



Wyre Forest District

Kidderminster Central Area Action Plan

Examination

Matter 1: Procedural / General Matters

WFDC Response

14th January 2013

Matter 1 – Procedural / General Matters

1. Has the Plan been prepared in accordance with relevant legal requirements, including the Duty to Co-operate and the procedural requirements of the National Planning Policy Framework (the Framework)?

1.1 The Plan has been prepared in accordance with the requirements of:

- Planning and Compulsory Purchase Act 2004,
- Town and Country Planning (Local Planning) (England) Regulations 2012 (and preceding regulations)
- National Planning Policy Framework.

1.2 Sustainability Appraisal of the Plan has been undertaken in accordance with the Planning and Compulsory Purchase Act 2004 and Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” and The Environmental Assessment of Plans and Programmes Regulations (2004).

1.3 All of the submission documents set out under Regulation 22 have been published on the District Council’s website at www.wyreforestdc.gov.uk and placed at the Worcestershire Hubs and libraries in the District.

Local Development Scheme

1.4 The Plan has been prepared in accordance with the Local Development Scheme (February 2012) (SD008). The LDS set out key milestones for preparation:

- June 08 – December 10 - Scoping/Preparation of options and consultation (Issues and Options consultation 15th January to 6th March 2009)
- May 2011 – public participation on Preferred Options (26th May to 8th July 2011)
- August/September 2012 Publication for a 6 week period (23rd July until 14th September 2012).
- October 2012 – Submission to Secretary of State (25th October 2012)

Sustainability Appraisal

- 1.5 The Plan has been subject to Sustainability Appraisal, SEA and a HRA Screening Report has been prepared. Please see response to question 4 of the Inspector's Initial Questions to the Council (ED007).

The Sustainable Community Strategy (SCS)

- 1.6 The Plan has been prepared in accordance with the objectives set out within the SCS. Please see response to question 3 of the Inspector's Initial Questions to the Council (ED007).

Statement of Community Involvement (SCI)

- 1.7 The Plan has been prepared in accordance with the District Council's Adopted SCI. Please see response to question 2 of the Inspector's Initial Questions to the Council (EB007).

The Procedural Requirements of the National Planning Policy Framework (NPPF)

- 1.8 NPPF Paragraphs 158 to 182 set out the procedural requirements which Local Plans must follow.

- **Using a Proportionate Evidence Base**

- *Housing* – A Strategic Housing Market Assessment (EB017) has been prepared for the area and this guided the housing allocation within the Adopted Core Strategy. An updated SHMA was published in February 2012 (EB018). A Strategic Housing Land Availability Assessment was initially published in December 2009 and updates were published in April 2010 and February 2012 (EB010, EB011 and EB012). The SHLAA process has guided the selection of sites for residential development. A Housing Technical Paper (EB025) has been developed to show how the evidence supports the policies and allocations within the KCAAP and a Housing Implementation Strategy (EB026) has been published setting out progress to date and the expected future delivery of sites.

- *Business* – An Employment Land Review was published in July 2008 (EB031) and was updated in April 2011 (EB032). A Retail and Commercial Leisure

Study was published in December 2006 (EB027) and was updated in February 2010 (EB028). A Feasibility Study has been undertaken to demonstrate the deliverability of the Eastern Gateway site (EB029) which is a key retail allocation within the Kidderminster Central Area Action Plan. An Economic Development Technical Paper (EB033) has been produced to show how the evidence base has influenced the KCAAP.

- *Infrastructure* - An Infrastructure Study (EB062) has been undertaken to draw together all of the evidence relating to the delivery of infrastructure within the District.
- *Minerals* – Worcestershire County Council is currently in the early stages of developing a Minerals Local Plan. Officers from the District Council are engaging with the Plan’s preparation and attended a stakeholder workshop held in November 2012.
- *Defence, national security, counter-terrorism and resilience* – The District Council has engaged with West Mercia Police and have agreed a Statement of Common Ground.
- *Environment* – A Sustainability Appraisal and Habitats Regulations Assessment Screening Report (SD021) have been undertaken. A Strategic Flood Risk Assessment has been undertaken in two parts (EB041 and EB042) as well as a Water Cycle Strategy (EB043) and sequential testing of sites (EB044).
- *Historic Environment* – Evidence relating to the historic environment is set out within the Historic Environment Technical Paper (EB071). A Landscape Character Assessment has been undertaken by Worcestershire County Council and has led to the development of County Wide Supplementary Guidance on Landscape Character (SD018).
- *Ensuring Viability and Deliverability* – Viability work has been undertaken to demonstrate the deliverability of sites (EB014 and EB015). Additionally, a

financial viability policy has been included within the Site Allocations and Policies Plan and this was developed in association with GVA (EB016)

- **Planning Strategically across Local Boundaries (Duty to Co-operate)**

A Duty to Co-operate Compliance Statement has paper has been prepared to set out in detail how the requirements of the Duty have been met (EB007).

