
Matter 3 Hearing Statement

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

Representor ID: 859769
Questions: 3.1, 3.2 and 3.3



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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 3 (Questions 3.1, 3.2 and 3.3) of the Wyre Forest District Local Plan Examination.
- 1.1.2. Gaynor Gillespie and W4 Estates Limited are promoting land (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 3: Overall Spatial Strategy, the Green Belt & the Overall Housing and Employment Land Requirements

2.1. Question 3.1

“Overall, does the Plan set out a sound spatial strategy for meeting development needs, including any unmet need from neighbouring areas, and protecting and, where possible, enhancing the environment? And in particular:

a) is the broad apportionment of housing, economic and other development to the various centres, locations and rural areas throughout the District consistent with the Plan’s spatial vision and objectives, and does it promote sustainable patterns development?

- 2.1.1. It is noted that the Local Plan submission document¹ advises that *“the urban areas of the District have the greatest housing needs and are locations where the cost of public service delivery is relatively low. Accordingly, the bulk of development needs that cannot be met via brownfield land (including brownfield land in the Green Belt) will be via greenfield land release adjacent to the main towns, especially Kidderminster”*.

¹ Examination Document SD01. Wyre Forest District Local Plan Review Submission Document (January 2020). Paragraph 6.16.

2.1.2. The WFDC settlement hierarchy² shows the Main Town of Kidderminster is at the top of the settlement hierarchy and is therefore the most sustainable settlement in the District. Kidderminster is described within the settlement hierarchy as being the focus of large scale housing provision and a location where appropriate brownfield and greenfield sites should be used subject to the provisions of the more detailed policies of the Local Plan.

2.1.3. Therefore the choice of Kidderminster as being the focus of the majority of the residential allocations, located both within and on the edge of the settlement, is considered to be appropriate. Our client considers that there is potential for further development to take place at the sustainably located strategic allocation to the east of Kidderminster, on previously developed land in the Green Belt, as explained within the answers to some of the other Matter 3 questions below.

b) is it based on adequate evidence, consistent with national planning policy, and is it deliverable within the Plan period?

2.1.4. Our client notes that the strategy promoted by WFDC in the emerging Local Plan is accompanied by a suite of evidence documents. However neither the WFDC technical evidence documents nor further technical documentation submitted by site promoters have been fully taken on board by WFDC in assessing potential housing sites, including through the reporting set out in the Sites Selection Paper³. Accordingly the approach taken within the submitted version of the Local Plan is not considered to be robust, based on adequate evidence or in accordance with national planning policy. This is explained further, in the context of site ref WFR/ST/1 in response to part d) of Question 3.1.

d) does it make as much use as possible of suitable, previously developed or 'brownfield' land, under-utilised land and buildings, land in public ownership and regeneration opportunities?

2.1.5. It is noted that Local Plan Objective 5⁴ is to “*maximise the use of previously developed land in order to ensure the best use is made of available land both within and beyond the main towns*”. Proposed Policy 6B

² Examination Document SD01. Wyre Forest District Local Plan Review Submission Document (January 2020). Table 6.0.3.

³ Examination Document SSP01. WFDC Sites Selection Paper (August 2019).

⁴ Examination Document SD01. Wyre Forest District Local Plan Review Submission Document (January 2020). Table 3.0.2.

also seeks to encourage the effective use and re-use of accessible, available and environmentally acceptable brownfield land.

- 2.1.6. The Local Plan strategy however does not achieve Objective 5. The Local Plan approach to development ignores a suitable and sustainably-located partially previously developed site on the eastern edge of Kidderminster (ref WFR/ST/1), which can accommodate residential development in tandem with appropriate mitigation for existing ecological/landscaping features (please also refer to the response to Matter 1). The technical studies within the WFDC evidence base provide support for development at site WFR/ST/1, as described further below.
- 2.1.7. The 2018 Green Belt Review⁵ concludes that *“the site makes only a limited contribution to Green Belt purposes, being well bounded with limited visual connection”* and identifies that *“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”*. The further Green Belt site by site analysis⁶ did not alter this assessment.
- 2.1.8. The Preferred Options Sustainability Report⁷ identifies that this site has *“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”*. The site only scored one minor negative score and no major negative scores. The site at that time was included as a Local Plan Preferred Options core housing site, considered capable of being brought forward for housing development without significant investment in infrastructure.
- 2.1.9. Whilst the WFDC Preliminary Ecological Appraisal⁸ identifies that the site includes certain features of biodiversity significance that might affect development on the site (wet woodland adjoining the Captain’s and Stanklyn Pools and Spennells Valley LWS; drain and associated vegetation; and tall hedgerows), it does not specify that these potential constraints would prevent development on the site and includes mitigation recommendations to overcome these potential constraints.

⁵ Examination Document GB02. Amec Foster Wheeler. Green Belt Review Part II – Site Analysis (May 2018). Page 23.

⁶ Examination Document GB02a. Amec Foster Wheeler. Green Belt Review Part II – Site Analysis (May 2018). Appendix C Pages C46-C48.

