



## **Wyre Forest District**

### **Site Allocations and Policies Plan and Kidderminster Central Area Action Plan**

### **Examination**

### **District Council's Response to Inspector's Further Questions**

07<sup>th</sup> December 2012

Wyre Forest District Site Allocations and Policies and Kidderminster  
Central Area Action Plan Examination  
District Council's Response to Inspector's Initial Queries

## **SITE ALLOCATIONS AND POLICIES PLAN**

### **LEGISLATIVE REQUIREMENTS**

**1. Has the Plan been prepared in accordance with the Local Development Scheme?**

Yes. The Site Allocations and Policies Plan has been prepared in accordance with the Local Development Scheme, February 2012 (SD008).

**2. Has it been prepared in compliance with the Statement of Community Involvement?**

Yes, the Council's Statement of Community Involvement (SCI) (SD007) was adopted in April 2006. The SCI sets out how the District Council intends to involve all sections of the community and will provide the guidelines and minimum standards that the community and interest groups can expect when Local Development Documents are being prepared. The Adopted SCI includes a comprehensive list of specific and general consultees.

The Regulation 22c parts i-iv and Regulation 22c part v statements (SD036 and SD037 respectively) set out in detail how consultation has been undertaken and taken account of in the production of the Site Allocations and Policies Plan in accordance with the Adopted Statement of Community Involvement.

**3. Has it had regard to any Sustainable Community Strategy for the area?**

Yes. There is a close relationship and synergy between the Site Allocations and Policies and the Council's Sustainable Community Strategy (SD009).

The following paragraphs in the Site Allocations and Policies Publication Document set out the links to the Sustainable Community Strategy:

- General – paragraph 1.6
- Residential – paragraph 4.7
- Community – paragraph 4.74
- Employment – paragraph 5.7
- Retailing – paragraph 5.19

- Transport – paragraph 6.2
- Sustainable Development – paragraph 6.31
- Green Belt – paragraph 7.1
- Green Infrastructure – paragraph 7.14
- The Natural Environment – paragraph 7.30
- The Historic Environment – paragraph 7.40
- Quality Design and Local Distinctiveness – paragraph 7.61
- Rural Development – paragraph 7.91

#### **4. Has it been subjected to Sustainability Appraisal?**

Yes, the Site Allocations and Policies has been subject to Sustainability Appraisal. The following stages of SA have been undertaken:

- SA Scoping Report – 6 week consultation between 31<sup>st</sup> April and 6<sup>th</sup> June (SD022)
- Revised SA Scoping Reports published January 2009 (SD023)
- Draft SA Report – 6 week consultation alongside Preferred Options Paper 26<sup>th</sup> May to 8<sup>th</sup> July 2011(SD027)
- SA Quality Check to inform Final SA Report – undertaken by URSUS, final report published May 2012 (SD034)
- Final SA Report and Non-Technical Summary published alongside Publication Site Allocations and Policies - 23<sup>rd</sup> July to 14<sup>th</sup> September 2012 (SD032 and SD033).

#### **5. Have all the procedural requirements for publicity been met?**

Yes. The following publicity has been undertaken to meet the legislative requirements:

- Issues and Options consultation undertaken between the 15<sup>th</sup> January and the 6<sup>th</sup> March 2009 (SD024) in accordance with regulation 25 of The Town and Country Planning (Local Development) (England) Regulations 2004 as amended.
- Preferred Options consultation between 26<sup>th</sup> May and 8<sup>th</sup> July 2011 in accordance with regulation 25 of The Town and Country Planning (Local Development) (England) Regulations 2004 as amended. (SD028)
- Consultation on Potential Sites for Gypsies, Travellers and Travelling Showpeople between 7<sup>th</sup> October and 18<sup>th</sup> November 2011. (SD042)
- Consultation on Further Potential Sites for Gypsies, Travellers and Travelling Showpeople between 7<sup>th</sup> February and 20<sup>th</sup> March 2012. (SD045)

- Publication period in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

Further details on these consultations can be found in the Regulation 22c parts i-iv and Regulation 22c part v statements (SD036 and SD037 respectively).

## **GENERAL**

### **6. Has the Council had a LDF Front-Loading advisory visit by a planning inspector and if so, can a copy of the notes of the meeting be provided?**

No. The Council has not had an LDF Front-Loading advisory visit for this Development Plan Document. However, two front loading advisory visits were undertaken for the Core Strategy. A copy of the notes from these meetings is included at Appendix 1.

### **7. Has the Council considered whether the plans conform generally to the Waste Core Strategy?**

The Council considers that the plans conform generally to the Waste Core Strategy for Worcestershire (SD010). The Core Strategy (SD003) provides the strategic policy framework in relation to making provisions for waste in all new developments, as identified by Policy CP01: Delivering Sustainable Development Standards. Furthermore, a Statement of Common Ground is being prepared between the District and the County Council which suggests some minor amendments to reflect the fact that the Waste Core Strategy for Worcestershire has recently been adopted. This should further enhance the clarity and synergy between these two statutory Development Plans.

### **8. I refer to the representations made by Western Power Distribution. Has the Council considered the impact of electricity circuits on or in the vicinity of allocated sites on the deliverability and viability of the allocated sites?**

The Council has contacted Western Power Distribution to request further information regarding the exact location of the strategic network within the District. This will enable further consideration in terms of the impact on

allocated sites. Once this information has been received a more comprehensive response to this question will be provided.

**9. Please could I have a plan identifying all those sites which have not been allocated in the submitted plans but are referred to in representations made on the published plan?**

The plans of sites submitted in relation to representations made on the published plan are included at Appendix 2 of this report.

**10. Please clarify what consideration, if any, has already been given to each of the sites referred to above in the site allocation process.**

The following table shows how the sites which were referred to in the Publication representations but not allocated have been addressed. For more information on this, please refer to the Site Information Spreadsheet (EB008).

Site Name	SA Site Ref	SHLAA Site Ref
<b>Kidderminster Sites</b>		
Aylmer Lodge, Broomfield Road, Kidderminster	H076: Aylmer Lodge Surgery, Stourport Road	K076
3.58 hectare site adjacent to Stourbridge Road (northern section of the Hurcott ADR)	H094 – Hurcott ADR	K094
Zortech Avenue, Kidderminster	Not tested	K128
Former settling ponds, Wilden Lane	H150 – British Sugar Settling Ponds, Wilden Lane	K150
Offmore Lane Allotments, Kidderminster	H096 also referred to as Allotments off Chester Road North	K096
<b>Stourport-on-Severn Sites</b>		
Land at Bewdley Road North, Stourport-on-Severn	S212: Land at Burlish Crossing, Stourport-on-Severn	S212
Land at Moorhall Lane, Stourport-on-Severn	H130	S130
<b>Bewdley Sites</b>		
Garage land at Wyre Hill, Bewdley	H126 – Land at Wyre Hill	B126
Land at Stourport Road, (Blackstone), Bewdley	BEW0002: Site at Stourport Road	SHLAA assessment not undertaken
Former garage at Greenacres Lane, Bewdley	Not tested	SHLAA assessment not undertaken
<b>Rural Sites</b>		
5 hectare site adjacent to Rock Village	Not tested	SHLAA assessment not undertaken

## **GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE**

### **11. Are the policies relevant to the provision of sites for gypsies and travellers and travelling showpeople consistent with the Planning Policy for Traveller sites?**

The District Council undertook an assessment of the Publication Site Allocations & Policies Plan and the Kidderminster Central Area Action Plan against the Local Plans and the National Planning Policy Framework Compatibility Self Assessment Checklist (EB006). This has not identified any significant differences between the emerging Plans and the advice contained within national policy and the District Council therefore considers that the Policies are consistent. In particular the following key aims contained in the National Planning Policy for Traveller Sites were fully considered in the development of the Site Allocations and Policies Plan:

- That Local Planning Authorities make their own assessment of need for the purposes of planning
- That Local Planning Authorities work collaboratively, develop fair and effective strategies to meet need through the identification of land for sites.
- Plan for sites over a reasonable timescale
- Plan making should protect Green Belt land from inappropriate development
- Promote more private traveller site provision whilst recognising that there will always be those travellers who cannot provide their own sites.
- Aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.
- Include fair, realistic and inclusive policies
- Increase the number of traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply.
- Reduce tensions between settled and traveller communities in plan making and decision taking
- Enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.
- Have due regard to the protection of local amenity and environment.

**12. Has the Council had any discussions with neighbouring authorities in relation to the provision of sites to accommodate gypsies and travellers and / or travelling showpeople?**

Neighbouring Authorities were consulted on the Potential Sites for Gypsy & Traveller Consultation that took place during autumn 2011 and submitted a number of responses which were taken into consideration during the formulation of the Publication Site Allocations & Policies Plan.

Discussions have taken place with Officers representing the South Worcestershire Authorities (principally Malvern Hills and Wychavon District Councils) under the Duty to Co-operate Requirements with regard to the potential cross boundary implications arising from the identification of Gypsy, Traveller and Travelling Showpeople sites. The South Worcestershire Authorities are progressing a joint development plan and Malvern Hills District Council intends to bring forward an individual Gypsy & Traveller Site Development Plan Document to meet its own need. It is understood that there is currently no timescale for the production of this document or indeed for an initial consultation stage. Wychavon District Council has taken the approach that it has met all of its identified need for pitch provision through the Development Control process and will not therefore be making site specific allocations within the plan.

Wyre Forest District Council has made it clear that there is the need for provision to be made for one Travelling Showpeople's site within the District to meet a current identified need. The specific policy in the Site Allocations Plan sets out the parameters for such a site to come forward within the District rather than relying on the need to be met within the adjoining Districts.

More recently discussions have taken place with South Staffordshire District Council and the Black Country authorities under the Duty to Co-operate with regard to Gypsy, Traveller and Travelling Showpeople's sites. However, no significant cross boundary issues or concerns were identified here.

### 13. Is the evidence of need for additional pitches sufficiently robust?

The Gypsy & Traveller Accommodation Assessment (GTAA) (EB020) set out an identified need for an additional 30 pitches for the period 2006-13. At the time of the consultation on the potential site allocations for gypsy and traveller provision there had already been 7 pitches granted planning permission in 2008 at Meadow Park, thus reducing this requirement to a net of 23 pitches. The Regional Spatial Strategy (RSS) Phase 3 (EB021) identified the need for a further 5 pitches for the period 2013-17. An indicative need (as established through the Regional Interim Statement) was set at 15 pitches for the longer-term post 2017 period.

