Representation to the deletion of the text and policy in respect to Block 10 of the Halesowen Town Centre Inset Plan	Not Applicable	Not Applicable	Not Applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
HTC2(XI)	PM/01/HTC2(XI)	Carole Freer	Halesowen Township	Supporting Representation to the modifications to Policy HTC2(XI) (Halesowen Town Centre).	Not Applicable	Not Applicable	Not Applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
HTC2(XII)	PM/01/HTC2(XII)	Carole Freer	Halesowen Township	Supporting Representation to the modifications to Policy HTC2(XII) (Halesowen Town Centre).	Not Applicable	Not Applicable	Not Applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
LR1	PM/01/LR1	Carole Freer	Halesowen Township	Supporting Representation to the modification to Policy LR1 (Open Space).	Not Applicable	Not Applicable	Not Applicable

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
LR2	PM/01/LR2	JAG Milward	The Woodland Trust	Objector considers that there are no specific reference to access standards to woodland under policy LR2 (Access to Public Open Space).	The objector wishes the Plan to include access standards adopted by the Woodland Trust in the Policy.	The modifications to this Policy have been made entirely in accordance with the inspectors reasons, conclusions and recommendations. Supplementary Planning Guidance is currently being prepared with regard to open areas which will include all open woodland areas. All woodland areas are also protected by a suite of Nature Conservation policies within the plan (NC9 & NC10) as well as Tree Preservation Orders and National policies.	Th objection is refuted.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
LR6	PM/01/LR6	Carole Freer	Halesowen Township	Supporting Representation to the modifications to Policy LR6 (Protection of Sport and Recreation Facilities).	Not Applicable	Not Applicable	Not Applicable

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
MAP	PM/01/MAP	*	Barratt West Midlands	Objector considers that issues of suitability were not fairly addressed at the Inquiry in relation to the deletion of the Hawne Colliery site as a Strategic Housing allocation.	Objector has provided new information suggesting that the site be reallocated as a Strategic Housing Site.	The Council do not accept the premise that further housing should be required at this point as the Inspector has recommended that an early review of housing provision, including specific sites, is undertaken following adoption and the findings of the Black Country Study. The new evidence provided was publicly available at the time of the Inquiry but not put forward. New information can always be put forward but the Public Inquiry and adoption of the UDP is a finite process and a balance has to be struck to ensure certainty in the development plan process and avoid unreasonable delays in adoption.	The objection is refuted.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
MAP	PM/02/MAP	P.W Thorrington	*	The Objection is made as to the deletion of the link road.	The objector proposes the reinstatement of the link road proposal.	Proposed modification is carried out in accordance with Inspector's reasons, conclusions and recommendations. The Inspector recommended the deletion of the link road on the basis that the need for the Western Orbital Bypasses has yet to be demonstrated and that the situation will be reviewed in the Black Country Study.	The objection is refuted.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
MAP	PM/03/MAP	Neil Wyatt	Birmingham & Black Country Wildlife Trust	Supporting representation to the deletion of the link road proposal as set out in the proposed modifications.	Not applicable	Not applicable	Not applicable

