



**WYRE FOREST DISTRICT COUNCIL
LOCAL PLAN 2016-2036**

HEARING STATEMENT

**IN RESPECT OF MATTER 6(iv) OTHER ALLOCATIONS FOR HOUSING AND MIXED USED;
RESERVED HOUSING SITES**

**SUBMITTED ON BEHALF
OF
LIVING SPACE HOUSING**

Date: December 2020

Ref: 20.336

Representor reference 977760

Michael Robson

Introduction

1. This Hearing Statement is made for and on behalf of Living Space Housing, which should be read in conjunction with representations made to the pre-submission consultation in October 2019 by Richard Brown Planning made on behalf of the land owner. This representation answers specific questions as set out in the Inspector's Matters, Issues and Questions document (ED16) published on 19th October 2020.
2. As set out in our Hearing Statement in regard to Matter 3 and 6 (ii) we are concerned that the Council has failed to have regard to paragraph 138 of the NPPF when devising the spatial strategy and that no consideration has been given to the potential of previously developed land within the Green Belt. As referred to in our previous Hearing Statements the sequential assessment to prioritising PDL as enshrined in PPG3 and latterly in PPS3 no longer survives in the NPPF. However, one element which was specifically and deliberately carried forward relates to the site selection process for Green Belt release. The Council has failed to have any regard to this approach and as a result the plan is not consistent with national policy.
3. By way of background, our client's site at Yew Tree Walk, Stourport had been allocated as a housing site in accordance with the sequential approach set out in an earlier version of this iterative plan making process because it was considered to be appropriate, justified and effective as required by paragraph 35 of the NPPF as a previously developed site within the Green Belt.
4. We set out below answers to the Inspectors Issues and Questions which are based around the site selection process, which we consider to be flawed, which has led to the Council effectively de-allocating a previously developed site within the Green Belt at Yew Tree Walk from the Pre-Submission Version.

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?

5. As set out in earlier representatives, our client, Living Space Housing has an interest in the site at Yew Tree Walk, Stourport-on Severn, which is in the Green Belt. We have already set out extensively our concerns in relation to the selection of the proposed Green Belt site allocations in Stourport-on-Severn and consider it equally important to ensure our views on the site selection process extends to the Reserved Housing Sites in the Green Belt set out in Policy 7B of the Submission Local Plan.
6. Policy 7B proposes 5 Reserved Housing Sites in the Green Belt, which will effectively be "safeguarded land" and released for development if needed (in the absence of a demonstrable 5-year housing land supply position or a failure of the housing delivery test) via a full or partial Local Plan review or through a Neighbourhood Plan. The following sites would only be considered for further consideration providing the applicant could demonstrate why the site should be released ahead of other allocated sites within the Plan or prior to the completion of a Plan review.
7. The reserved sites are as follows:
 - a. Land off Hayes Road, Fairfield (WFR/WC/23) (potential yield of up to 14 dwellings);
 - b. Land of Lowe Lane, Fairfield (WFR/WC/22) (potential yield of up to 26 dwellings);
 - c. Land off Kimberlee Avenue, Cookley (WFR/WCC/10) (potential yield of up to 30 dwellings);
 - d. Land off Wilden Top Road, Wilden (MI/21) (former recreation ground, potential yield of up to 37 units)

- e. Lawnswood, Cookley (WFR/WC/12) former house and garden site within the Green Belt, potential yield of up to 23 units)
8. All of the above sites were removed from the Green Belt within the Site Allocations and Policies Local Plan 2013 except Lawnswood (WFR/WC/12) which is currently within the Green Belt.
9. A review of key evidence documents, specifically the Site Selection Paper, HELAA 2019, Green Belt Review, the Sustainability Appraisal and the Strategic FRA has been undertaken to understand how the Council came to select the sites above as Reserved sites.
10. Whilst the above assessments are relevant and for the most part include up-to-date evidence in accordance with paragraph 31 of the NPPF, there is little to no discussion of the reserved sites, other than a series of tick boxes within the SA and HELAA. It would appear that the sites are taken forward as reserved sites from the previous 2013 Site Allocations and Policies Local Plan without any additional consideration. There is nothing for instance, to explain why these greenfield sites (which although have already been taken out of the Green Belt, they are afforded the same level of Green Belt protection until they are developed, and can only be developed in the event of the housing land supply figure dropping beneath 5 years or a failure to deliver housing against the Delivery Test) have been earmarked for development before the site at Yew Tree Walk which is in the Green Belt but which is previously development and located in Stourport-on Severn, one of the areas where the Council is directing the majority of growth to. Only one of the proposed reserved sites is within Stourport, the others are within the rural eastern villages.
11. The aim of the SA is to promote sustainable development. It takes account of the Plan's likely significant economic, environmental and social effects and suggests measures to minimise any negative effect and maximise positive ones. The SA process provides the opportunity to consider reasonable alternatives for how the plan can contribute to improving environmental, social and economic conditions and should demonstrate that the Plan has gone through an inclusive, transparent process. The SA considered alternative options for the Plan including "brownfield v. greenfield" – it concludes that the "plan aims to put as much development as possible on brownfield sites, which are mostly in Kidderminster and Stourport. This does not set out a sequential approach to site selection as required by paragraph 138 of the NPPF but does at least recognise the distinction to be made between brownfield and greenfield land.
12. Each of the reserved sites proposed were assessed against the 13 SA objectives, including number 12 – to maintain the integrity of the Green Belt but unsurprisingly scored well, as effectively they are not Green Belt sites having formerly been removed. There is no discussion within the document in relation to previously developed land within the Green Belt for "*when it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously- developed.*" (paragraph 138 of the NPPF). This is a significant failing in terms of methodology.
13. Our client's site at Yew Tree Walk (AKR/8) scored an overall score of -1 (yellow) in relation to the Green Belt in the SA; a score which took no account of the fact that the site is previously developed. Whilst in terms of impact on the Green Belt, the reserved sites at Hayes Road (WFC/WC/23) and Lowe Lane (WFC/WC/22) were scored 0 - blue within the SA, (as they were both taken out of the Green Belt during the last Plan Review and are classified as ADR). The site at Kimberlee Avenue (WKR/WC/10) is also ADR land but this scored -1 yellow but was recommended as a reserved housing site. Policy 7B seeks to allocate the above reserved sites with no apparent explanation in the methodology used other than to rely on the fact that the land has already been removed from the Green Belt and cannot therefore be put back.
14. The site at Lawnswood (WFR/WC/12) is the only proposed reserved site which is still currently within the Green Belt, and appears within Table J Green Belt Greenfield Sites deliverable beyond 5 years of the HELAA 2019. The score against objective 12 of the SA impact on Green Belt is - 1 yellow, exactly the same as the site at Yew Tree Walk. The site is relatively small and could