The table below provides a summary of the need for pitch provision within the District:

<b>Time Frame</b>	<b>Number of Pitches</b>	<b>Source</b>
2006 - 2013	30 (23 net of sites approved since 2006)	Adopted Core Strategy
2013 - 2017	5	RSS Phase 3 Interim Policy Statement Options Generation
2017 – 2022	15	Indicative target included within the Phase 3 Policy Statement

The Local Development Framework plan period runs from 2006 and it is important to ensure that any pitches that have been granted planning permission since this time are accounted for in the overall net remaining number of pitches to be found. However, a number of planning permissions have been granted for Gypsy sites since 2006 and it important to now take account of these in determining the up to date number of pitches that need to be allocated in the Site Allocations and Policies Development Plan Document. The table below sets out those pitches that have been granted permission through the Development Control process since 2006 and should therefore be removed from the total number of pitches to be provided.



<b>Site</b>	<b>Pitch Provision</b>	<b>Comments</b>
Meadow Park	7 pitches	Planning permission granted 2008
Nunn's Corner	Additional 2 pitches	Planning permission granted November 2011.
Saiwen	5 pitches	Planning permission granted December 2011.
28/29 Sandy Lane	6 pitches	Planning permission granted February 2012
<b>Total</b>	<b>20 pitches</b>	

A temporary two year planning permission was also granted in November 2011 for 8 pitches at The Gatehouse, Sandy Lane, Stourport.

The above table demonstrates that a number of sites (20 pitches) have already received permission since the plan period started and can be removed from the 2006 – 13 requirement of 30 pitches. This leaves a residual requirement of 10 pitches to be allocated for this first part of the plan period with a further 5 still required between 2013-17. There is also a further indicative need for 15 pitches for the 2017-22 period.

Although the GTAA did not identify a specific current need or requirement for additional plots for Travelling Showpeople in the District (rather it outlined the need for an additional 22 sites across Worcestershire), there is an existing established site through lawful use at Long Bank, Bewdley. As part of the Core Strategy's preparation, Officers met with the family that reside at Long Bank as the landowner of the site has asked them to vacate. There is therefore a specific current need for one family plot to be allocated within the District through the Local Development Framework process.

It is considered that in the absence of a more recent Gypsy & Traveller Accommodation Needs Assessment, the above evidence together with the comprehensive consultation and report undertaken by Baker Associates on the identification of Potential Sites for Gypsy & Traveller Provision (EB022) in July 2011 provides a robust assessment of pitch needs within the District.

**14. Is the Council intending to update the Gypsy and Traveller Accommodation Needs Assessment? If so, when?**

The Gypsy & Traveller Accommodation Needs Assessment (EB020) was undertaken in 2008 on a Sub-Regional basis. Following the abolition of the West Midlands Regional Spatial Strategy it is the intention of the Worcestershire Authorities to undertake a renewed assessment which follows the premise set by the recent Strategic Housing Market Assessment undertaken on a Worcestershire wide basis. Consultants will be commissioned to look at the need across Worcestershire and break this down into individual assessments per District. An exact timescale for the commissioning of this work is not yet known, but it is anticipated that work will be commissioned in late 2013 with the results of the assessment not expected until 2014.

**15. What assessment has the Council made of the deliverability of sites to meet the identified need within the constraints of the selected criteria contained in Policy SAL.DPL10?**

As identified in the answers to question 13, a number of pitches have already received planning permission (20) with another 8 also benefiting from temporary planning permission. This highlights that sites can be, and have been, delivered within the first phasing period. Furthermore, the sites identified in SAL.DPL8 are all considered to be deliverable and have come forward through the consultation process as being available, suitable and deliverable. These sites are generally extensions to existing sites that are already occupied by the Gypsy and Traveller community, or are sites with existing temporary permission. Therefore, there is considered to be certainty in terms of implementation that is provided from these allocations. The sites included for allocation are also considered to be in general conformity with the criteria included in Policy SAL.DPL10.

It is also considered that the policies and criteria included within Policy SAL.DPL10 will enable future provision, for later in the plan period, to come

forward in a sustainable manner. The quantum of development required will be determined by the GTAA which is outlined in question 14.

Additionally, the sites included in the plan have all been subject to a Sustainability Appraisal assessment. Whilst the sites which have been allocated did raise some concerns regarding flood risk, they highlighted a number of positive effects as follows: reasonable access to services and facilities including education and employment; provision of housing for an identified need; not located within an AQMA and limited visual impacts.

## KIDDERMINSTER CENTRAL AREA ACTION PLAN

### LEGISLATIVE REQUIREMENTS

**1. Has the Plan been prepared in accordance with the Local Development Scheme?**

Yes. The Kidderminster Central Area Action Plan has been prepared in accordance with the Local Development Scheme, February 2012.

**2. Has it been prepared in compliance with the Statement of Community Involvement?**

Yes, the Council's Statement of Community Involvement (SCI) (SD007) was adopted in April 2006. The SCI sets out how the District Council intends to involve all sections of the community and will provide the guidelines and minimum standards that the community and interest groups can expect when Local Development Documents are being prepared. The Adopted SCI includes a comprehensive list of specific and general consultees.

The Regulation 22c parts i-iv and Regulation 22c part v statements (SD054 and SD055 respectively) set out in detail how consultation has been undertaken and taken account of in the production of the Kidderminster Central Area Action Plan in accordance with the Adopted Statement of Community Involvement.

**3. Has it had regard to any Sustainable Community Strategy for the area?**

Yes. There is a close relationship and synergy between the Kidderminster Central Area Action Plan and the Council's Sustainable Community Strategy (SD009).

Paragraphs 1.19 and 1.14 of the Kidderminster Central Area Action Plan acknowledge the importance of the Sustainable Community Strategy (SCS). The key themes from the SCS which are relevant to the KCAAP and the policies which address them are as follows:

- Safer Communities – The objectives here are partially addressed through the KCAAP's policy to increase leisure activities and

strengthen the evening economy within Kidderminster which will help to provide natural surveillance reducing crime and the fear of crime.

- A Better Environment for Today and Tomorrow – The policies set out within section 7 – A Unique Place respond to many of the objectives set out under the SCS theme A Better Environment for Today and Tomorrow. The policies aim to improve the public realm within Kidderminster and provide a green infrastructure network within the town centre as well as safeguarding the town’s heritage assets. Additionally, the policies set out within section 6 - Adapting to and Mitigating Against Climate Change sets out policies to reduce reliance on the private car which will help to address climate change.
- Economic Success Shared by All – The policies set out under A Good Place to Do Business aim to build and diversify Kidderminster’s economy.
- Improving Health and Well-Being – The policies set out under Green Infrastructure and River and Canal will help to provide opportunities for healthy lifestyles. Additionally, policy KCA.GPB5 seeks to improve healthcare provision within Kidderminster.
- Meeting the Needs of Children and Young People – Enhancing green infrastructure provision within the KCAAP area will provide children and young people with opportunities for outdoor recreation. Additionally, policy KCA.GPB5 seeks to improve education provision within Kidderminster giving young people greater opportunities.

#### **4. Has it been subjected to Sustainability Appraisal?**

Yes, the Kidderminster Central Area Action Plan has been subject to Sustainability Appraisal. The following stages of SA have been undertaken:

- SA Scoping Report – 6 week consultation between 31<sup>st</sup> April and 6<sup>th</sup> June (SD046)
- Revised SA Scoping Reports published January 2009 (SD047)
- Draft SA Report – 6 week consultation alongside Preferred Options Paper 26<sup>th</sup> May to 8<sup>th</sup> July 2011(SD027)

- SA Quality Check to inform Final SA Report – undertaken by URSUS, final report published May 2012 (SD052)
- Final SA Report and Non-Technical Summary published alongside Publication Site Allocations and Policies - 23<sup>rd</sup> July to 14<sup>th</sup> September 2012 (SD050 and SD051).

**5. Have all the procedural requirements for publicity been met?**

Yes. The following publicity has been undertaken to meet the legislative requirements:

- Issues and Options consultation in accordance with regulation 25 of The Town and Country Planning (Local Development) (England) Regulations 2004 as amended. Between the 15<sup>th</sup> January and the 6<sup>th</sup> March 2009. (SD048)
- Preferred Options consultation between 26<sup>th</sup> May and 8<sup>th</sup> July 2011 in accordance with regulation 25 of The Town and Country Planning (Local Development) (England) Regulations 2004 as amended. (SD049)
- Publication period in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

Further details on these consultations can be found in the Regulation 22c parts i-iv and Regulation 22c part v statements, SD054 and SD055 respectively).

**GENERAL**

**6. Has the Council had a LDF Front-Loading advisory visit by a planning inspector and if so, can a copy of the notes of the meeting be provided?**

No. The Council has not had an LDF Front-Loading advisory visit for this Development Plan Document. However, two front loading advisory visits were undertaken for the Core Strategy. A copy of the notes from these meetings is included at Appendix 1.

**7. Has the Council considered whether the plans conform generally to the Waste Core Strategy?**

The Council considers that the plans conform generally to the Waste Core Strategy for Worcestershire (SD010). The Core Strategy (SD003) provides the strategic policy framework in relation to making provisions for waste in all new developments, as identified by Policy CP01: Delivering Sustainable Development Standards. Furthermore, a Statement of Common Ground is being prepared between the District and the County Council which suggests some minor amendments to reflect the fact that the Waste Core Strategy for Worcestershire has recently been adopted. This should further enhance the clarity and synergy between these two statutory Development Plans.

**8. I refer to the representations made by Western Power Distribution. Has the Council considered the impact of electricity circuits on or in the vicinity of allocated sites on the deliverability and viability of the allocated sites?**

The Council has contacted Western Power Distribution to request further information regarding the exact location of the strategic network within the District. This will enable further consideration in terms of the impact on allocated sites. Once this information has been received a more comprehensive response to this question will be provided.