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
MAP	PM/04/MAP	Andrew K Girling	Anti Bypass Campaign	Supporting representation to the deletion of the Link Road.	Not applicable	Not applicable	Not applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
NC2	PM/01/NC2	JAG Milward	The Woodland Trust	The Objector considers that policy NC2 (Special Areas of Conservation, Nature Reserves and Sites of Special Scientific Interest) has been 'watered down' to state that development in SSSIs will not be permitted "...unless reasons for the development clearly outweigh the Nature Conservation value of the site itself and the National policy to safeguard the national network of such sites".	The Objector would like to see the unconditional protection of ancient woodland areas by returning to the original wording in the Revised Deposit Plan prior to	This modification is in line with the Inspectors reasons, conclusions and recommendations. All ancient woodland areas are already well protected by a suite of Nature Conservation policies within the plan (NC9 & NC10) as well as Tree Preservation Orders and National policies.	The objection is refuted.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
NC2	PM/02/NC2	Sandra Wilson	English Nature	Objector considers the wording to Policy NC2 (Special Areas of Conservation, Nature Reserves and Sites of Special Scientific Interest) is inadequate as it does not meet the requirements of the National Conservation Regulations 1994.	The objector proposes the Policy NC2 is reworded to meet the requirements of the Conservation Regulations 1994 to read " Developments likely to affect Fens Pools candidate Special Areas of Conservation will be determined in accordance with the requirements of the Conservation (Natural Habitats &c.) Regulations 1994".	The modification was carried out exactly in accordance with the inspectors reasons, conclusions and recommendations. The changes proposed by the objector recite National policy in respect of the legal requirement and the handling of planning applications. Dudley Metropolitan Borough Council will still have to comply with these legal requirements and the Conservation Regulations 1994 in any event and in conjunction with the Plan, irrespective of whether the proposed wording is in the Plan or not.	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
NC2	PM/03/NC2	Neil Wyatt	Birmingham & Black Country Wildlife Trust	The objector disputes the fact that New Hawne Colliery has not been identified as a Site of Importance for Nature Conservation (SINC) within the proposed modifications.	The objector proposes that New Hawne Colliery be designated as a SINC in accordance with criteria agreed by Dudley MBC, English Nature and The Birmingham and Black Country Wildlife	The nature conservation value of the site is recognised and acknowledged. The proposed SINC designation of the site will be taken up in due course, however in the meantime the site is still protected by the suite of local and national nature conservation policies in force. Further work is anticipated and the site will be recognised in an ongoing review.	The objection is refuted.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
NC4	PM/02/NC4	Sandra Wilson	English Nature	Supports proposed modifications to policy NC4 (Sites of Importance for Nature Conservation).	Not applicable	Not applicable	Not applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
NC4	PM/01/NC4	JAG Milward	The Woodland Trust	Objector considers that policy NC4 has been 'watered down' in the proposed modifications from "Development will not normally be allowed" to permitting development "providing appropriate compensatory mitigating measures" are made	To reinstate original stronger wording prior to modification being made.	This modification was made in accordance with inspectors reasons, conclusions and recommendations on page 210 of his report. All ancient woodland areas are already well protected by a suite of Nature Conservation policies within the plan (NC9 & NC10) as well as Tree Preservation Orders and National policies.	The objection is refuted.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
NC5	PM/01/NC6	Sandra Wilson	English Nature	Supporting representation to proposed modifications to Policy NC6 (Wildlife Species)	Not applicable	Not applicable	Not applicable

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
S13	PM/01/S13	Noel Holdstock	Wyre Forest District Council	Supporting representation to the deletion of reference to Brierley Hill in Policy S13 (Role of Centres).	Not applicable	Not applicable	Not applicable
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
S16	PM/01/S16	Eric Bird	*	The Objector considers that references to other studies and guidance in relation to the Link Road is "profligate and irresponsible" following its deletion.	Remove reference to the link road in policy S16 (Access and Movement).	The modifications to the Plan accept that the link road is deleted in line with the Inspector's recommendations. Reference to the Black Country Study and the review of Regional Planning Guidance are statutory processes which look at overall issues of land use, transportation and planning for the Black Country and the wider Region over the next twenty to thirty years. It would therefore be unhelpful and inappropriate to completely remove reference to previous link road proposals in the Plan as the impact of the decision will need to be planned for and acknowledged by the Black Country Study and further Regional studies.	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
S8	PM/06/S8	Andrew Faizey	George Wimpey Strategic Land	The Objector considers that the shortfall of housing between supply and demand should be met with the addition of further housing sites as allocations in plan. Objector considers that should brownfield sites be unavailable then greenfield or greenbelt sites should be considered if necessary.	The objector proposes that further housing sites be allocated to meet the apparent shortfall up to 2011.	The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision. The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan.	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
S8	PM/03/S8	*	Persimmon Homes (West Midlands)	The Objector considers that policy S8 (Housing) should identify a 10 year allocation of housing provision from the proposed adoption date of the Plan.	The objector proposes that Policy S8 be amended to include housing land allocations for a ten year period from the date of the proposed adoption of the Plan.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision.</p> <p>The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan.</p> <p>This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
S8	PM/02/S8	*	Revelan Group	The Objector considers that policy S8 (Housing) should cover the period up to 2016 in terms of housing provision.	The Objector proposes that Policy S8 is amended in terms of housing provision to cover the period up to 2016.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision.</p> <p>The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan.</p> <p>This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted.
S8	PM/04/S8	*	West Midlands RSL Planning Consortium	The objector believes that Policy S8 (Housing) should include the provision of affordable housing as an objective of residential	The objector proposes to include an additional objective to Policy S8 recommending that new residential development should contribute to the creation of sustainable and mixed communities through the provision of a range of housing types and tenure.	It is unnecessary to add affordable housing as an objective of policy S8 as the plan needs to be read as a whole. In this respect the issue of affordable housing is clearly and adequately set out as a specific policy priority in policy H5 (Affordable Housing).	The objection is refuted.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
S8	PM/01/S8	*	Barratt West Midlands	The Objector considers that the modifications lead to the failure to provide for adequate housing allocations up to 2011 and to provide a ten year allocation/supply in the plan.	The objector wishes to see an amendment to the housing figures to include allocations up to 2016.	<p>The Regional Planning Body have made clear that the proposed modifications are in general conformity with the Regional Spatial Strategy. The inspector in his report recommended that the Council adopt an approach which involves rigorous and regular monitoring of the plan from the outset. In particular in relation to the plan's housing provision. The inspector also recommended that the Council prepare for an early review of the plan, following review of the Regional Planning Guidance (now Regional Spatial Strategy). The Black Country Study which is currently underway is the first phase into the partial review of the Regional Spatial Strategy. This will inform the early review of the housing element of the plan. This work is now underway but the situation for the period 2011-2021 cannot be addressed until the study has been completed.</p>	The objection is refuted.
S8	PM/05/S8	*	West Midlands RSL Planning Consortium	Supporting representation in favour of the increase in the housing target contained in Policy S8 (Housing).	Not applicable.	Not applicable.	Not applicable.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
SO4	PM/01/SO4	John & Ellen Kemp	*	The objector considers that the deletion of agricultural land designations in the Plan under Policy SO4 (Agriculture) should not occur as these areas may be required for farming into the future..	The objector would like to restore agricultural land designations to the Plan.	The removal of the designation in the plan is in line with the Inspectors recommendation at the Public Inquiry. The removal of the sites agricultural designation does not affect the greenbelt status of the site which affords a greater level of protection. The removal of the agricultural land designation therefore does not, in any way, allow for any of the sites to be developed.	The objection is refuted.
SO4	PM/02/SO4	*	Persimmon Homes (West Midlands)	The objector opposes the wording of policy SO4 referring to PPG7 as this has been replaced by PPS7 and should be reflected in the text.	The objector proposes replacing reference to PPG7 with reference to PPS7.	PPS7 has recently replaced PPG7. The wording of the modification will therefore need to be updated to reflect this change. However, no material change has been made to warrant further public consultation on the issue.	Update modifications to replace "PPG7" with "PPS7".
STC1	PM/03/STC1	Tom Lambshead	Network Rail	Supporting representation for the change of wording in Policy STC1 that the new bus station should be linked to the rail station in the event of the Stourbridge Ring Road being realigned.	Not applicable	Not applicable.	Not applicable

