
Matter 1 Hearing Statement

Wyre Forest District Local Plan Examination
Response on Behalf of Gaynor Gillespie and W4
Estates Limited

Representor ID: 859769

Questions: 1.2

[savills.co.uk](https://www.savills.co.uk)

The Savills logo consists of a solid yellow square on the left and the word "savills" in a lowercase, sans-serif font on the right, all contained within a white rectangular area.



Contents

1. Introduction	1
1.1. Introduction.....	1
2. Matter 1: Legal Requirements, Duty to Co-operate and the Public Sector Equality Duty	1
2.1. Question 1.2.....	1

Appendix 1.0 - Example Comparison Between Sustainability Appraisal and Sites Selection Paper Sustainability Score Reporting (Kidderminster East Sites)

Appendix 2.0 - Summary Review of Sustainability Scores for the Land at Captains Site (WFR/ST/1)

1. Introduction

1.1. Introduction

- 1.1.1. Savills has been instructed by Gaynor Gillespie and W4 Estates Limited to submit a Hearing Statement in response to Matter 1 (Question 1.2) of the Wyre Forest District Local Plan Examination.
- 1.1.2. Gaynor Gillespie and W4 Estates Limited are promoting land at Captains (included within site ref WFR/ST/1) that was shown by Wyre Forest District Council (WFDC) to be included within the proposed Core Housing Site to the east of Kidderminster within the Preferred Options consultation document, but was removed by WFDC from subsequent consultation stages of the emerging Local Plan.

2. Matter 1: Legal Requirements, Duty to Co-operate and the Public Sector Equality Duty

2.1. Question 1.2

“Is the sustainability appraisal adequate? Does it indicate that the Plan sets out an appropriate strategy over the Plan period taking account of the reasonable alternatives?”

- 2.1.1. The Planning Practice Guidance (PPG)¹ states that *“the sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted”*. Three bullet points are listed in the PPG to set out how this is to be achieved¹ (these are referred to below as “the PPG bullet points”).
- 2.1.2. In relation to the first PPG bullet, point our client notes that the 2019 Sustainability Appraisal² identifies the alternatives considered and sets out an evaluation of their likely significant effects based on a range of environmental, economic and social factors (employing the same level of detail for each option). Our client is therefore not disputing whether all reasonable alternatives have been considered, compared and assessed against the baseline characteristics through the sustainability appraisal approach.

¹ PPG Paragraph: 018; Reference ID: 11-018-20140306; Revision Date: 06 03 2014.

² Examination Document SD04 Sustainability Appraisal of the Pre-Submission Publication Draft Wyre Forest District Local Plan (July 2019).



- 2.1.3. In relation to the second PPG bullet point, our client notes that the 2019 Sustainability Appraisal³ states that the Appendix B site appraisal forms include recommendations on how any constraints could be overcome. However the majority of the Appendix B⁴ site appraisal forms do not include recommendations on how potential constraints or likely adverse effects could be overcome through measures to prevent, reduce or offset them. It is therefore not clear how the 2019 Sustainability Appraisal achieves the second PPG bullet point.
- 2.1.4. In relation to the third PPG bullet point, it is noted that the 2019 Sustainability Appraisal does not provide recommendations for which site options are to be rejected based on the outcome of the sustainability scores and which sites are to be taken forward based on their sustainability scores, or the reasons why sites have been rejected or taken forward in light of the potential alternatives. The “overall impact” assessment for each site given in the final column of Table 5.2⁵ is also based on the outcome of a separate wider review⁶ undertaken by WFDC officers rather than an overall impact just based on the 2019 Sustainability Appraisal sustainability scores alone.
- 2.1.5. Confusingly a red, amber or green ‘sustainability appraisal’ categorisation has been reported for each assessed site within the wider matrix included in the 2019 Sites Selection Paper⁷. However it is unclear how these overall ‘sustainability appraisal’ categories have been worked out because: no reasoning for this categorisation is given within the Site Selection Paper; this categorisation summary is not included within the 2019 Sustainability Appraisal; and there is not a clear linkage between the sustainability scores reported in the 2019 Sustainability Appraisal and the ‘sustainability appraisal’ categorisations included in the 2019 Sites Selection Paper. An example of this, using the Kidderminster East option sites, is given at Appendix 1 of this Hearing Statement.