- **Examining Local Plans**

- *Positively Prepared:* The Plan provides a positive strategy for growth. It is based on the growth figures set out within the Adopted Core Strategy. Despite the forthcoming abolition of the RSS, the evidence base and principles upon which the growth figures set out within it are based is still relevant.
- *Justified:* The Sustainability Appraisal work demonstrates why the strategy set out is the most appropriate alternative.
- *Effective:* The Plan is considered to be deliverable over the plan period. The Annual Monitoring Reports (December 2011 and December 2012) detail the progress made on implementation since the Core Strategy was Adopted in December 2010. A comprehensive monitoring framework is set out within the Adopted Core Strategy which includes measures to address failure to meet targets should this occur.
- *Consistent with National Policy:* "Local Plans and the National Planning Policy Framework, Compatibility Self-Assessment Checklist (April 2012) (EB006) sets out how the Plan is consistent with national policy. Question 2 of this matter looks at the issue in more detail.

2. Is the Plan in general conformity with the Regional Spatial Strategy (RSS) and consistent with the Framework? Does it reflect the Framework's presumption in favour of sustainable development?

- 2.1 The District Council considers that the Plan is in conformity with the WMRS since it has been strongly guided by the Council's Adopted Core Strategy (SD003). The Examining Inspector concluded in his report (SD004) that the Core Strategy reflected the principles of the Regional Strategy and that there was no clear evidence that the more-or-less agreed regional policy prescription is no longer to be carried forward by the constituent Local Planning Authorities acting either jointly or severally.
- 2.2 A NPPF conformity assessment of the Plan was undertaken prior to its submission for Independent Examination. The Assessment raised no major concerns with regard to conformity issues. However, attention is drawn to the summary of following points which were raised through the assessment:
- As the Core Strategy was adopted in 2010, it does not include the Planning Inspectorate's model policy relating to the presumption in favour of sustainable development. However, it is considered that sustainable development focused on positive promotion of regeneration is at the heart of the Strategy. Policy KCA.PFSD1 Presumption in Favour of Sustainable Development was introduced to the pre-submission publication Kidderminster Central Area Action Plan DPD.
- 2.3 The District Council strongly regards the Plan as reflecting the presumption in favour of sustainable development principle. The Plan has been positively prepared with a key focus on regeneration and promoting sustainable development. The Council has a strong track record on delivery and can currently demonstrate a 6.5 year supply of deliverable housing land. Furthermore, Policy KCA.PFSD1 (Presumption in Favour of Sustainable Development) emphasises a proactive approach to working with developers and stakeholders. The Plan aims to provide certainty to developers and investors to ensure that regeneration remains the key focus within the central area of the primary town.

3. Is the KCAAP consistent with the adopted Wyre Forest Core Strategy and Waste Core Strategy?

Wyre Forest Core Strategy

- 3.1 The KCAAP has been produced taking into account the policies and development strategy provided for by the Adopted Core Strategy. The policies within the Core Strategy have specifically guided the development of the KCAAP and have helped to identify which allocations would be made to meet the identified needs.
- 3.2 The KCAAP is wholly focussed on the regeneration potential that exists within the central core of Kidderminster. It is considered that this approach is consistent with the Adopted Core Strategy and specifically policies DS01 and DS02. In conjunction with the Site Allocation and Policies Plan, the land proposed for allocation within the KCAAP will meet the strategic development requirements set out in the Core Strategy for housing, employment and retail uses. More specifically, the retail requirement is for Kidderminster alone and therefore the KCAAP is the primary document to ensure that this need is met.