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
STC1	PM/02/STC1	*	Tesco Stores Ltd	The Objector wishes that the modifications clarify further that Policy STC1 will only apply in the event that the Stourbridge Ring Road is realigned.	The Objector proposes to add wording to the end of Policy STC1 to read "...in the event that the Stourbridge Ring Road is proposed to be realigned.	The modifications already acknowledge that the proposed logistical requirements of BT Plc will only be carried out as part of any redevelopment scheme. It therefore stands to reason that if the realignment does not take place, the infrastructural changes will not take place either.	The objection is refuted.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
STC1	PM/01/STC1	*	Tesco Stores Ltd	The Objector wishes to see a form of words added to the end of policy STC2 to clarify that this modification, (which recognises the requirements of a BT Plc Exchange), will only apply in the event that the Stourbridge Ring Road is realigned.	The Objector proposes to add the word "in the event that the ring road is proposed to be realigned" to the end of policy STC2.	The modification already acknowledges that the proposed logistical requirements of BT Plc will only be carried out as part of any redevelopment scheme. It therefore stands to reason that if the realignment does not take place, the infrastructural changes will not take place	The objection is refuted.
Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
UR3	PM/01/UR3	Mike Timmins	St Modwen Developments Ltd	The Objector are seeking assurance that the 65 dwellings that they are proposing as part of the Castle Hill planning application are acceptable and should be included within Policy UR3 (Tipton Road Development Area).	The objector wishes to include a reference to 65 dwellings within policy UR3 (Tipton Road Development Area).	The objector is not seeking any changes to the proposed modifications but to add further information not proposed in the modifications. In any event the UDP is not the appropriate avenue to determine the merits of a proposal or seek assurance on the detail of a proposal. The policy is clear that residential uses are required within this development opportunity site.	The objection is not duly made.

Modifications Report

Policy Ref:	Post Mod Ref	Name	Organisation	Reason for Objecting	Objector's Proposal	Officer's Comments	Officer's Proposal
UR5	PM/01/UR5	Revelan Group	Quadrant West	The objector is seeking a modification to policy UR5 with reference to land to the west of High Street Amblecote. The Objector considers that the plan makes inadequate supply of housing land in relation to RPG guidance. The Objector considers that policy UR5 should be deleted in regard to the above site.	The objector would seek to delete Industrial Renewal policy UR5 in relation to site to the West of High Street	The objection is not duly made as it does not relate to a proposed modification but instead seeks to introduce a new modification to the Plan which cannot be considered at this stage of the Plan process.	The objection is not duly made.