³ Examination Document SD04 Sustainability Appraisal of the Pre-Submission Publication Draft Wyre Forest District Local Plan (July 2019). Section 5.6.

⁴ Examination Document SD04 Sustainability Appraisal of the Pre-Submission Publication Draft Wyre Forest District Local Plan (July 2019). Appendix B.

⁵ Examination Document SD04 Sustainability Appraisal of the Pre-Submission Publication Draft Wyre Forest District Local Plan (July 2019). Table 5.2.

⁶ Examination Document SSP01 WFDC Sites Selection Paper (August 2019)

⁷ Examination Document SSP01a WFDC Sites Selection Paper (August 2019). Appendix 1 – Analysis of Constraints Affecting Potential Allocations.

- 2.1.6. The sustainability appraisal evidence base is therefore not considered to provide a clear, effective and consistent justification for the Local Plan strategy and it is accordingly not clear how the 2019 Sustainability Appraisal achieves the third PPG bullet point.
- 2.1.7. The 2019 Sustainability Appraisal⁸ shows that 41 out of the 81 sites taken forward for allocation within the Local Plan have one or more criteria simply marked with a ‘?’. Our client questions how the allocation process can be robust if potential impacts are not being properly assessed or indeed are not even known.
- 2.1.8. The 2019 Sustainability Appraisal⁹ identifies that some of the site appraisals were changed in Summer 2019 to reflect “*location-specific information*”, where available. However our client considers that the updates made were not based on robustly evidenced reasoning, and did not take account of all the information in the WFDC evidence base or evidence submitted through representations. Notably the changes made in relation to site WFR/ST/1 are not considered to be properly evidenced or substantiated.
- 2.1.9. WFR/ST/1 was previously assessed in the 2017 Sustainability Appraisal¹⁰ as having “*the potential to enhance the landscape by developing land that currently has a minor negative impact*”. The site was recognised as involving the redevelopment of a previously developed site and “*thus development has the potential for a significant positive effect*”. Out of the 13 sustainability appraisal objectives (two of which were divided into two scores within each objective), this site scored “major positive” (development would resolve an existing sustainability problem) in three of the objectives, “minor positive” (no sustainability constraints) in six of the categories, “neutral” in four of the objectives, N/A in one objective and a “minor negative” (potential sustainability issues, mitigation and/or negotiation possible) in the objective “to maintain the integrity of the Green Belt within the District”.
- 2.1.10. WFR/ST/1 therefore did not previously score any “major negative” (problematic and improbable due to sustainability issues, mitigation is likely to be difficult and/or expensive) or “absolute constraints”. This overall positive scoring was reflected by the WFDC decision to include it as a Preferred Option core housing site.

⁸ Examination Document SD04 Sustainability Appraisal of the Pre-Submission Publication Draft Wyre Forest District Local Plan (July 2019). Table 6.2.

⁹ Examination Document SD04 Sustainability Appraisal of the Pre-Submission Publication Draft Wyre Forest District Local Plan (July 2019). Section 5.6.

¹⁰ Examination Document LPP06 Local Plan Review Preferred Options Sustainability Appraisal (May 2017). Appendix G4.