Waste Core Strategy for Worcestershire

- 3.3 The Waste Core Strategy for Worcestershire was adopted in November 2012; it sets out the way in which the County Council proposes to deal with the Waste arisings within Worcestershire as a whole
- 3.4 In terms of the policies included within the Waste Core Strategy, Policy WCS.1 is a Presumption in Favour of Sustainable Development. The KCAAP also includes a Presumption in Favour of Sustainable Development policy and it is therefore considered that there is consistency between the documents with regard to this important element of Plan Making, as identified in the NPPF.
- 3.5 The policies in relation to Environmental Assets (WCS9), Flood Risk and Water Resources (WCS10), Sustainable Design (WCS11), Local Characteristics (WCS12), Green Belt (WCS13), and Amenity (WCS14) are all considered to be consistent with the policies set out in the Wyre Forest Core Strategy and with the policies proposed in the KCAAP. The consistency of approach will ensure that a clear message is provided for

applicants and it should help to provide for the delivery of Sustainable Development within the District.

- 3.6 With regard to Policy WCS17: Making Space for Waste, it should be noted that the District Council's Adopted Core Strategy provides a policy framework in relation to waste that are consistent with the Waste Core Strategy for Worcestershire. Policy CP01 of the Wyre Forest Core Strategy identifies that *"All new developments must make provision for waste recycling and, as a minimum, developments will be required to provide sufficient space to store materials for recycling."* Therefore, the District Council's adopted policy already provides for conformity with the Waste Core Strategy and specifically Policy WCS.17: Making Space for Waste.

4. How has the KCAAP evolved in terms of the alternatives considered? How were these evaluated and have all reasonable options been examined? Are the choices made properly justified and is it clear from the Sustainability Appraisal why the preferred options have been chosen? Have the choices and phasing of development been sufficiently informed by the Infrastructure Delivery Plan and Sequential Testing (Flooding) reports?

- 4.1 In regard to residential sites, the KCAAP considered all of the alternatives assessed as part of the Strategic Housing Land Availability Assessment (EB010). Sites suggested during the consultation stages were assessed as part of the SHLAA updates (EB011 and EB012) and as part of the Sustainability Appraisal (SA) process.

- 4.2 Other sites, particularly those identified as mixed use in the KCAAP, were not identified through the SHLAA but have arisen through the findings of other evidence base documents such as the Employment Land Review (EB031) and Kidderminster Regeneration Prospectus (SD017). These sites were identified as being deliverable opportunity sites where regeneration and redevelopment potential exists. These too have been assessed as part of the SA process.

- 4.3 A number of alternative general strategic development options were also assessed in the issues and options stages of the plan and were tested against the SA Framework.

The options that were rejected are summarised at paragraph 6.4 of the Final SA Report (SD050) and the reasons for their dismissal is explained.

- 4.4 Each of the sites and options was tested against the SA framework, the information was summarised and a sustainability ranking of 1-4 was awarded to each site. The preferred options were mainly those sites which were awarded a 1 or 2 through the SA process however, where this is not the case the reasons for allocating the sites are set out within the SA Report (chapters 6 and 7, Final SA Report (SD050). The SA framework sets out 21 criteria. Information from the evidence base was used to assess the effect that the allocation of each site would have on the baseline position, whether this would be positive or negative, the severity of the effect, and the length of time for which it would last and whether or not the effect would be reversible. The SA framework includes a criteria relating to flooding and evidence from the Strategic Flood Risk Assessment and the Water Cycle Strategy was used to inform the appraisal of the sites against the sustainability objectives.
- 4.5 The selection of sites within the document has been specifically informed by the evidence base, including work on infrastructure and flood risk. The flood risk sequential test (EB044) identifies the fact that 73% of the proposed land allocations are within flood zone 1, with just over 18% of the land proposed for development being at more significant risk of flooding. However, more recent revised flood mapping data provided by the Environment Agency now shows that just over 80% of land allocations being within flood zone 1, with 8.5% lying in flood zone 3a/3b. There has therefore been a clear approach to ensuring, where possible, a sequential approach to the selection of sites has been followed. This is consistent with the NPPF.
- 4.6 It is not considered possible to completely avoid flood risk due to the competing priorities in terms of allocating sites, i.e. some other sites considered in the sequential test are within flood zone 3 but are considered important in terms of the town centre regeneration objectives. Therefore, a balanced approach to the allocations of sites has been followed, which takes account of the flood risk sequential test as well as following the aims and objectives of the other policies in the NPPF and the Adopted Core Strategy. Furthermore, in some of the more constrained flood risk areas the phasing period has been set for later in the plan period to reflect the fact that are

more constraints associated with bringing forward the site for development. None of the sites included in the document are entirely within Flood Zone 3, meaning that development can be located according to risk within a site, helping to minimise the risk associated with any development.

