
Matter 6(i) Hearing Statement

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

Representor ID: 859769

Questions: 6.1 and 6.5



Contents

1.	Introduction	1
1.1.	Introduction	1
2.	Matter 6(i) Other Allocations for Housing and Mixed Uses	1
2.1.	Question 6.1	1
2.2.	Question 6.5	4

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 6(i) (Questions 6.1 and 6.5) 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 6(i) Other Allocations for Housing and Mixed Uses: Kidderminster

2.1. Question 6.1

“Is the selection of the other site allocations in each of the identified areas based on an adequate assessment of all potential sites, including sustainability appraisal and assessment of their roles in serving Green Belt purposes? In particular: a) have the assessments used suitable methodologies and applied them consistently? b) is it clear why the Council has decided to allocate the specific sites and not others? c) is the proposed development of each of the allocated sites consistent with the Plan’s vision, aim and objectives and with national planning policy?”

- 2.1.1. Our client considers that a consistent approach has not been applied to the consideration of, and justification for, all of the proposed Kidderminster housing allocation sites, notably in light of other potential available sites within or immediately adjacent to Kidderminster.
- 2.1.2. Some of the proposed housing allocation sites have been included despite containing, or being adjacent to, potential development constraints on the expectation that mitigation will be able to be provided as part of a (re)development scheme and in the recognition that such mitigation may in some cases reduce the developable area / capacity of the site in question. Examples of this include: the impact of heritage assets in relation to sites AS/5, BHS/16, BHS/38, BW1 and BW/2; the presence of land within flood zone 2 in

relation to sites AS/5, BHS/39, FHN/11 and OC/11; the need to provide compensation for the loss of, or retention of areas of, existing open space / playing fields in relation to sites BW/2 and BW/3 (but without identifying potential alternative locations to reprovide such open space to); or the impact of ecological / landscape constraints in relation to sites FPH/18, OC/11 and WA/KF/3.

- 2.1.3. Notably WFDC has proposed to allocate site OC/11 (Stourminster School) in the knowledge that parts of this site are naturalised (linear woodland and watercourse) and that there could be an impact on biodiversity¹. WFDC states that the wet woodland corridor within the area of the site at risk from flooding (flood risk being identified as a 'red' constraint) needs to be retained and enhanced² and that housing capacity may be reduced accordingly to allow for buffering, as well as requiring developers to make reference to the Preliminary Ecological Appraisal (PEA) that has been undertaken. The ability for this to be achieved has subsequently been demonstrated via WFDC granting planning permission (19/0521/FULL) for a scheme to redevelop the site for 57 dwellings, incorporating a green infrastructure buffer that protects and enhances the Hoo Brook woodland corridor.
- 2.1.4. Furthermore the proposed greenfield arable Green Belt WA/KF/3 'Land at Low Habberley' housing allocation achieves a major negative score for biodiversity and geodiversity in the 2019 Sustainability Appraisal³. Whilst it is reassuring that WFDC has accepted the principle of allocated housing sites being able to incorporate mitigation to overcome both potential ecological constraints in line with PEA recommendations and flood risk constraints, WFDC did not apply this same reasoning to the Kidderminster alternative site WFR/ST/1.
- 2.1.5. In identifying allocations, in the context of the encouragement within NPPF paragraph 84 for the use of previously developed land and the proposed Local Plan Objective 5⁴ 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*" WFDC should give full regard to its Brownfield Land Register. Our client recognises that WFDC has proposed to include a significant number of the Brownfield Land Register Kidderminster sites as allocations

¹ Examination Document SD04a Sustainability Appraisal of the Pre-Submission Publication Draft Wyre Forest District Local Plan (July 2019) Appendix B Site Appraisals – Page 197.

² Examination Document SSP01. WFDC Sites Selection Paper (August 2019). Appendix 1.

³ Examination Document SD04a Sustainability Appraisal of the Pre-Submission Publication Draft Wyre Forest District Local Plan (July 2019) Appendix B Site Appraisals – Page 221.

