



Wyre Forest District

Site Allocations and Policies 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?

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 (LDS)

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:

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

Sustainability Appraisal

- 1.5 The Plan has been subject to Sustainability Appraisal, SEA (SD032) and a HRA Screening Report (SD021) 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 (SD009). 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 (SD007). 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 (SD003). 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 Site Allocations and Policies Plan 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 Site Allocations and Policies DPD.

- *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 (SOCG 5).
- *Environment* – A Sustainability Appraisal (SD032) 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 (SD003). 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 Report (December 2011 (SD0019) details the progress made on implementation since the Core Strategy (SD003) 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 National Planning Policy Framework (the Framework)? Does it

reflect the National Planning Policy Framework's presumption in favour of sustainable development?

- 2.1 The Secretary of State has confirmed that Regional Strategies are to be revoked and therefore will no longer form part of the Statutory Development Plan. However, until the West Midlands Regional Strategy (WMRS) is formally revoked, the Site Allocations and Policies Plan must be in general conformity with it.
- 2.2 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.
- 2.3 A NPPF conformity assessment of the Plan (EB006) was undertaken prior to its submission for Independent Examination. The Assessment raised no major concerns. 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 SAL.PFSD1 Presumption in Favour of Sustainable Development was introduced to the pre-submission Site Allocations and Policies and Kidderminster Central Area Action Plan DPDs.
 - The NPPF (SD001) provides flexibility to enable the delivery of some market housing on rural exceptions sites to enable the delivery of affordable housing to meet local needs. Policy SAL.DPL2 on Rural Exceptions Sites reflects this approach.

- Wyre Forest District has a number of previously developed sites in the Green Belt including Lea Castle, Rushock Trading Estate and the West Midlands Safari & Leisure Park. The Site Allocations & Policies includes a specific policy (SAL.PDS1) relating to Previously Developed Sites in the Green Belt.
- The NPPF also makes provision for the inclusion of development brought forward under a Community Right to Build Order as acceptable development within the Green Belt.

2.4 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 SAL.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.

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

Wyre Forest Core Strategy

- 3.1 The policies within the Core Strategy have specifically guided the Plan's development and have helped to identify which allocations would be made to meet the identified needs.
- 3.2 In strategic terms, the sites allocated for development are proposed on Previously Developed Land, with the focus being for Kidderminster and Stourport-on-Severn and more limited development targeted towards the rural areas. It is considered that this approach is wholly consistent with the Adopted Core Strategy (SD003) and specifically policies DS01, DS02, DS03 and DS04. It is considered that the land proposed for allocation will meet the strategic development requirements set out in the Core Strategy for housing, employment and retail uses.

Waste Core Strategy for Worcestershire

- 3.3 The Waste Core Strategy (SD010) 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 The Hierarchy of sites for potential new waste management facilities, included in the Waste Core Strategy is considered to be consistent with the areas allocated within the Site Allocations and Policies Plan. The approach to focus primarily on Kidderminster and Stourport-on-Severn is also considered to be consistent with the Wyre Forest Adopted Core Strategy.
- 3.5 In terms of the policies included within the Waste Core Strategy, Policy WCS.1 is a Presumption in Favour of Sustainable Development. The Site Allocations and Policies DPD 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.
- 3.6 Policy WCS.6 of the Waste Core Strategy for Worcestershire seeks to direct development, where possible, to existing employment sites or previously developed land. This approach is in conformity with the District Council's approach to new development within the District.
- 3.7 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 Site Allocations and Policies. 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.
- 3.8 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. It is not proposed to repeat this policy guidance in the Site Allocations and Policies as provision is already made within the Adopted Core Strategy.

3.9 In terms of site specifics, the Waste Core Strategy identifies in Annex A the areas in Wyre Forest where new waste development may be acceptable. The sites listed within the Waste Core Strategy are also identified as being suitable for employment related development within the Site Allocations and Policies Plan (tables identified at Pages 42-43). This provides for clear consistency between the plans and would allow for waste related development to be considered at these sites, in conjunction with the policies included in both of the Development Plan Documents.

3.10 Notwithstanding the above commentary, in the Statement of Common Ground (SOGC6) between the District Council and Worcestershire County Council, a number of amendments are proposed to better reflect the fact that the Waste Core Strategy has now been adopted. The proposed wording has been supported by both the District Council and the County Council and would ensure greater clarity between the two statutory documents. Therefore, subject to the inclusion of the proposed change, it is considered that there will be clear consistency between the two Development Plans.