⁷ Examination Document LPP06. WFDC. Local Plan Review Preferred Options Sustainability Appraisal Report (May 2017). Appendix G.4 (Local Plan Review Site Testing Tables – Kidderminster East).

⁸ Examination Document GI06. WCC. Preliminary Ecological Appraisal of Potentially Ecologically Sensitive Sites (June 2018).

- 2.1.10. Therefore the subsequent removal of this site from the Local Plan proposed housing allocations following the Preferred Options consultation stage is considered to be unsubstantiated. The reasoning given within summary of Preferred Options consultation responses⁹ comments that: *“This site is not proposed for allocation in this local plan. Limited development may still be possible based on existing footprint of development. Key issue is impact on ancient woodland and pools and streams complex which would severely limit the developable area”*. The site is accordingly given a major negative sustainability score in relation to biodiversity in the subsequent Local Plan Sustainability Appraisal documents.
- 2.1.11. WFDC includes similar commentary within the Sites Selection Paper¹⁰, which identifies that *“further development at Captains & The Lodge has also been ruled out as concerns have been raised about the potential adverse impact on the adjacent ancient woodland and pools system”*. The constraints analysis¹¹ identifies that the site is not proposed for allocation because *“5% of site affected by 1 in 1000 year surface water flood event. Development as suggested would have detrimental impact on ancient woodland, Captains Pool and LWS. Net developable area would need to be reduced to allow for wide buffer to protect these areas”*.
- 2.1.12. However, the commentary in the HELAA¹² states: *“Site adjoins large housing estate and is well screened. If ecological impacts can be mitigated for, site would be suitable for some development...development is achievable subject to site being taken out of Green Belt”*. WFDC’s assessment confirms that the site is suitable for development and can accommodate circa 135 new homes (45 dwellings on previously developed land and 90 dwellings on greenfield land).
- 2.1.13. In relation to ecological mitigation, site-specific assessment work was undertaken by Swift Ecology and appended to previous representations¹³ made in relation to this site. This assessment work identified that the potential ecological / landscape constraints identified by WFDC are not absolute constraints to development and appropriate mitigation can be provided. WFDC did not take this into consideration.

⁹ Examination Document SD06d. WFDC. Summary of Consultation Responses. Local Plan Preferred Options Consultation (June 2017). Appendix 3B (Kidderminster Urban Extensions). Pages 30-31.

¹⁰ Examination Document SSP01. WFDC Sites Selection Paper (August 2019). Section 11. Paragraph 11.3.

¹¹ Examination Document SSP01. WFDC Sites Selection Paper (August 2019). Appendix 1.

¹² Examination Document HOU4d. WFDC. Housing and Employment Land Availability Assessment Update (August 2019). Eastern Village Sites.

¹³ Stansgate Planning Consultation Response on behalf of Mrs. Gaynor Gillespie Ref EN/K/8797 (October 2019).



- 2.1.14. Furthermore it is contended that the most recent WFDC sustainability appraisal assessment underscores this site and does not properly take account of the context of, or available evidence for, this site. This is reflected in the proposed amendment to the sustainability appraisal included within Appendix 2 of our client's Matter 1 Hearing Statement. It should be noted that the site is in a sustainable location adjacent to the existing Spennells residential development and can deliver a range of house types and tenures. The site has existing access to mains utilities and good access to the A448 Bromsgrove Road. There are not considered to be any constraints to development which cannot be suitably mitigated.
- 2.1.15. Our client accordingly contends that WFDC's decision to disregard the opportunity for including development on previously developed land on a site evidenced to be suitable, available, deliverable and sustainable, whilst still pursuing a strategy involving allocating development on sites that are entirely greenfield is not justified and renders the WFDC approach unsound.

f) does the strategy seek to optimise the density of development in line with national planning policy to make the most effective use of land?

- 2.1.16. The approach to density set out within proposed Policy 8A provides flexibility to determine the densities at which sites will be developed, allowing for the site context to be taken into consideration. This approach does not restrict the ability for sites in town centre locations and other locations to achieve higher than the average density guideline of 35dph included within the Policy wording, and thereby enabling efficient use of land to be achieved.

h) has the Plan been adequately informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development?

- 2.1.17. It is noted that the WFDC Housing Needs Study¹⁴ highlights that the WFDC area is co-terminus with the Wyre Forest Housing Market Area and that the housing requirement shown within the Local Plan is based solely on that required for the needs of Wyre Forest District. It is also recognised¹⁵ that WFDC held various meetings with neighbouring authorities during the Plan preparation process and that as part of this process no neighbouring authority indicated a willingness to assist with accommodating any of the District's housing

¹⁴ Examination Document HOU01. Arc. Wyre Forest District Housing Needs Study 2018. Final Report (October 2018).

¹⁵ Examination Document ED20. WFDC. Green Belt Topic Paper (October 2020). Section 6.

needs because they are Green Belt local authorities themselves or they cannot accommodate their own needs.

2.1.18. This is evidenced through the submission of Statements of Common Ground with the South Worcestershire Councils, Shropshire Council, South Staffordshire Council, the Black Country Authorities and Birmingham City Council. WFDC is therefore able to demonstrate that it should be seeking to accommodate its local housing need within its own administrative area.