accommodate around 23 houses. However, nowhere in any of the assessments is reference made to the policy requirement to “consider first” the development potential of brownfield land within the Green Belt. The Council has consistently applied this unsuitable methodology when assessing all Green Belt sites and in doing so, has failed to prioritise the re-use of the site at Yew Tree Walk above the other Green Belt sites allocated for development within the Plan or those proposed as Reserved Sites.

15. Only one of the sites is referred to within the Site Selection Paper (WFR/WC/12 – Lawnswood) which concludes that the site is suitable for small-scale housing scheme to meet local needs – and that it should be brought forward through a Neighbourhood Plan. Again, there is no mention of the requirement to first of all consider previously developed land within the Green Belt.
16. The Green Belt Review has assessed each of the sites above in a consistent manner. The methodology applied is suitable but again lacks any reference to paragraph 138 and the requirement to first redevelop brownfield sites within the Green Belt.
17. The Green Belt Review concludes that that the sites off Lowe Lane and Lawnswood make a **contribution** towards the five purposes of the Green Belt; the same as that for Yew Tree Walk forms only a **contribution**. This in itself is confusing as both of these sites have been removed from the Green Belt.
18. The Strategic FRA has assessed all of the sites above consistently; only those with identified as having risk from flooding were taken to the level 2 assessment.
19. Finally, the Site Selection Paper brings all of the findings of the reports above to make recommendations on which sites will be allocated. Surprisingly, this document makes very little reference to the reserved sites. They are only mentioned once at paragraph 11.6 as follows; “***In the eastern rural settlements, Neighbourhood Plans are expected to bring forward development on a number of existing Areas of Development Restraint. These will now be known as Reserved Housing Sites.***”
20. Based on all of the above, we have to conclude that that the Council’s methodology for the reserved housing site selection is not suitable.

b) Is it clear why the Council has decided to allocate the specific sites and not others?

21. The over-riding reasoning for the allocation of the reserved sites would appear to be that the land is already safeguarded and the justification from the Green Belt was made and accepted within the previous plan review. There does not appear to be any further discussion of these sites, or that a priority would be given to the development of any brownfield Green Belt site that could be allocated through the plan, which could ensure that the reserved sites would be safeguarded for a longer period of time than envisaged.
22. It is asserted that the site at Yew Tree Walk is previously developed due to its previous use for the extraction of sand and gravel as set out extensively in our Hearing Statement to Matter 6(ii). In making a decision to allocate future reserved sites, the same policy requirement to first consider brownfield sites should have been applied. It has clearly not been a consideration but it is not at all clear as to why the Council has not considered this issue.

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?

23. It is our view that the proposed development of each of the Reserved Housing sites cannot be consistent with the vision, aim or objectives of the Plan and are not consistent with national policy.
24. The objectives to encourage long term sustainable development and to maximise the use of previously developed land to ensure the best use is made of available land both within and beyond the main towns and to protect and support the role of the Green Belt are not being met with the allocation of the sites proposed for the reasons set out in 61b and c above.
25. There is no reference at all to NPPF paragraph 138 to explain why the Greenfield Green Belt sites have been chosen over any brownfield Green Belt sites. Given that NPPF paragraph 138 sets out a clear sequential approach prioritising brownfield land before moving to consider greenfield land, as drafted the Plan is inconsistent with National Policies.
26. There is a clear disconnect between the proposed reserved sites and the Plan's vision. It cannot be claimed that the Plan is maximising the use of previously developed land if the site at Yew Tree Walk is not proposed as an allocation which would result in the use of a brownfield site within the Green Belt.

Conclusion

27. As set out above we do not consider that an adequate assessment of all other potential sites has been carried out. The Council has failed to make a proper assessment of the potential of the land at Yew Tree Walk to be used for residential purposes in direct conflict with advice contained within paragraph 138 of the NPPF.