- 2.1.11. The WFDC Preliminary Ecological Appraisal¹¹ recommended that the wet woodland at Captain's Pool should be buffered by at least 50m and the site should be designed to draw footfall away from this sensitive receptor. A significant body of ecological work was also submitted in previous representations for WFR/ST/1¹², which identified that development on this site will be possible, with sensitive design to minimise ecological impacts, including buffering, retaining bat commuting / foraging links, enhanced habitat creation and sensitive management of the wet woodland Priority Habitat.
- 2.1.12. Therefore the significant shift taken in the WFDC assessment of this site following the 2017 Sustainability Appraisal, resulting in the assessment given in the most recent 2019 Sustainability Appraisal and ultimate rejection of the site based on "*ecological constraints – adverse impact on ancient woodland*"¹³, is not considered to accurately reflect the findings of the more up to date and detailed location-specific information submitted by our client.
- 2.1.13. Appendix 2 of this Hearing Statement takes the above into account, along with other site-specific considerations, and proposes an amended sustainability appraisal assessment for WFR/ST/1. The output from this updated site-specific sustainability appraisal exemplifies where there are considered to be deficiencies in the approach taken by WFDC to the sustainability appraisal process, including where perceived sustainability impacts are considered to have been overstated for sites (such as WFR/ST/1) that might be part greenfield and part previously developed.
- 2.1.14. In summary, our client contends that the sustainability appraisal process does not provide either a robust and consistent evaluation of the likely significant effects of particular alternatives or fully evidenced conclusions on the reasons why the rejected options are not being taken forward. Accordingly our client considers that the Local Plan is not justified and therefore is unsound.
- 2.1.15. The 2019 Sustainability Appraisal and supporting evidence base should be updated to take these points into consideration and the proposed Local Plan allocations should be reviewed and updated to reflect the revised Sustainability Appraisal findings. WFR/ST/1 should be reinstated as a Local Plan allocation site.

¹¹ Preliminary Ecological Appraisal of potentially ecologically sensitive sites on WFDC's list of sites for allocation in the 2018 Local Plan (June 2018).

¹² Stansgate Planning Consultation Response on behalf of Mrs. Gaynor Gillespie Ref EN/K/8797 (October 2019).

¹³ Examination Document SSP01 WFDC Sites Selection Paper (August 2019). Appendix 2.

Appendix 1.0

Example Comparison Between Sustainability Appraisal and
Sites Selection Paper Sustainability Score Reporting
(Kidderminster East Sites)

Kidderminster East Sites

2019 Sustainability Appraisal

2019 Sites Selection Paper

Site	Local Services	Housing	Travel	Soil and Land	Water and Flooding	Landscape	Biodiversity	Employment	Historic	Green Belt	Community	Overall Impact	Sustainability Appraisal
AS/9	-	0	0	+	0	-	0	0	0	-	0	X	
AS/10	0	+	0	-	0	-	0	0	0	-	0	X	
OC/4	0	+	+	-	0	--	--	0	-	-	0	X	
OC/5	0	+	+	-	-	-	-	0	-	-	0	✓	
OC/6	+	+	+	-	-	-	0	0	-	-	0	✓	
OC/12	0	+	0	+	--	0	--	0	0	-	0	✓	
OC/13	0	++	0	--	--	-	--	0	0?	-	0	Partial	
WFR/CB/6	0	+	+	--	0	--	-	0	-	-	-	X	
WFR/CB/7	0	0	+	--	-	--	-	+	-	-	-	X	
WFR/ST/1	0	+	0	-	-	-	--	0	0?	-	0	X	
WFR/ST/2	-	+	0	0	-	--	0	0	0	-	-	X	
WFR/ST/3	-	+	0	--	--	--	--	0	-	-	-	X	
WFR/ST/4	-	+	0	-	?	--	--	0	-	-	-	X	
WFR/ST/6	-	0	-	-	-	--	0	0	0	-	-	X	
WFR/ST/10	-	+	-	--	0	--	--	0	0	-	-	x	

All data is taken from Examination Document SD04a (Sustainability Appraisal of the Pre-Submission Publication Draft Wyre Forest District Local Plan (July 2019)) apart from the 'Sustainability Appraisal' column which is taken from Examination Document SSP01a (Sites Selection Paper Appendix 1: Analysis of constraints affecting potential allocations (August 2019)).