**9. Please could I have a plan identifying all those sites which have not been allocated in the submitted plans but are referred to in representations made on the published plan?**

No sites were raised in the representations to the published plan which have not been allocated.

**10. Please clarify what consideration, if any, has already been given to each of the sites referred to above in the site allocation process.**

No sites were raised in the representations to the published plan which have not been allocated.

## **GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE**

**11. Are the policies relevant to the provision of sites for gypsies and travellers and travelling showpeople consistent with the Planning Policy for Traveller sites?**

Please see response to the Site Allocations and Policies question above

**12. Has the Council had any discussions with neighbouring authorities in relation to the provision of sites to accommodate gypsies and travellers and / or travelling showpeople?**

Please see response to the Site Allocations and Policies question above

**13. Is the evidence of need for additional pitches sufficiently robust?**

Please see response to the Site Allocations and Policies question above

**14. Is the Council intending to update the Gypsy and Traveller Accommodation Needs Assessment? If so, when?**

Please see response to the Site Allocations and Policies question above

**15. What assessment has the Council made of the deliverability of sites to meet the identified need within the constraints of the selected criteria contained in Policy SAL.DPL10?**

Please see response to the Site Allocations and Policies question above. It should also be noted that through the Assessment of Potential Sites for Gypsies, Travellers and Travelling Showpeople, undertaken by Baker Associates (EB022), that no sites were considered to be deliverable within the Central Area Action Plan area and therefore no sites have been considered for allocation within this plan.



**List of Supporting Appendices:**

Appendix 1: Copy of notes from PINS front-loading visits for the Core Strategy

Appendix 2: Site plans for submitted sites

Rebecca Mayman  
Planning Policy Manager  
Wyre Forest District Council

Jonathan Elmer  
Principal Planning Policy Officer  
Wyre Forest District Council

## **Appendix 1: Notes from the PINS front-loading visits for the Core Strategy**

## **WYRE FOREST DISTRICT COUNCIL**

### **PINS FRONTLOADING VISIT: 27/10/09**

#### **Attendance:**

R Punshon – Planning Inspectorate  
M Price – GOWM  
R Mayman – WFDC  
K Harrison – WFDC  
J Elmer – WFDC  
M Dunn – WFDC

#### **Purpose of visit:**

The purpose of Frontloading visits is to consider what has been done so far in preparation of the Core Strategy (CS) and to identify those issues and questions which, at this stage, appear potentially problematic in terms of soundness.

No attempt has been made by PINS to reach any conclusions on the material submitted, to confirm the adequacy of the work done so far or to endorse any part of the CS as sound. In any event, this would not have been possible given that the CS is only at an early stage in the preparation process and in the time available. This note should not therefore be taken as pre-judging the likely outcome of the Examination of the CS.

Any guidance provided by this Note will be specific to Wyre Forest. It should not be assumed that it is necessarily applicable to other authorities in other circumstances.

#### **The Note:**

Current practise is that the Note will become a Public Document and will appear on the Core Document list. The Examining Inspector will be provided with a copy. It is stressed that the Note is advisory only and does not constitute a formal part of the Examination process. The Council should make the status of the Note clear to those persons to whom copies are provided.

#### **Examination:**

The Examining Inspector may seek an Exploratory Meeting or a Procedural Meeting with the Council, GOWM and other parties ahead of the Pre-Examination Meeting and Hearing Sessions. The Council should take this as an early opportunity to identify areas where the Inspector may require additional information or an explanation of various matters which he/she feels will need to be addressed. The Council is advised to make full use of the potential of such Meetings.

## **General Points:**

The Inspector informed the Council that, in his opinion, the CS contained no obvious omissions or errors, that the amount of detail and issues covered were appropriate to a CS and that the layout was generally satisfactory. GOWM was of a similar view.

## **QUESTIONS.**

The Council provided a list of Key Issues which the Frontloading Visit sought to address.

### **Housing figures and WMRSS**

GOWM outlined the current position on the emerging Phase II Revision of the RSS. The Council confirmed that the CS was being prepared on the basis of the requirements of the emerging RSS, the Panel Report of which had been published. GOWM confirmed that the aim is to publish Proposed Changes by the end of 2009 to enable consultations to be carried out early in 2010

In these circumstances the Inspector agreed that the approach of the Council was pragmatic. If, for any reason, the emerging housing requirement was to be reduced it would be easier to make amendments to the CS which accommodated those reduced targets. GOWM agreed with this approach. It was not envisaged that the Regional Body would have any problem with this approach. It was suggested that the approach be explained in the text of the CS.

The Council confirmed that a SHLAA was being undertaken but early results indicated that all housing requirements could be met from urban brownfield sites. The Inspector suggested that it may be sensible to rank sites in terms of sustainability credentials, environmental benefits, etc. to enable delivery to be managed over the time scale of the plan to prevent problems of early over-provision and to increase pressure on targeted sites where, for instance, environmental benefits of redevelopment are greatest. This approach should be referred to in the CS, either in a policy or in the text, and could be developed through the forthcoming Site Allocations DPD.

### **Key Characteristics and Challenges**

Found in Part 2 of the Draft CS document.

In the Inspector's view this section was overly heavy on description and could be shortened with the descriptive element possibly moved to an Appendix.

The identified Key Challenges were very general and in some cases could be considered to be contradictory. This was not, in itself criticism but the Inspector felt that re-drafting would emphasise the 'Spatial' and interactive nature of the plan and that the Challenges should be more focused on future challenges (particularly those arising from new

development) rather than just addressing existing problems. For instance, the CS has a clear 'agenda' for creating new jobs which comes through in the policies whereas the identified 'challenge' on employment is not reflected by this 'agenda'.

In terms of Housing, it was suggested that the CS should make a much clearer statement on how and where the requirement would be met. The Council is awaiting completion of the SHLAA. Early indications are that all requirements can be met on urban brownfield sites. If this is so, the Inspector was of the view that the text of the CS should clearly state that position. GOWM was of a similar view.

In general terms the Inspector was of the view that, subject to the above, the the CS provisions reflected the identified Challenges.

### **Key Diagram**

The Inspector was of the view that the Key Diagram was somewhat insignificant in its size and position in the CS and that this could be improved.

A Key Diagram should show the Council's Strategy whereas the Key Diagram in the draft CS presented more of a 'snapshot' of the district. For instance, some information on housing locations, employment land and retailing could be moved from a table into the Key Diagram itself and all major Tourist attractions could be identified in support of Policy 10.

Cross-references of features shown on the Key Diagram to specific CS policies may also help in understanding of the Strategy.

Plan colours should be more carefully chosen.

### **Affordable Housing**

The Inspector's view was that issues of viability and 'exceptional circumstances' should be considered separately. The Council's policy should be framed around a proper assessment of viability and 'exceptional circumstances' should come into play in negotiations when 'surprises' arise.

Recent High Court challenges indicated that Councils should seek to identify thresholds and targets which are realistically viable.

The CS should be in general conformity with the RSS which states that an overall affordable housing target of 25-40% should be adopted. The Inspector advised that this should be pointed out in the text of the CS but that it should be made clear that viability issues would need to be fully taken into account in seeking to conform with this target. Whilst the affordable housing requirement in the district may be high, seeking an unrealistically high proportion of affordable housing from development sites could effectively stop ALL housing building. It is important that the Council's evidence base should show that the requirements of any affordable housing policy are viable and deliverable.

The Inspector advised that the Council was not alone in having difficulty in this area. Various Councils were examining the use of a sliding scale of affordable housing provision based on economic factors such as residual value, etc. It may not be sufficient to specify unjustified targets and add a clause which states that negotiations will take place on a site-by-site basis as it could be argued that this does not give developers sufficient guidance. The Council confirmed that it had already commissioned an examination of viability with a view to seeking a methodology which could be applied.

\*\* It was agreed that the Inspector and GOWM would attend a second meeting with the Council and its consultants before publication of the CS to discuss this and other matters.

The Inspector advised that the Council should speak to other authorities on their approach. GOWM was not aware of any WM authority who had a proven model. The Inspector advised that he was aware that the matter had been the subject of debate in the recent Stockton-on-Tees CS Examination.

### **Infrastructure Planning**

The Inspector again advised that the Council was not alone in having difficulty extracting information from infrastructure suppliers. He advised that where a strategic site was wholly dependant on new infrastructure reasonable evidence should be provided to show that the infrastructure will be provided on programme. Where this is being provided by the developer the Council should present evidence that viability has been assessed. The Council indicated that this was unlikely to be the case in Wyre Forest.

In the first 5 years of the plan period the Examining Inspector will expect to see reasonable evidence to show that infrastructure will be available. But even so some assumptions will need to be made and the Monitoring of the CS should contain contingencies if these assumptions prove to be unfounded. In circumstances where the Council can show that the infrastructure provider has been fully consulted throughout the process but has made no representation, that may be enough to demonstrate that infrastructure will be provided.

In the second and third 5 year periods it is accepted that the level of detail and accuracy will be less but, again, the Monitoring exercise should contain measures to identify any divergence from assumed timetables and should contain appropriate contingencies.

### **Regeneration Prospectus**

In the Inspector's view the Regeneration Prospectus was likely to be of interest to CS users and its status and purposes should be emphasised in the CS. See 'Footnotes' below.

### **Gypsy and Traveller Policy**

The Council confirmed that the policy was in-line with current national guidance. The Inspector considered that site allocations may be best

made alongside other housing allocations to emphasise a 'holistic' approach to all housing issues.

The Inspector suggested some minor wording changes to the policy which may give the Council more freedom in its search for sites and may avoid future misinterpretation of 'preference' in paragraph 2 of the policy.

### **Green Infrastructure**

If the Council considers that Green Infrastructure is a strategic issue then it is right that an appropriate policy should be included in the CS.

The policy and text should make clear that it is the intention that Green Infrastructure issues will be taken into account when considering development proposals.

The Inspector confirmed that the use of diagrams to illustrate the concepts surrounding Green Infrastructure provision (or any other matter) could be appropriately included in the CS.

### **Historic Environment**

See National and Regional Guidance below.

### **Proposals Map**

The principle of incremental changes to the Proposals Map is acceptable provided that it is clear which parts of the original Map are the subject of up-to-date amendments.