- 4.7 The plan has also been developed taking into account the various infrastructure requirements and constraints that exist within the District. The Infrastructure Delivery Plan (EB062) identifies where there is considered to be gaps in provision and the KCAAP has proposed sites and strategies to help bring some of these provisions forward.
- 4.8 For example, a gap is identified in the Churchfields regeneration area in the form of highways infrastructure and specifically a new road layout to deal with Blackwell Street. The Churchfields section of the KCAAP and the policies contained within it seek to secure development that will bring forward the required infrastructure improvements. It is clear, therefore, that the document has been prepared by taking into account these infrastructure requirements.
- 4.9 There continues to be a healthy residential and employment land supply within the District and more specifically Kidderminster, Development has been secured over the short term which has taken into account infrastructure needs. This provides short to medium term certainty that the plan is deliverable taking into account infrastructure requirements and recognising the fact that some of the more challenging elements of provision are likely to be developed later in the plan period.
- 4.10 The document has also used the information on infrastructure requirements to set the potential phasing periods in the plan. For example, future development of sites at the Green Street Depot (KCA.HP3) and the Bus Depot (KCA.HP4) will need to reflect the future of the road infrastructure and namely the ambition to remodel the existing ring road junction. The phasing periods for these sites have therefore been set for later in the plan period to reflect that there may be more difficulties to be overcome than other sites allocated within the document.

4.11 Overall, it is considered that the document provides a balanced and deliverable approach to new development taking into account both flood risk and infrastructure requirements.

5. The overall vision for the Plan area relies on a number of enhancements and improvements including, amongst others, the creation of bridging points across the canal, improvements to the Ring Road, improvements to Comberton Hill Island, general improvements to the public realm and the creation of civic spaces? What mechanisms are in place to ensure that the necessary infrastructure and improvements can be delivered?

5.1 Some of the main mechanisms for implementing infrastructure enhancements within the KCAAP area are included in the District wide Infrastructure Plan (EB062). These include mechanisms such as:

- Community Infrastructure Levy (CIL)
- Local Enterprise Partnerships (LEPs) both Worcestershire and Greater Birmingham and Solihull
- S106 Planning Obligations SPD
- North Worcestershire Economic Development and Regeneration (NWEDR) Service
- ReWyre Initiative

5.2 More information on these mechanisms and initiatives can be seen in the Council's response to Question 4 of Matter 1 of the Site Allocations and Policies Plan.

Kidderminster Public Realm Design

5.3 The NWEDR service, has commissioned a consultant team to develop a Public Real Development Framework (PRDF) for Kidderminster Town Centre. The poor environmental quality of the town, the disjointed connectivity, and the lack of public space have all been identified as contributing to holding back the economic potential of the town. The Framework will help to deliver improvements to address these issues.

- 5.4 The PRDF will provide a comprehensive scheme of public realm improvements, provide the basis for future investment and include an implementation plan. An initial Phase 1 public realm scheme is set to be delivered in summer/autumn 2013 with the District Council committing capital funding to kick-start this investment. This will help to bring forward important public realm infrastructure improvements within the Central area of Kidderminster.

Kidderminster Ring Road

- 5.5 A key ambition of the Plan, expressed through policies KCA.UP3 and KCA.UP4, is to re-design elements of the ring road to improve it both aesthetically and functionally.
- 5.6 Policy KCA.UP3 requires developments affecting the ring road to contribute towards the improvement of its environment and includes the provision of surface level crossings across it. The Plan identifies a number of important development sites and areas that sit adjacent to the ring road, such as Churchfields and Eastern Gateway, which provide a significant opportunity to implement this policy and deliver improvements to the road.
- 5.7 In regard to the Comberton Hill Island, Policy KCA.EG4 provides specific guidance for its improvement. Some of the potential delivery mechanisms for the project are set out in the Infrastructure Delivery Plans for the District and the County (EB058, EB061, and EB062). However, the policy has been phased for a later period to acknowledge the more complex nature of its delivery.

Canal Bridging Points

- 5.8 The Staffordshire & Worcestershire Canal Policy KCA.UP5 requires new development on canal sides to deliver new bridges where there is an identified need. Throughout the KCAAP area the canal is bordered by key regeneration and redevelopment sites that, if deemed necessary, could contribute to the delivery of a new crossing point. For example, in the Western Gateway area a gap in infrastructure has been identified in the form of a bridge over the canal to link Weavers Wharf and Park Lane. In this instance the policy for Park Lane Canalside (KCA.WG2) site requires new development to deliver a pedestrian bridge across the canal.