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

in the Submission version of the Local Plan. However Land at Captains in WFR/ST/1, of which 2.6ha is included in the Brownfield Land Register, should also have been brought forward into the Submission version of the Local Plan as a proposed allocation.

- 2.1.6. Within the Sites Selection Paper WFR/ST/1 was ruled out because *“concerns have been raised about the potential adverse impact on the adjacent ancient woodland and pools system⁵”*. The constraints analysis⁶ 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”*.
- 2.1.7. However, the commentary in the HELAA⁷ for WFR/ST/1 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).
- 2.1.8. In relation to ecological mitigation, site-specific assessment work was undertaken by Swift Ecology and appended to previous representations⁸ 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. Even if the development area for this site is ultimately restricted to the 2.6ha included in the WFDC Brownfield Land Register, which takes into account the provision of a 50m ecological buffer around the Local Wildlife Site boundary, this could still equate to a housing capacity for this site of c.80-90 dwellings (at 30-35dph).
- 2.1.9. WFDC did not take this into consideration and it is therefore contended that: (i) a consistent approach has not been applied to the assessment of sites by WFDC; and (ii) it has not been made clear why WFDC has

⁵ Examination Document SSP01. WFDC Sites Selection Paper (August 2019). Section 11. Paragraph 11.3.

⁶ Examination Document SSP01. WFDC Sites Selection Paper (August 2019). Appendix 1.

⁷ Examination Document HOU4d. WFDC. Housing and Employment Land Availability Assessment Update (August 2019). Eastern Village Sites.

⁸ Stansgate Planning Consultation Response on behalf of Mrs. Gaynor Gillespie Ref EN/K/8797 (October 2019).

decided to allocate some sites in the explicit recognition that the presence of constraints can be overcome through mitigation but not other similar alternative sites.

2.1.10. The evidence base also includes inconsistencies in relation to the way that potential ecological constraints have been assessed, with the Sites Selection Paper⁹ identifying that many of the potential alternative sites have not been reviewed by the County Ecologist. Reasons have not been given for why these sites were not reviewed. It is therefore unclear how the alternative sites have been assessed on a comparable basis if the sites have not been scored against a consistent set of criteria.

2.1.11. Furthermore, the 2019 Sustainability Appraisal¹⁰ acknowledges that the assessment for WA/KF/3 has been based on a 92.9ha site, but only 5.6ha (referred to elsewhere in the evidence base as 'WA/KF/3 Phase 1') is proposed to be allocated for housing. For comparison purposes it is therefore not clear whether the reported sustainability appraisal analysis is still valid in relation to the smaller WA/KF/3 Phase 1 area.

2.2. Question 6.5

“Taking account of the specific characteristics of the allocation sites that are currently within the Green Belt, are there exceptional circumstances that justify the proposed alterations to the Green Belt boundary?”

2.2.1. As identified in our client’s response to Matter 3¹¹ it is considered that exceptional circumstances do exist for making changes to the Green Belt boundary on the edge of Kidderminster. This is based on: insufficient previously developed sites being available within the urban areas of the District to address the identified housing need; the need for more housing, particularly affordable housing; the lack of willingness from neighbouring local authorities to take any of the District’s housing requirement; Kidderminster being the largest and most sustainable settlement in the District and therefore the primary focus for growth in the District; and the fact that Kidderminster is surrounded by Green Belt.

⁹ Examination Document SSP01a WFDC Sites Selection Paper (August 2019). Appendix 1 – Analysis of Constraints Affecting Potential Allocations.

¹⁰ Examination Document SD04 Sustainability Appraisal of the Pre-Submission Publication Draft Wyre Forest District Local Plan (July 2019) – Footnote 7 on Page 52.

¹¹ Gaynor Gillespie and W4 Estates Limited response to Matter 3 Question 3.2.