However, under the current regulations the Examining Inspector is unable to recommend changes to the proposals Map. Should any CS provisions necessitate changes to the Map, the Council should put the Map changes forward to the Examination to show exactly what is intended.

### **National and Regional Guidance**

The CS sets out the Council's STRATEGY. It is not a Development Control manual. It does not need to consider all matters - only those which are central to the Council's strategy.

In the Inspector's view (supported by GOWM) the CS should avoid repetition of matters which are adequately dealt with in national guidance. Repetition of national guidance on matters such as the historic environment and Green Belts is wholly unnecessary unless the Council intends to take a position at variance with national guidance. In such circumstances the Council would need to produce robust evidence to support its position. In the Inspector's view the repetition of national guidance in policies also carries with it the danger of misinterpreting national guidance in subtle but crucial ways. In the firm opinion of both the Inspector and GOWM such policies should be excluded from the CS both to make it shorter and to avoid misinterpretation. The inclusion of text to indicate that matters would be dealt with in accordance with national guidance or the expansion of Policy 12 to cover Green Belts and wider historic assets (beyond town centres) should suffice. Representors

arguing for inclusion of a policy which essentially repeats or re-interprets national guidance would equally need to argue at the Examination that there was a special need to do so.

### **Worcs Waste LDF**

GOWM indicated that the programme for production of the Waste LDF by the County Council was running some way behind the WFDC CS. In these circumstances the Inspector was of the opinion that the CS could not be expected to second-guess to outcome of the Waste LDF. The County Council was being consulted on the CS and the Council could do little more. The County Council could make representations which may have a bearing but in the absence of clear provisions it would be inappropriate to delay the CS in this case.

### **Other things**

It would be helpful if footnotes or margin references were provided to indicate the source for statements made in the CS and to help users of the CS to navigate through the evidence base.

Overall the draft CS appears to be too long. The deletion of unnecessary policies and the removal or relocation of superfluous descriptive material would help significantly.

Monitoring and implementation needs to be thoroughly addressed with justified targets set and clearly defined triggers identified which will bring specified contingencies into play where there are divergences from the targets.

The Inspector felt that re-ordering of Parts 4 and 5 of the draft CS would allow the document to read more logically.

'Climate Change' policy. DCLG is concerned that not all Councils are fully adopting national guidance on the inclusion of 'Climate Change' policies in their CSs. The Council's expressed willingness to engage on this front is, therefore, to be welcomed. A policy which commits the Council to the national agenda as set out in national guidance could be employed although it is clear that requirements which go beyond that agenda, whilst they may be acceptable in principle, should be fully justified in terms of viability, feasibility and potential and supported by robust evidence.



## **WYRE FOREST DISTRICT COUNCIL**

### **SUPPLEMENTARY PINS FRONTLOADING VISIT: 14/12/09**

#### **Background:**

Following his Frontloading visit on 27 October 2009, the Inspector agreed to a second visit to discuss the Council's affordable housing strategy in the presence of the Council's consultants and any other matters which arose from the initial visit.

#### Affordable Housing:

The Inspector informed the meeting that affordable housing issues remained a difficult area of policy formulation in the prevailing economic climate and that a decision on the Wakefield High Court challenge was awaited. However, work was progressing by a number of parties to develop policies and methodologies which would enable the development of more sensitive policies which would be capable of responding to shifting economic circumstances. A pattern was emerging in the approaches which were being taken.

Although a decision on Wakefield was awaited, the Inspector was of the view that Blyth Valley challenge suggested that any policy should set a requirement level which was firmly based on evidence which demonstrated that that level was realistically viable and that it was unlikely to be sufficient to say that each case would be subject to individual negotiation as this gave inadequate guidance to developers.

The Inspector re-iterated his view expressed at the earlier meeting that any policy should make a clear distinction between the over-arching issue of viability and the issue of 'exceptional' circumstances.

The Council's consultants explained that they had carried out a viability assessment of about 25-30 sites to examine their tolerance to affordable housing requirements and had found that some could deliver about 40% affordable housing whilst remaining viable whilst others could only deliver about 20% before becoming unviable. 40% would be at the top of the range suggested by the RSS. In order not to place too onerous a burden on the housebuilders in uncertain economic circumstances, to encourage the housebuilding industry and to provide a realistic target the Council's consultants suggested that a policy target figure of 30% would be appropriate. The policy would also set out that this requirement should be subject to an assessment of viability. Further analysis of the sites against the 30% target would be undertaken to ensure that it was realistic.

The Inspector was of the view that the approach taken was appropriate. The target requirement was based on objective evidence and was not just 'plucked from the air'. Representors who objected to the target would need to produce evidence to show that it was unsoundly based as a general target. Whilst individual landowners may come forward with the argument that the target was unviable in the context of their own site,

this would not necessarily mean that the general premise of the policy was unsound. Individual circumstances would be accommodated by the clause which indicates that specific viability arguments would be taken into account.

The Council's consultants were concerned that, given the flexibility contained in the Council's policy to address viability issues, the Council would need to assess economic viability arguments on a number of sites, a process which could be difficult and costly. In discussion it was suggested that a way forward may be to include a methodology in the emerging Site Allocations DPD which would inform the requirement for affordable homes on individual sites. The methodology could be based on an accepted model 'balance sheet' which would determine residual value on any given site with factors such as existing use value factored in. This would form the basis for calculating whether lower or higher requirements should be made of any site (*NB – it would be important for the CS policy to make clear that whilst 30% was the target figure, HIGHER levels of provision could be required if the market was buoyant and residual value levels were high*). Such a model 'balance sheet' would, in these circumstances, be adopted as part of the development plan and would have the authority which adoption confers.

The Inspector accepted that the CS was not necessarily the place for the type of sophisticated model detailed above. It would suffice that the CS would make clear that the methodology and model would be included in a lower-order DPD. Until that DPD was produced the Council would need to assess proposals individually. It would, therefore, be beneficial if the methodology and model was produced as early as possible in order to avoid a waste of resources in undertaking these individual assessments.

In all the circumstances the Inspector and GOWM felt that the Council's approach to developing a strategy for affordable housing through the CS and subsequently through a lower-order DPD was generally acceptable.

*NB Since the meeting the High Court decision on the Wakefield case has been issued and the claim dismissed. A copy of the decision is attached – paragraph 56 onwards set out the Judge's reasoning. It will be seen that the approach adopted by Wakefield was broadly similar to that adopted by the Council in that it determined the target figure from the examination of objective evidence but made clear that examination of viability (and other matters) in individual cases may persuade the Council to accept lower levels of provision.*

*The decision could be challenged through the Court of Appeal.*

Key Diagram:

Following discussions at the earlier meeting the Council tabled 5 versions of the CS Key Diagram. Of the 5, the Inspector was of the view that the version showing horizontal bar charts was the clearest and most accurate in demonstrating where new development would be directed although the version with the Map inset was also clear and had the advantage of separating out the 2 elements of the DPD – a depiction of where major

development would be directed was separated out from the more detailed features of the district. The Inspector did not consider that the other versions gave a clear picture of the Council's strategy due to the scale and nature of the symbols used.

Policy references against the various features in the Key may be useful.

## **Appendix 2: Site Location Maps**

## Contents

District Map showing all sites

### **Kidderminster Sites**

- Aylmer Lodge, Broomfield Road, Kidderminster (Representation Number SALPP46)
- Land at Stourbridge Road/Hurcott Lane, Kidderminster (Representation Number SALPP103)
- Zortec Avenue, Kidderminster (Representation Number SALPP195)
- Former Settling Ponds, Wilden Lane, Kidderminster (Representation Number SALPP197)
- Offmore Lane Allotments, Kidderminster (Representation Number SALPP255)

### **Stourport-on-Severn Sites**

- Land at Bewdley Road North, Stourport (Representation Number SALPP4)
- Land at Moorhall Lane, Stourport (Representation Number SALPP19)