Appendix 2.0

Summary Review of Sustainability Scores for the Land at
Captains Site (WFR/ST/1)

Objective	SA Score ¹⁴	Justification ¹⁵	Additional Savills Comments ¹⁶	Proposed SA Score
Local services and facilities	0	Adjoins built area. Reasonable access to local facilities: shops on Spennells.	Heronswood Primary School is c.700m from the site, accessed via public footpaths through the Spennells estate. A variety of local shops are located adjacent to the school. If there are additional evidenced pressures on education, health services or public open spaces then these could be mitigated via S106 contributions or CIL payments (if WFDC brings in CIL in the future). Future residents on this partly previously developed site will benefit from the current accessibility to existing local services and facilities and will also be able to further support the vitality and viability of these services and facilities.	+
Housing needs of all	+	4.59ha	No additional comments.	+
Need to travel, sustainable travel modes	0	Good vehicular access from main road. Reasonable public transport access: bus stops within short walk.	There are nearby bus routes into and out of Kidderminster and Bromsgrove, with bus stops on Heronswood Road and on Bromsgrove Road, in both cases c.700m from the site. If there are additional evidenced pressures on transport then these could be mitigated via S106 contributions or CIL payments. The additional residents on this site will provide the opportunity to increase patronage for, and thereby improving the viability of, existing public transport services. Whilst the wider strategic allocation to the east of Kidderminster will require substantial infrastructure works to be carried out before development can come forward, the partially previously-developed Captains site was identified in the Local Plan Review Preferred Options (June 2017) as an “option B” site (i.e. one that could be delivered without additional infrastructure investment). This site is a standalone site in single ownership which can be delivered immediately to meet housing needs within the next five years, to assist WFDC with achieving and maintaining a five year supply of deliverable housing land.	+
Soil and land	-	Partly greenfield, partly brownfield (residential, caravan storage, woodland and lake).	The WFDC development strategy focuses on continuing to deliver development on previously sites in urban areas in the first instance, followed by development on greenfield sites adjacent to urban areas, especially Kidderminster. WFDC considers this strategy to be the most sustainable approach to development. This is in line with the NPPF paragraph 84 encouragement for the use of previously developed land, and sites which are physically well related to existing settlements, where suitable opportunities exist. Development on this sustainably-located largely previously developed site adjacent to Kidderminster is therefore considered to be consistent with the local and national approach to development. Whilst some of the site is greenfield, the sensitive woodland areas of the site (identified as wet woodland W6 which is a Priority Habitat and of high ecological value) can be excluded from the proposed developable land area. Furthermore the site-specific botanical surveys undertaken in April and June 2019 have confirmed that, for the most part, the grassland areas of the site are species-poor and of relatively low ecological value. None of the grassland is of Priority Habitat or Local Wildlife Site quality. The land is mown and maintained, but is not used for any active agricultural use.	0

¹⁴ Sourced from Examination Document SD04a Sustainability Appraisal of the Pre-Submission Publication Draft Wyre Forest District Local Plan (July 2019) Appendix B Site Appraisals – Page 247.

¹⁵ Sourced from Examination Document SD04a Sustainability Appraisal of the Pre-Submission Publication Draft Wyre Forest District Local Plan (July 2019) Appendix B Site Appraisals – Page 247.

¹⁶ Comments informed by representations made on this site previously in the Stansgate Planning Consultation Response on behalf of Mrs. Gaynor Gillespie Ref EN/K/8797 (October 2019). Reference should be made in particular to the ecological reporting undertaken by Swift Ecology for this site included within this consultation response.