- 2.2.2. Our client notes that only two of the proposed Kidderminster housing allocations in Policy 30 of the Submission version of the Local Plan are currently in the Green Belt: WFR/WC/18 ‘Sion Hill School’; and WA/KF/3 ‘Land at Low Habberley’.
- 2.2.3. NPPF paragraph 84 encourages the use of previously developed land, and sites which are physically well related to existing settlements, where suitable opportunities exist. WFR/WC/18 is a predominantly previously developed site in a sustainable location and therefore its redevelopment would be in accordance with the proposed Local Plan Objective 5¹² 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*”. It is also noted that this site has been assessed as having an overall limited contribution to the purposes of the Green Belt¹³. This should weigh in favour of the WFDC case for demonstrating that exceptional circumstances do exist for justifying alterations to the Green Belt boundary in this specific location.
- 2.2.4. Conversely it is not clearly justified through the evidence base what the exceptional circumstances are for the proposed alteration to the Green Belt boundary for the specific 5.6ha site WA/KF/3 (Phase 1). This stand-alone site: does not contain previously developed land; is in arable use; does not deliver the same level of critical mass of development achieved through the proposed strategic allocations at Lea Castle Village (Policy 31) or in the Kidderminster Eastern Extension (Policy 32); scores a ‘red’ in relation to Green Belt constraints in the Sites Selection Paper; and is assessed as having an overall significant contribution to Green Belt purposes, as well as being “*exposed physically and visually*”¹⁴.
- 2.2.5. As identified within our client’s Matter 5 statement¹⁵, in considering reasonable alternative options, it is contended that exceptional circumstances would however exist for releasing further land from the Green Belt at partly previously developed site WFR/ST/1 and that the Green Belt boundary should accordingly be amended in this specific location.
- 2.2.6. Land at Captains in WFR/ST/1 is not in agricultural use and is currently in lawful use for the storage of caravans. An increase in the storage of caravans at the site from 15 to a maximum of 39 caravans has

¹² Examination Document SD01. Wyre Forest District Local Plan Review Submission Document (January 2020). Table 3.0.2.

¹³ Examination Document ED20B. WFDC Green Belt Topic Paper Technical Note 2 – Summary of Site Assessments. Pages 58-59.

¹⁴ Examination Document ED20B. WFDC Green Belt Topic Paper Technical Note 2 – Summary of Site Assessments. Pages 58-59.

¹⁵ Gaynor Gillespie and W4 Estates Limited response to Matter 5 Question 5.2.



recently been deemed to be lawful¹⁶. Within this decision¹⁷ the Inspector acknowledged that “*views to the site from public viewpoints, including footpaths to the north and west, are limited*”. It should also be noted that the inclusion of 2.6ha of land within WFR/ST/1 on the WFDC Brownfield Land Register already provides acknowledgement of its availability, suitability and achievability for residential development and therefore the principle of accommodating development on this site has already been established.

2.2.7. Site WFR/ST/1 is identified¹⁸ as making “*only a limited contribution to Green Belt purposes, being well bounded with limited visual connection...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 substantial boundary vegetation reduces openness both physically and visually. This is also reflected in the ‘green’ scoring that this site was given within the 2019 Sites Selection Paper¹⁹ in relation to Green Belt constraints.

¹⁶ Appeal Ref: APP/R1845/X/19/3230753. Land at Captains, Stone Hill, Stone, Kidderminster, DY10 4AJ. Certificate of lawful use or development. Appeal allowed 22 February 2020.

¹⁷ Appeal Ref: APP/R1845/X/19/3230753. Land at Captains, Stone Hill, Stone, Kidderminster, DY10 4AJ. Certificate of lawful use or development. Appeal allowed 22 February 2020. Paragraph 6.

¹⁸ Examination Document GB02. Amec Foster Wheeler. Green Belt Review Part II – Site Analysis (May 2018). Page 23.

¹⁹ Examination Document SSP01. WFDC Sites Selection Paper (August 2019). Appendix 1.