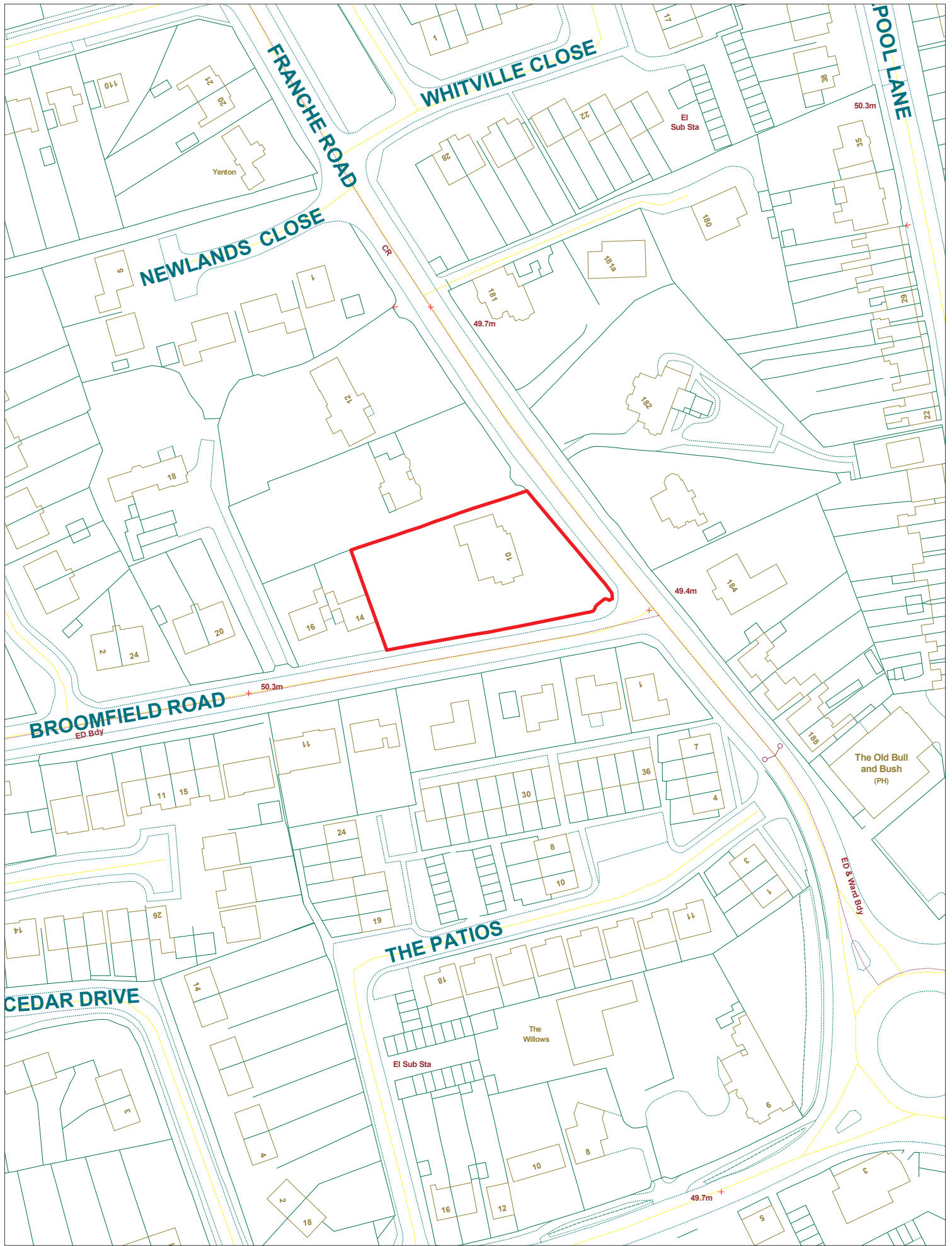
### **Bewdley Sites**

- Garage site adjacent to 18 Wyre Hill, Bewdley (Representation Number SALPP44)
- Land at Stourport Road (Blackstone), Bewdley (Representation Number SALPP106 & 128)
- Unit 2 Greenacres Lane, Bewdley (Representation Number SALPP107)

### **Rural Sites**

- Land adjacent to Rock Village (Representation Number SALPP130)





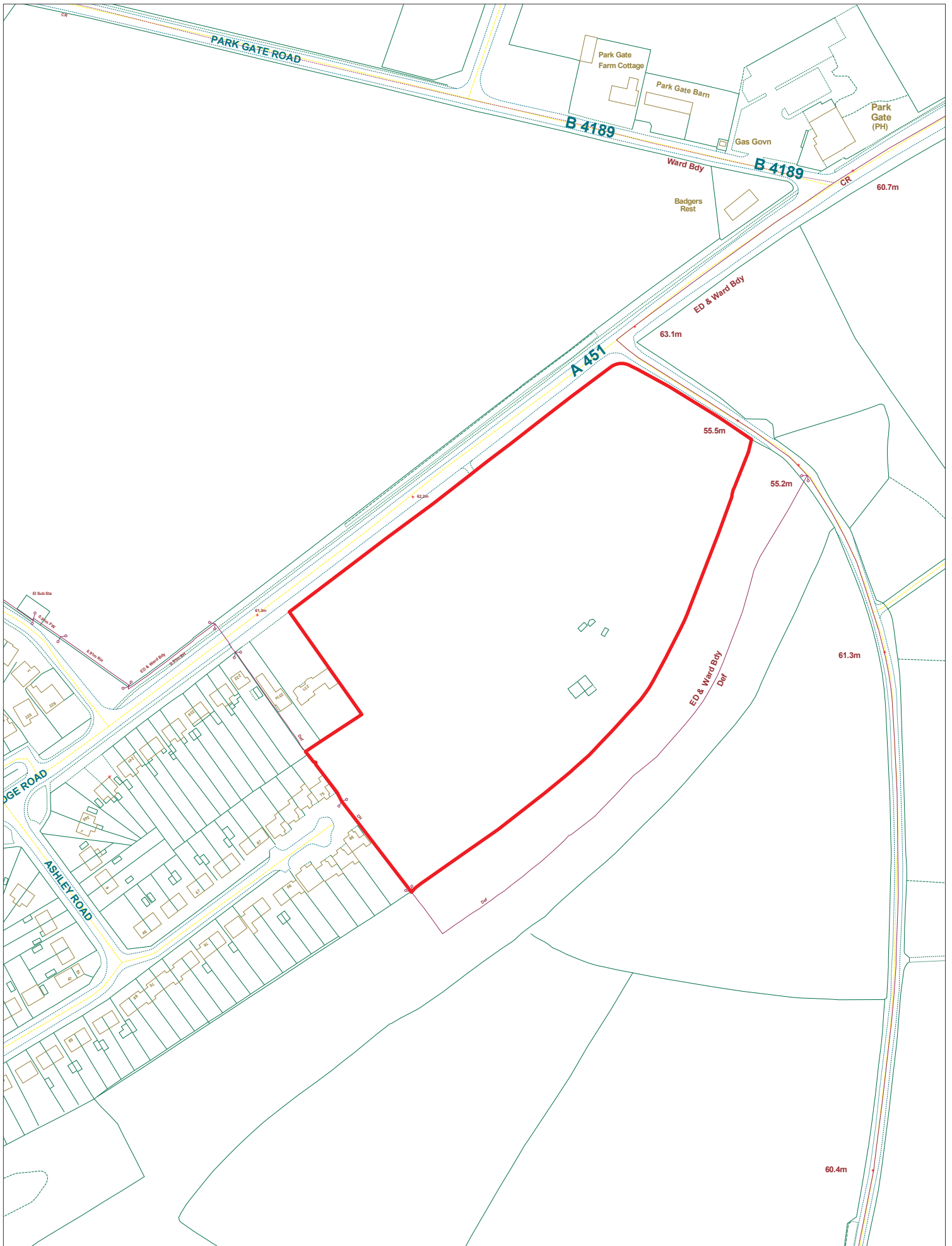
**Aylmer Lodge, Broomfield Road, Kidderminster (SALPP46)**



Scale: 1:1250



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**Land at Stourbridge Road/Hurcott Lane, Kidderminster (SALPP103)**