Objective	SA Score ¹⁴	Justification ¹⁵	Additional Savills Comments ¹⁶	Proposed SA Score
Water resources and quality, flood risk	-	Area of marsh and stream shown in 1 st edition OS map. Water cycle study identifies waste water treatment infrastructure and pluvial flooding as concerns.	The proposed developable area for this site, based upon the evidence produced previously for our client by Swift Ecology, would ensure that any areas of the site that may be at risk of surface water flooding are left undeveloped. Detailed hydrological and ecological surveys undertaken at the next stage of the development process would set out how water on this site would be managed. The water cycle study has raised some capacity concerns but this is not unusual for many development sites and is not considered to be a reason to preclude the development of this land.	0
Landscape and townscape	-	Site well screened from A448. Potential adverse impact on views from adjoining housing estate.	It should be noted that the boundary between houses on the adjoining Spennells housing estate and this site is heavily screened all year-round by Leyland Cypress that have grown to a height greater than these existing houses. There are, at most, limited views into this site. If there are views these would be of substantial areas of hardstanding, the extension works to the property at Captains, the storage of domestic items, ancillary buildings and the storage of caravans. There is therefore potential to improve the outlook for any properties that can obtain views into this site through: the removal of the existing buildings, caravans and other associated (and potentially unsightly) ancillary storage and their replacement with an attractive housing scheme; and the restoration and improvement of the woodland and wildlife areas beyond. This potential gain is recognised in the Preferred Options Sustainability Appraisal Report May 2017), where the site was identified as having <i>“the potential to enhance the landscape by developing land that currently has a minor negative impact”</i> . The site was recognised as involving the redevelopment of a previously developed site and <i>“thus development has the potential for a significant positive effect”</i>	+
Biodiversity and geodiversity	---	Captain’s and Stanklyn Pools and Spennells Valley are adjacent to the site. TPOs cover western and southern site boundaries: TPO 285 woodland areas on / adjacent to site.	Based on the site-specific ecological evidence provided within previous representations for this site by Swift Ecology in December 2018 and October 2019, the existing site features highlighted by WFDC should not be treated as a “major negative” sustainability constraint. Appropriate management and mitigation can be put in place. The recommendations made in the Council’s PEA have all been met as far as they can be at this stage of the process. Full botanical surveys of the grassland and extensive bat presence/absence and activity surveys covering the buildings and the wider site, including the Leyland cypress hedgerows, have been undertaken. A 50m buffer of the wet woodland and Captain’s Pool has been provided when calculating the developable area of the site. Should the site be allocated, future development on the site will include appropriate management of surface water and a management plan to eradicate non-native species.	0
Economy and employment	0		No additional comments.	0
Historic environment	0?	Demolition of historic boathouse at SW corner of site would lead to total loss of undesignated heritage asset of unknown significance.	It should be noted that the existing boathouse is in a dilapidated condition. This boathouse would be located within the ecological buffer area previously proposed by our client in this part of the site and would not be included in the developable area. There is considered to be an opportunity as part of the development proposals for this site for the boathouse to have more protection through the proposed active management of the ecologically valuable parts of the site (funded by the proposed residential development) than it has at the moment, where it is neglected and unprotected.	+

Objective	SA Score ¹⁴	Justification ¹⁵	Additional Savills Comments ¹⁶	Proposed SA Score
Green Belt	-	In Green Belt	The sustainability score does not reflect the analysis of constraints in Appendix 1 of the 2019 Sites Selection Paper, which gives this site a “green” (identified as “limited or no concerns”) rating for Green Belt. The Green Belt Review April 2017 concluded that <i>“the site makes only a limited contribution to Green Belt purposes, being well bounded with limited visual connection”</i> . With regards to the effect of development on openness, this Review concluded that <i>“development would extend the current built edge of Kidderminster along the A448 but this would not be substantial and would be visually contained by substantial boundary vegetation”</i> . The NPPF supports the principle of the redevelopment of previously developed sites in the Green Belt. The development of this site would also reduce the need to release as much undeveloped land from the Green Belt to meet future housing need.	+
Community and settlement identities	0	Adjoins built area	The site is directly adjacent to, and well related to, the established Spennells housing estate. Development of the site would ‘round off’ this part of Kidderminster, between the A448 and the existing residential development to north and west. Development on this site would not result in coalescence with the village of Stone. The inclusion of sensitive boundary treatment along the eastern boundary and the delivery of an appropriate urban design response will ensure that the development of this site reflects its position as a gateway into Kidderminster in an area of transition between the open countryside and a major urban area.	0