APPENDIX TWO

APPENDIX - UPDATE TO REPORT ENTITLED REVISED DEPOSIT UNITARY DEVELOPMENT PLAN – RESPONSES TO OBJECTIONS REPRESENTATIONS TO THE PROPOSED MODIFICATIONS (OCTOBER 2004)

BACKGROUND

- 1.0 The consideration of this report was deferred on the 20th April and 15th June Cabinet meetings respectively in order to allow the Council to give careful consideration to representations received regarding a site that has been allocated as a strategic housing site in the modifications stage of the Unitary Development Plan (UDP) review. This note provides an updated position on that site.
- 2.0 The site in question is the Gibbons Refractory at Coopers Bank. The Council did not designate the site as a housing allocation in the revised deposit version of the plan. The Council received objections to the revised deposit version of the plan seeking the site to be identified as a housing allocation. This issue was heard at the Public Local Inquiry into the Plan and the Council defended its position at the Inquiry. The independent Government inspector appointed to hear the representations in the Plan ruled against the Council in his report and recommended that the site was identified as a housing allocation.
- 3.0 The Council published the proposed modifications to the Unitary Development Plan, which were approved by the Council on the 18th October 2004 identifying the site as a Strategic Housing allocation. On publication the Council received representations from the Company currently occupying the site who consider that the site should not be a strategic housing site but should remain in employment use.

CONSIDERATION OF REPRESENTATIONS RECEIVED ON BEHALF OF THE COMPANY

- 4.0 Following deferment of the consideration of the report, Officers met with representatives of the Company and their legal advisers to give careful and full consideration of all the issues. The company are requesting that the Council should not adopt the plan as detailed in the proposed modifications but that the Council should publish further modifications to reflect the deletion of the site.
- 5.0 The Council has sought legal opinion from the Council's barrister as to the consequences of taking the course of action suggested by the company. It is the Council's barristers considered opinion that if the Council takes this course of action and publishes further proposed modifications; it is highly likely that representations will be received from the landowner and other interested parties which will necessitate holding a further Public Inquiry to allow an independent and fair assessment of the arguments

represented. He considers that this will be a high risk strategy jeopardising the Council having a statutory development plan in place.

- 6.0 Failure of the Council to hold a Public Inquiry, should further objections be received as a result of the company's request, is likely to result in a legal challenge against the Council under section 278 of the Planning and Compulsory Purchase Act 2004. This challenge would focus upon the fairness of the Council's course of action in denying an objector an independent hearing.
- 7.0 The Planning and Compulsory Purchase Act 2004 requires the UDP to be adopted by July 2006 as it has not been subject to a strategic environmental assessment. Given the timescales that are involved in this particular case, it is not considered feasible for the Council to publish proposed modifications, as suggested by the Company, and then have a Public Inquiry, receive the further recommendations of that Inspector and then be able to adopt the plan before July 2006. Consequently, any further inquiry will inevitably mean that the prospect of the Council having an adopted UDP in the required timescales would be lost.

CONSEQUENCES OF DUDLEY METROPOLITAN BOROUGH COUNCIL NOT HAVING A CURRENT ADOPTED UDP

- 8.0 Failure to meet the July 2006 timetable will result in the Council having to make all planning judgements on national planning policy and regional planning policy and on the basis of the original Unitary Development Plan which was adopted in 1993. The 1993 UDP is a plan that is time expired and was based on policies that were extant in the late 1980s and early 1990s. The 1993 plan is therefore considerably out of date and provides little by way of firm policy guidance for the future development of the Borough. This would result in immense uncertainty surrounding the planning process within Dudley Borough and would lead to investment and development opportunities being lost to surrounding Boroughs which have a robust planning framework in place in the form of a current adopted Unitary Development Plan.
- 9.0 The Council's barrister concluded that a balance must be struck, in this particular case between the interests of the owner, the leaseholder and the wider interest in having an up to date Statutory Development Plan for the Borough. His advice further concluded that the "non-availability of a Statutory Development Plan for the Borough should be avoided at all costs on the part of the Council".
- 10.0 The Council is mindful of the needs of the company and therefore have suggested that the Council would not view favourably a planning application for residential development until the commencement of the second phase of housing development set out in the Unitary Development Plan (beginning March 2007). This can be done by invoking the housing phasing policy (Policy H2 as modified) in the Revised Deposit Plan. This gives the Company the time and opportunity to negotiate with the landowners regarding their occupancy of the site.