4. **What mechanisms are in place to ensure the necessary infrastructure is delivered?**

4.1 The accompanying Infrastructure Plans for the District and the County (EB058, EB061, and EB062) set out some of the mechanisms to bring forward infrastructure to meet the District’s development needs. Further information is also available within the Economic Development NPPF Technical Paper (EB033) and the Regeneration Initiatives Background Paper (EB034). Some of the key elements are highlighted below.

Community Infrastructure Levy (CIL)

- 4.2 The Council is currently at the evidence gathering stage in bringing forward a CIL tariff within the District. The Council, in conjunction with the other Worcestershire Districts and Worcestershire County Council, appointed consultants to undertake a county wide viability assessment. This assessment will be completed in early 2013. It is anticipated that, subject to detailed analysis of the findings, the Council will look to bring forward a draft charging schedule for consultation in spring 2013. Once in place, the CIL will help to meet some of the infrastructure funding gap that has been identified.

Local Enterprise Partnerships (LEPS)

- 4.3 Wyre Forest is a member of both the Greater Birmingham & Solihull LEP (GBSLEP) and the Worcestershire LEP (WLEP). Increasingly both the GBSLEP and WLEP are working in partnership in regard to Wyre Forest to assure complimentary priorities and interventions are reached.
- 4.4 The LEPs can access significant resources and powers from Central Government and shape and influence the spending of departments and agencies. The Growing Places Fund is a prime example of this and through the GBSLEP and WLEP the District Council was able to secure £2.5m via this fund for highway infrastructure to help deliver the redevelopment of the former British Sugar Site. Through the City Deal the LEP has begun a process of real devolution of power from Central Government which could provide further flexibility to allocate resources to local projects to stimulate development.
- 4.5 Therefore, the District Council's continued involvement in this process will help to unlock further sources of funding in order to help meet the infrastructure needs within the District.

Planning Obligations Supplementary Planning Document

- 4.6 The Council has a Planning Obligations Supplementary Planning Document (SD012) which identifies the type of infrastructure that development may need to provide for. This has helped to ensure that development is providing for the infrastructure required to make developments appropriate and sustainable.

North Worcestershire Economic Development and Regeneration (NWEDR) Service

- 4.7 The NWEDR service was established in 2011 to deliver Economic Development and Regeneration across the three North Worcestershire Districts of Wyre Forest, Bromsgrove and Redditch. A key advantage is the increased level of influence that a North Worcestershire service could have at a county and regional scale to lever in greater resources.
- 4.8 The NWEDR service is to produce a North Worcestershire Prospectus that will identify and present priority projects in the area. These identified projects are intended to have major impacts of the economic wellbeing of North Worcestershire and in particular the three towns of Kidderminster, Redditch and Bromsgrove. The promotion and implementation of town centre development opportunities in Kidderminster is certain to be a priority project including the continued delivery and programme of works through the ReWyre Initiative (SD017) and the State of the Area Debate (see below).
- 4.9 The NWEDR service looks to influence strategic policy direction and highlight and promote the case for investment across North Worcestershire with the GBS and Worcestershire LEPS.
- 4.10 NWEDR has an important role in bringing together the necessary skills, expertise, and knowledge to work with investors and developers to deliver complex development projects and ensure that investment is managed to deliver the regeneration objectives for the District.
- 4.11 This will be vital in bringing forward new investment, linked to infrastructure provision, within the District.

The ReWyre Initiative

- 4.12 Established in 2009, the ReWyre initiative looks to bring the public, private and voluntary sectors together to work towards improving the District. As part of ReWyre the Kidderminster Regeneration Prospectus (SD017) document was launched to highlight the town's challenges and opportunities to a wide audience from within and outside the area in order to attract support and investment. It provides a bigger, strategic picture for the town's development.

- 4.13 The Prospectus highlights four key themes of focus for Kidderminster which are: transport, jobs, homes and communities, and design and environmental quality. Efforts to address these themes are focused on four main Action Areas which present the majority of the strategic development opportunities. These areas are the Town Centre, Comberton Hill, Churchfields, and the former British Sugar Site.
- 4.14 Under the ReWyre Initiative the District Council has worked with partners to deliver key projects on Churchfields, Eastern Gateway and the former British Sugar sites that will help promote and deliver investment in these key regeneration areas.
- 4.15 Whilst there remains some uncertainty in relation to future investment in a difficult economic climate, there is certainty provided by the plan for the early years. For example, the District currently benefits from a healthy residential land supply, which demonstrates that there are already sites that have sufficient infrastructure to allow development to proceed. Furthermore, work is ongoing to bring forward other important infrastructure schemes such as the Hoo Brook Link Road and Stourport Relief Road. Overall, it is considered that there are a number of mechanisms available to the Council to bring forward infrastructure to meet the development needs of the District.