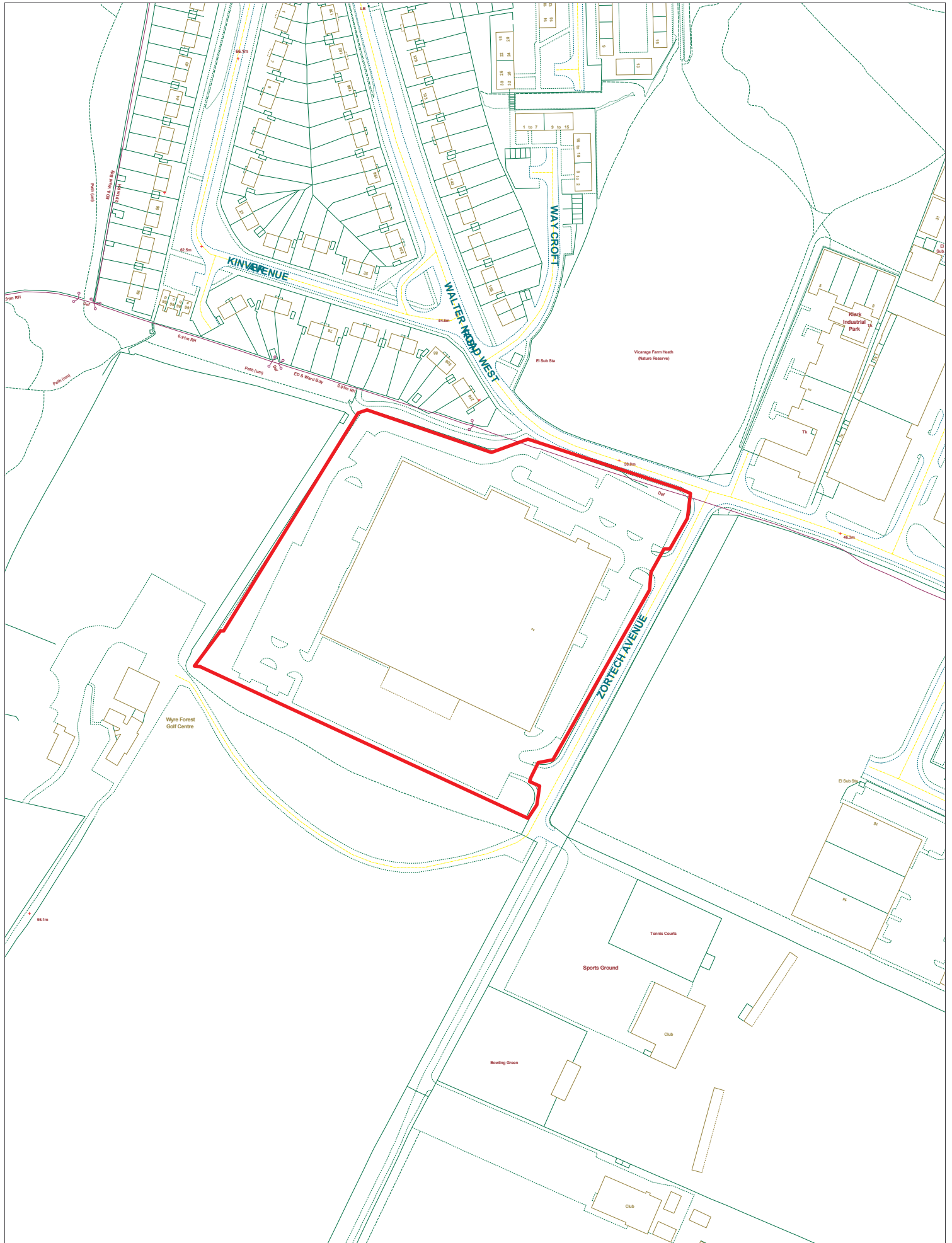


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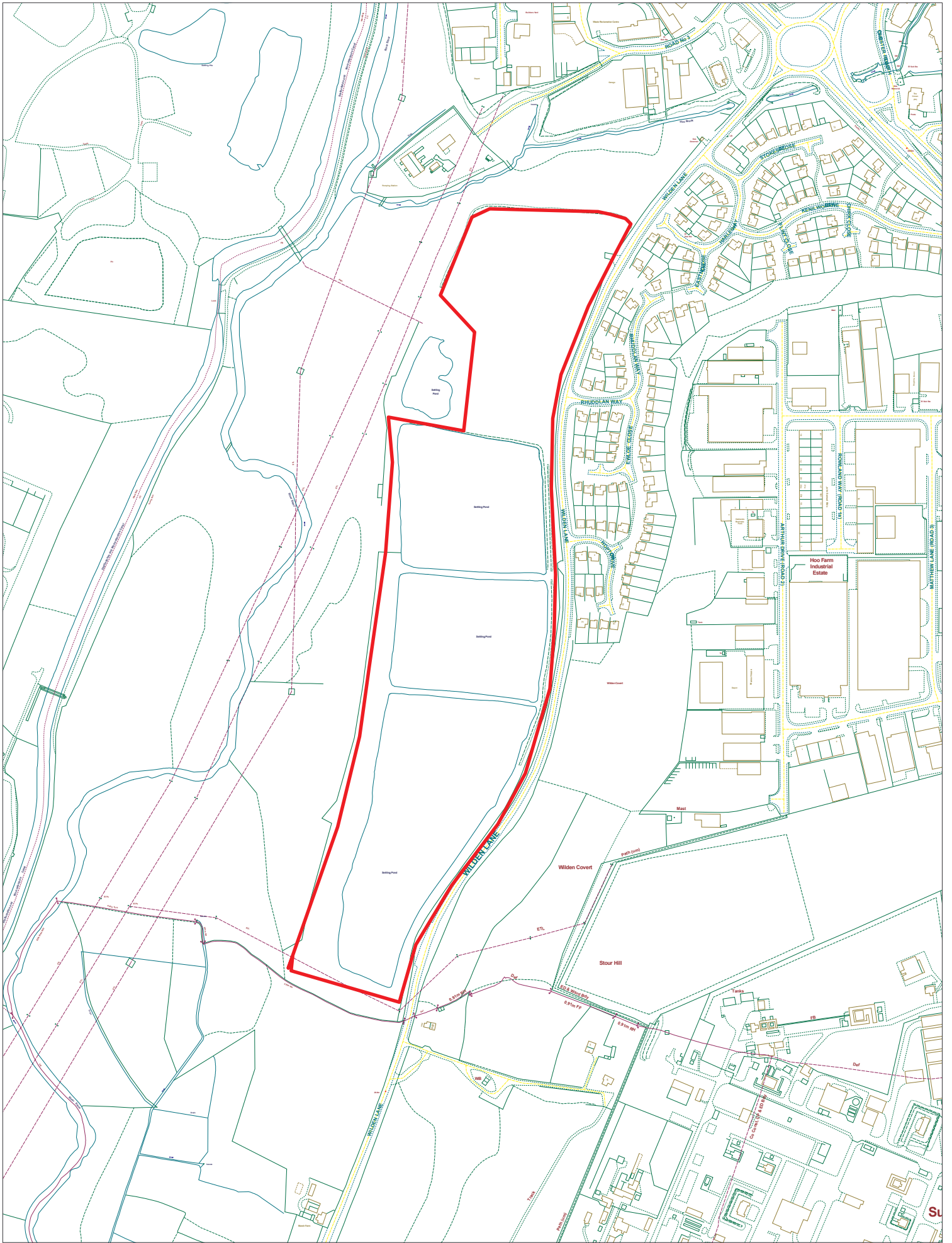


**Zortec Avenue, Kidderminster (SALPP195)**



Scale: 1:2500





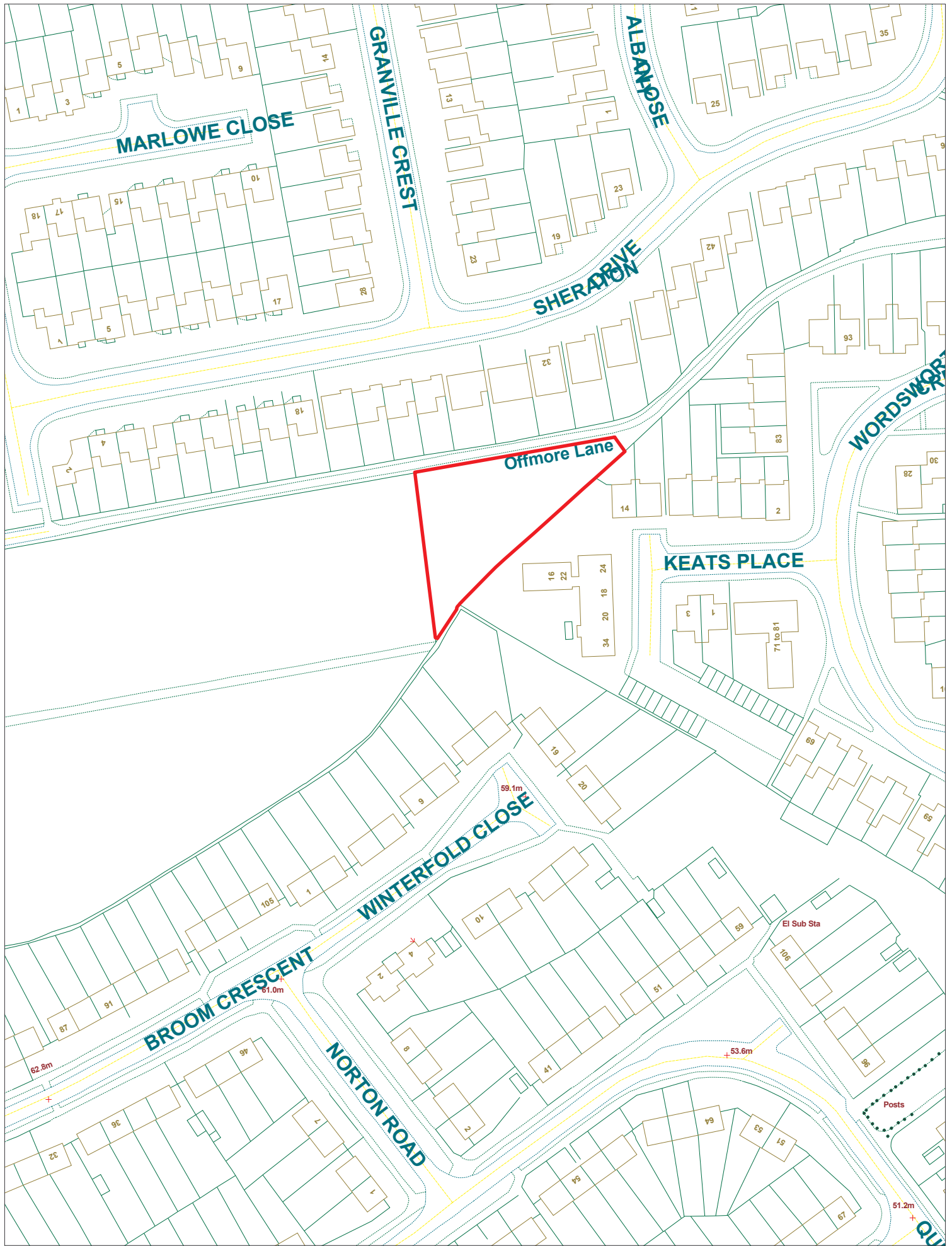
**Former Settling Ponds, Wilden Lane, Kidderminster (SALPP197)**



Scale: 1:5000



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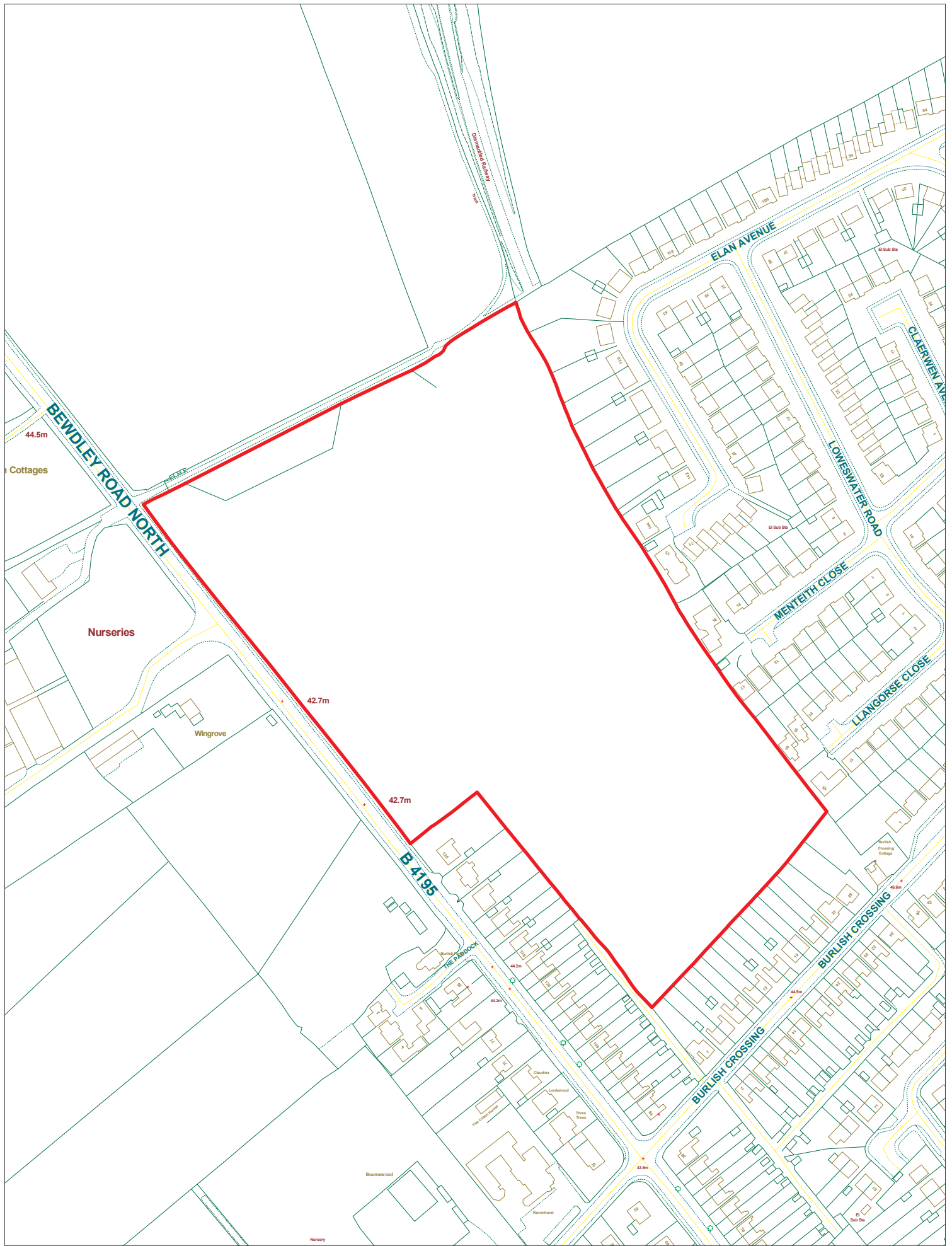