2.2. Question 3.2

“a) Taking account of national planning policy on exceptional circumstances, has the need for changes to the Green Belt boundary been established, and has due regard been paid to its intended permanence in the long term? Is the proposed designation of Reserved Sites likely to be adequate in this respect? [Note: Policy 7B on Reserved Sites will be considered in detail under Matter 6]”

2.2.1. NPPF paragraph 137 requires local planning authorities to demonstrate that they have examined fully all other reasonable options for meeting their identified need for development before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries.

2.2.2. The general strategy put forward in the Plan is one which focuses on the benefits of brownfield regeneration in the existing settlements. However, as acknowledged in the Sites Selection Paper¹⁶ WFDC considers that just under half of the identified housing need can be catered for on deliverable brownfield sites. There is therefore a need for development on some greenfield land, including on land adjoining existing settlements.

2.2.3. Wyre Forest District is largely rural, and has three towns: Kidderminster, Stourport-on-Severn and Bewdley. Kidderminster is the largest and most sustainable settlement in the District and has been the primary focus of growth through successive Local Plan reviews. Given the need for significant development to be focused on locations which are or can be made sustainable¹⁷, it is considered to be entirely appropriate for this Local Plan to continue to have a strategy of focussing growth to Kidderminster.

¹⁶ Examination Document SSP01. WFDC Sites Selection Paper (August 2019). Paragraph 7.2.

¹⁷ NPPF paragraph 103.

- 2.2.4. Kidderminster is surrounded by Green Belt. In recognition of the fact that neighbouring local authorities are not willing to take any of the District's housing requirement¹⁸, as well as the fact that there are insufficient opportunities for development (on previously developed sites) within the current built up area of the three main towns and the WFDC proposed approach to density¹⁹, it is considered that the exceptional circumstances for the need for making changes to the Green Belt boundary have been established in order to achieve the necessary focus of development at Kidderminster. In this regard the principle and need for releasing Land from the Green Belt for allocations and Reserved Sites through the Local Plan is considered to be sound and justified.
- 2.2.5. If WFDC does not plan to meet a local housing need figure that responds to the 2018-based household projections through this current Local Plan Review then it will need to be mindful of the implications of this projected increased housing need requirement (and any further increase that may arise through other changes that the Government might make to the Standard Methodology) when it undertakes the next Local Plan Review, which should be within 5 years²⁰. WFDC will also have to be mindful in future Local Plan Reviews that it may need to contribute to meeting the housing need for neighbouring authorities if this is evidenced. Further comment on local housing need is provided within the Matter 2 Hearing Statement.
- 2.2.6. It is expected to remain likely that the supply of previously developed sites in the existing settlements in the District will not be able to meet the local housing need requirements going forward through future Local Plan Reviews. Therefore it is logical that WFDC will need to continue to look to the Green Belt, starting with suitably located previously developed land within the Green Belt, in order to meet its future need. In order to ensure that longer term permanence of Green Belt boundaries is achieved, and in recognition of the anticipated need to deliver further housing in the Green Belt through later Local Plan Reviews, the proposed principle of designating Reserved Sites in the Green Belt through this current Local Plan Review is considered to be sound.
- 2.2.7. WFDC proposes to designate 5no. Reserved Sites (Land off Hayes Road, Fairfield; Land off Lowe Lane, Fairfield; Land off Kimberlee Avenue, Cookley; Land off Wilden Top Road, Wilden; and Lawnswood, Cookley) through proposed Local Plan Policy 7B. The number and size of the Reserved Sites proposed for

¹⁸ Refer to response to Question 3.1 part h)

¹⁹ Refer to response to Question 3.1 part f)

²⁰ NPPF paragraph 33.

designation by WFDC is however not considered to be sufficient to meet the anticipated increase in local housing need and resultant pressure for further releases from the Green Belt. WFDC should accordingly be planning for additional Reserved Sites if it does not increase its local housing need figure from the 5,520 dwellings currently identified for the new Plan period.

- 2.2.8. If it is demonstrated that the current Local Plan strategy does not require the allocation of site WFR/ST/1 for residential development then this site needs to be included as a Reserved Site to ensure the proposed strategy is robust, takes account of the available evidence, maximises the contribution that previously-developed land can make to the achievement of the Plan's objectives and assists with enabling the longer term permanence of Green Belt boundaries.

2.3. **Question 3.3**

“Having regard to the housing and employment need figures and the spatial planning considerations above, is it justified to set 5,520 dwellings (at least 276 dwellings per year) as the housing requirement for the Plan period and at least 29ha as the employment land requirement?”

- 2.3.1. Our client considers that WFDC has demonstrated that the exceptional circumstances exist to enable Green Belt release to take place within the District in order to accommodate the local housing need for WFDC. In relation to housing need, it should be recognised that WFDC's identified 5,520 dwelling figure should be treated as a minimum. Notwithstanding this, as set out in our client's response to Matter 2, it is contended that WFDC should be giving regard to the implications of the most recent 2018-based household projections, planning for a local housing need figure of more than 5,520 dwellings, and identifying additional allocations (such as site ref WFR/ST/1) to achieve this.