**Offmore Lane Allotments, Kidderminster (SALPP255)**



Scale: 1:1250





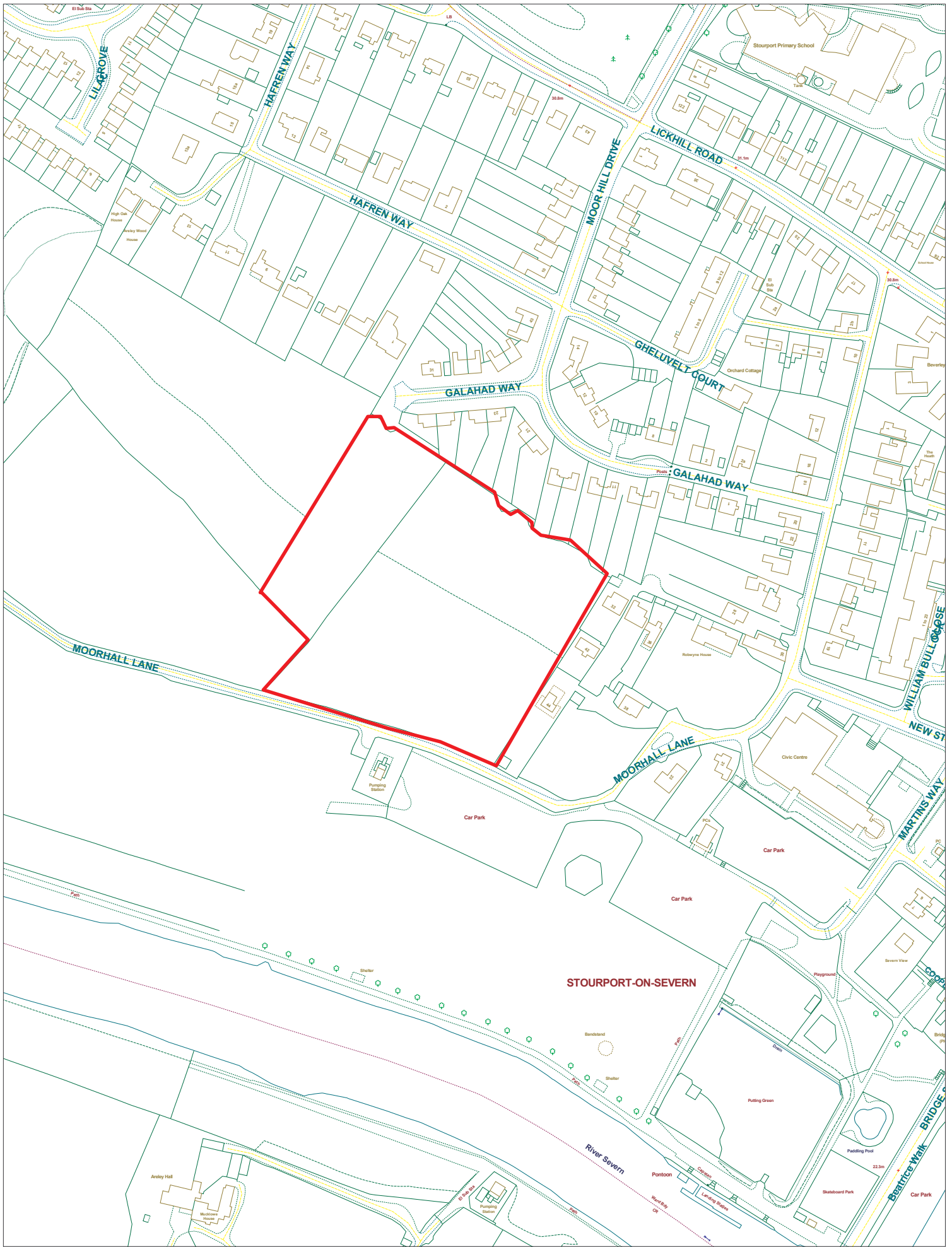
**Land at Bewdley Road North, Stourport (SALPP4)**



Scale: 1:2500



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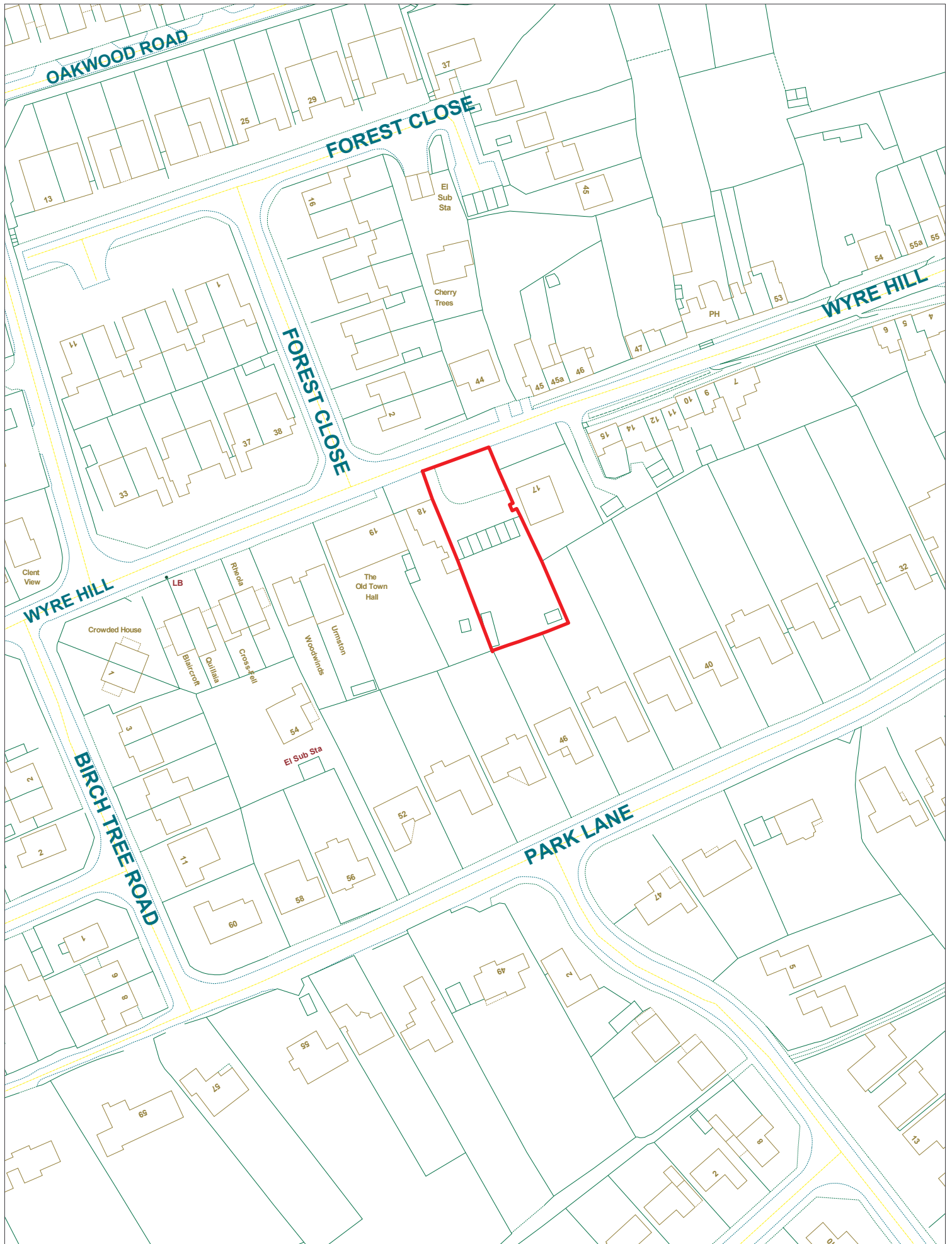
**Land at Moorhall Lane, Stourport (SALPP19)**



Scale: 1:2500



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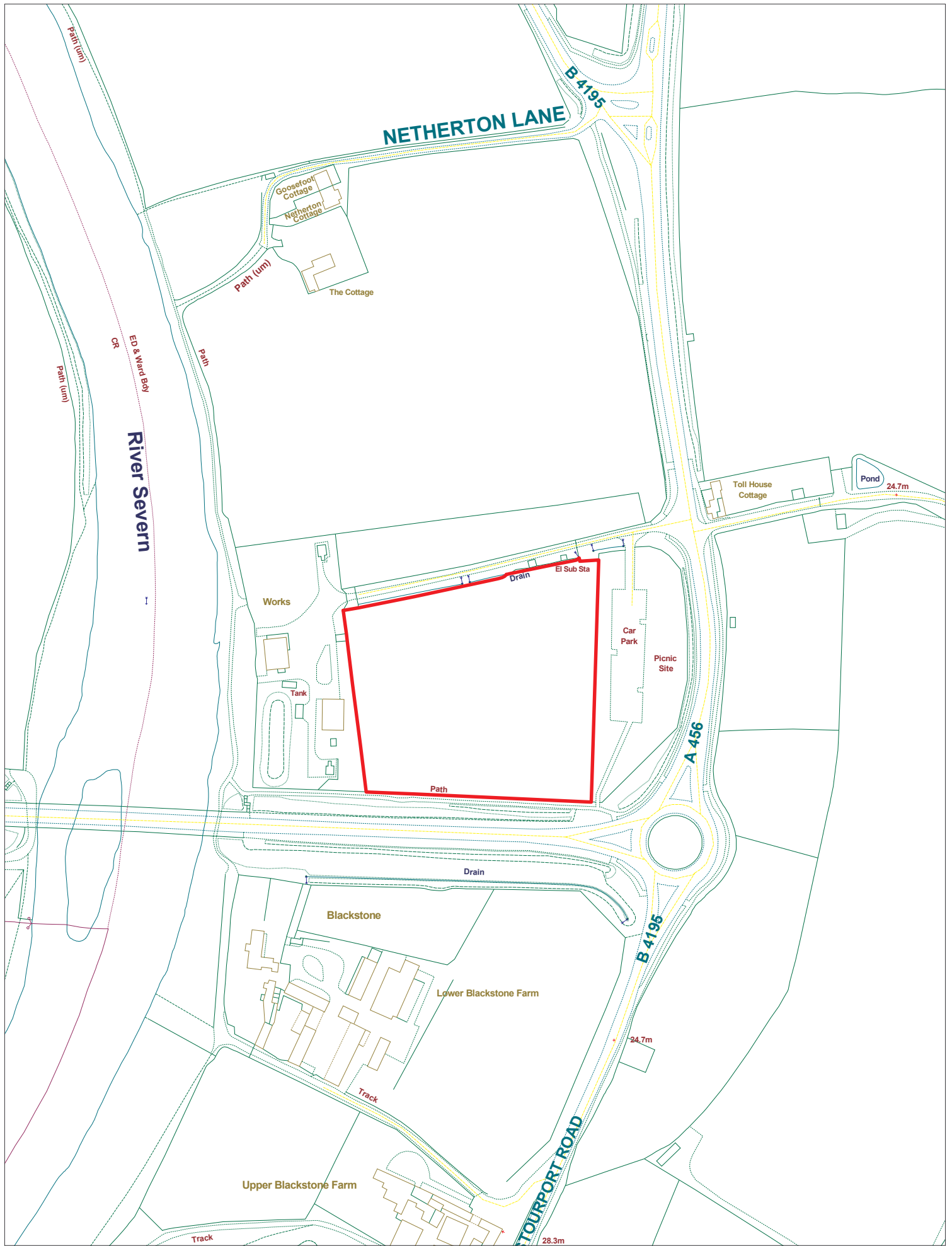


**Garage site adjacent to 18 Wyre Hill, Bewdley (SALPP44)**



Scale: 1:1250





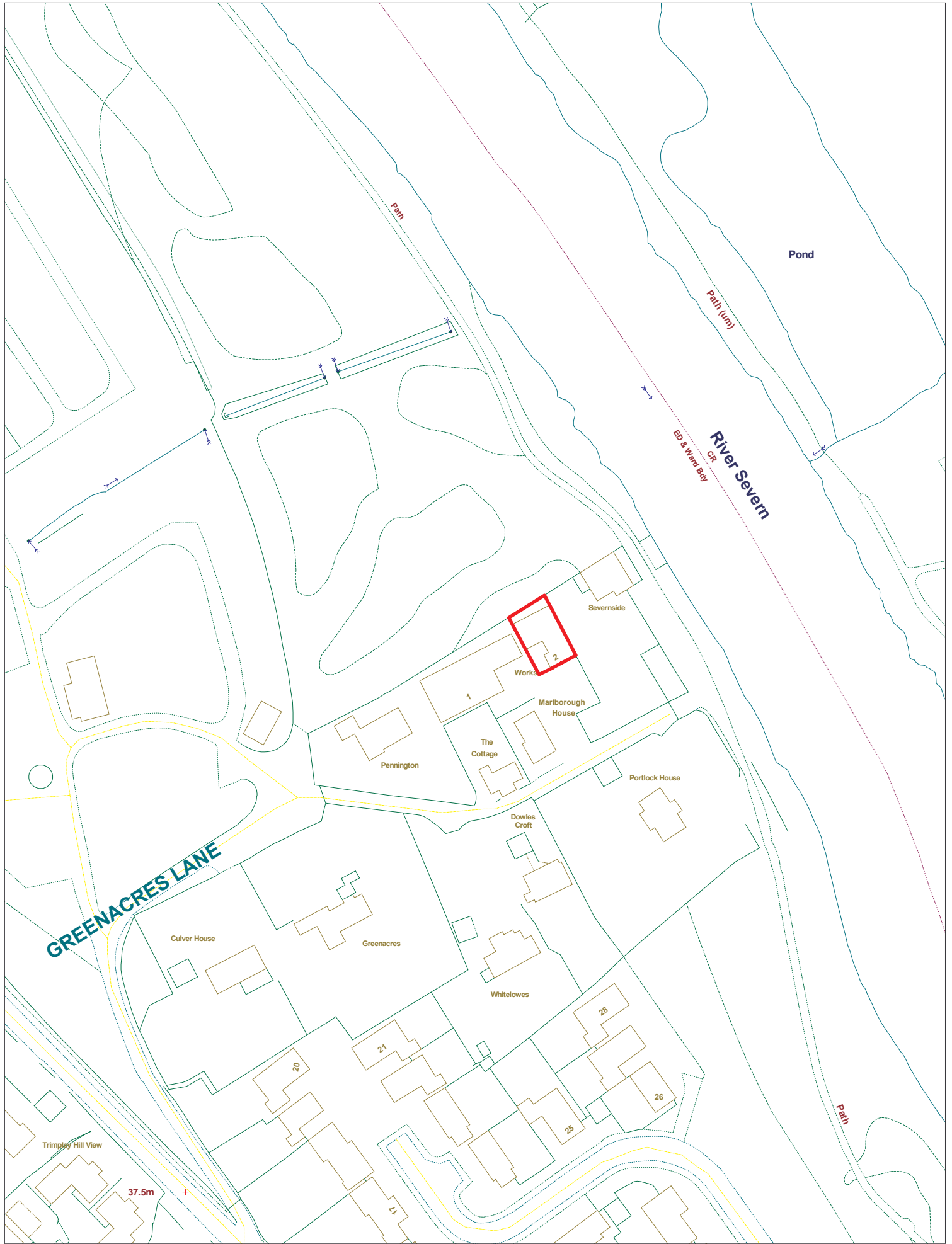
**Land at Stourport Road (Blackstone) Bewdley (SALPP106 & 128)**



Scale: 1:2500



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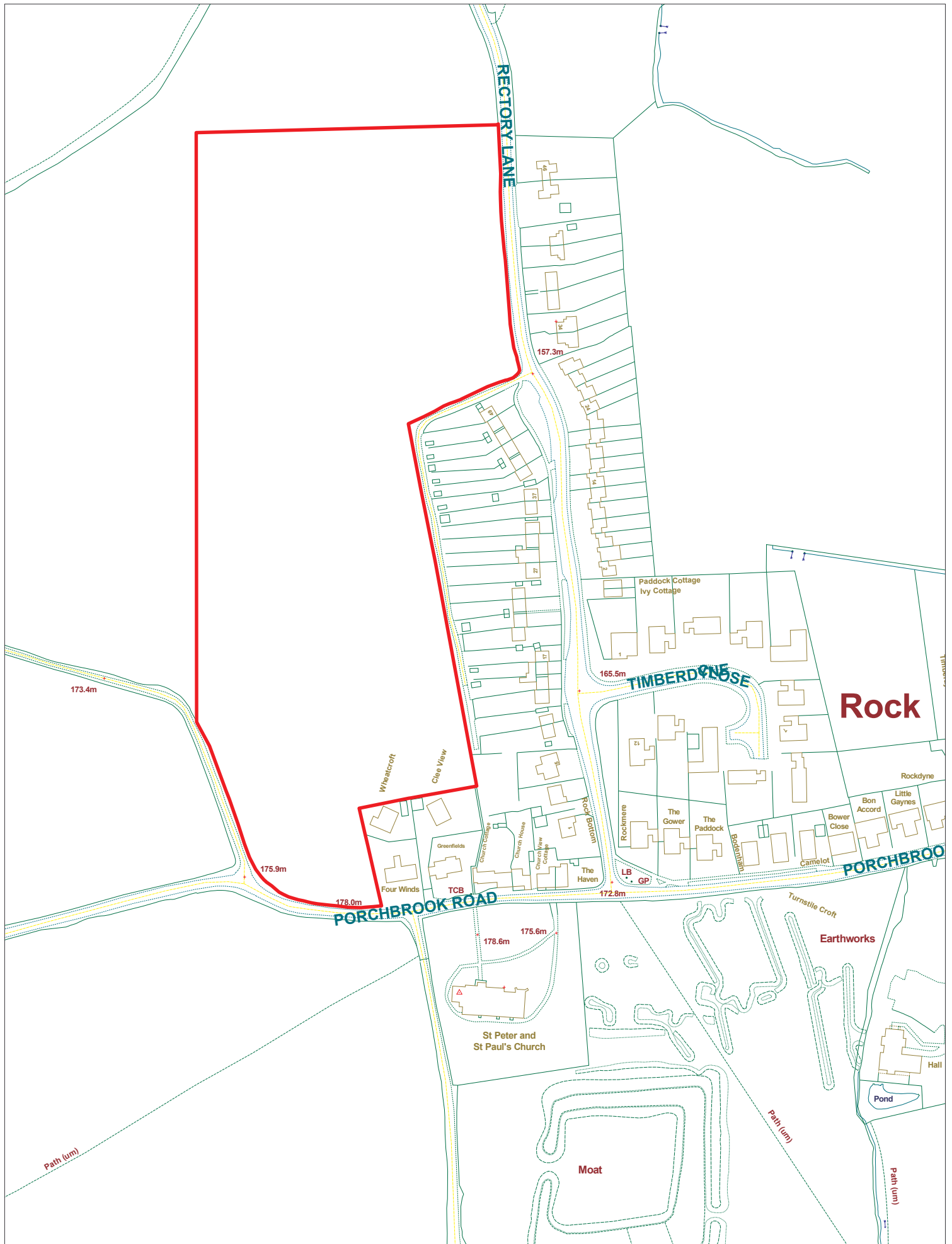
**Unit 2 Greenacres Lane, Bewdley (SALPP107)**



Scale: 1:1250







Land adjacent to Rock Village (SALPP130)



Scale: 1:2500

