



**Wyre Forest**  
District Council

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# **Consultation Responses Received on the Proposed Main Modifications to the Wyre Forest District Local Plan (2016-2036)**

**December 2021**

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## **Introduction**

1.1 This report sets out the responses received by Wyre Forest District Council to the consultation on the proposed main modifications to the Wyre Forest District Local Plan 2016-2036. The consultation ran from 9am Thursday 14<sup>th</sup> October to 12pm Friday 26<sup>th</sup> November 2021. The Council invited comments on 3 documents: -

- ED57 Schedule of Proposed Main Modifications to the Submission version of the Wyre Forest District Local Plan (2016- 2036)
- ED58 Sustainability Appraisal of the Main Modifications to the Submission Wyre Forest District Local Plan (September 2021)
- ED59 Schedule of proposed changes to the Policies Map to reflect the proposed Main Modifications to the draft Local Plan (July 2021)

1.2 There have been 631 respondents to the consultation raising 5,625 representations in total. These included large numbers of generic comments relating to the proposed site at Low Habberley in the north of Kidderminster (556 individuals making 8 comments each) which can be found in Appendix 4. Some of these Low Habberley responses also included 4 additional comments relating to alternative sites in Kidderminster Town Centre (238 individuals) which can be found in Appendix 5. Some of those submitting the generic comments on Low Habberley also made additional comments of their own which are incorporated within Appendix 1 (ED57 responses) and/or 2 (ED58 responses).

1.3 Details of the full responses made by all respondents to this consultation can be found in the appendices to this report.

## **Comments received from Statutory Consultees**

2.1 Environment Agency support for amendments as previously set out in the Statement of Common Ground

2.2 Historic England support for proposed modifications

2.3 Homes England support proposed modifications regarding Lea Castle Village but request amendments to wording re 3G pitch provision to reflect recent discussions

2.4 National Highways propose additional changes to include reference to Infrastructure Delivery Plan in chapter 13.

2.5 Natural England support inclusion of reference to Severn Estuary SAC and Ramsar site designation. Support clarification on Green Infrastructure requirements on brownfield sites. Welcome safeguarding of land for implementation of Burlish Country Park. Support findings of Sustainability Appraisal. Support for amendments to South Kidderminster Enterprise Park.

- 2.6 Sport England do not support creation of Country Park and the various developments proposed on the former Burlish Golf Course. Support for modifications relating to playing pitch requirement and site-specific requirements at Lea Castle and Kidderminster Eastern Extension. Suggests amendments to Health policy to retain reference to sport. Sport England maintain their objection to loss of playing fields at the former school site on Coniston Crescent. The reference to the artificial pitches at Stourport Sports Club is incorrect.
- 2.7 Canal & Rivers Trust object to the wording relating to establishing a need figure for houseboat dwellers as it does not reflect what was agreed.
- 2.8 Worcestershire County Council support revised Policy 9 on Health and main modifications to Chapter 16. Consider the minor modification proposed for Chapter 16 should be a main modification as it is required for soundness. An amendment is suggested to Policy 24B to strengthen it. Additional wording is suggested for the Sladen Site policy relating to the proposed school provision. Support for amendment to SKEP boundary.
- 2.9 West Mercia Police object to Strategic Infrastructure policy as emergency services are not listed.
- 2.10 Worcestershire Wildlife Trust support for new criteria vii of Policy 6B to protect from development areas that are sensitive because of their landscape, heritage assets or biodiversity.

### **Comments from Parish Councils**

- 3.1 Churchill and Blakedown – detailed objections in relation to proposed allocations at Station Yard for car parking and Station Drive for housing and station parking involving removal of land from the Green Belt. Objections lodged against MM7.1-7.6 Strategic Green Belt Review, MM36.5 Station Yard Blakedown and MM36.6 Land off Station Drive Blakedown.
- 3.2 Chaddesley Corbett – The Parish Council strongly objects to the allocation of the Fold Lane site for any scale or type of development in the Local Plan and urge the District Council to take account of representations from residents of Fold Lane.
- 3.3 Kidderminster Foreign – see below for generic response on Save Habberley Green Belt.

### **Save Habberley Green Belt**

- 4.1 A generic response outlining 8 objections around the residential allocation of land at Low Habberley was received from 556 individuals. Objections were lodged against MM3.1 Overall Sustainable Development Objectives, MM3.3 Plan Objectives, MM6.7 Spatial development Strategy, MM8.1 housing

density, MM9.3 health impacts of development, MM30.17 Low Habberley site policy (2 objections) and the Sustainability Appraisal (ED58) site analysis. These responses are detailed in Appendix 4.

4.2 238 respondents also made 4 additional comments relating to the redevelopment of Kidderminster Town Centre. MM30.6 (Lion Fields site) - residential redevelopment should be prioritised over other uses. The redevelopment of Timber Yard Park Lane for housing was supported but it was felt that this should be brought forward for redevelopment on Plan adoption and not delayed. These responses are detailed in Appendix 5.

**Appendix 1 – Responses made on the Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)**

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
1303054	Gladman Developments Limited	LPMM3318	Support	MM3.2				Gladman support the spatial strategy for focusing growth in the main towns of Kidderminster, Stourport-on-Severn and Bewdley. The three main towns are the most sustainable locations for housing growth across the district. However, growth should not be precluded from the sustainable villages where there is an identified housing need, and consideration should be given to this.
1301097	Mrs Kathleen Hill	LPMM3630	Object	MM3.3	No	No	No	Building on the field at Low Habberley will not maintain the integrity of the Green Belt. Habberley Road is an ideal buffer between the built up area and the present Green Belt land near to Habberley Valley - a local nature reserve.
231577	Persimmon Homes Limited	LPMM3104	Support	MM3.3	Yes	Yes	Yes	We support the removal of the word 'limited' and also, support the alteration of the wording to "identify a necessary and justified level of strategic Green Belt release to enable delivery of the plan". We agree that this modification will help ensure that the level of development that is required within the District over the whole plan period can be achieved. In respect of this point, RPS draw reference to our submissions in relation to the proposals map for Catchems End (PM34) and the necessary change needed there to ensure the delivery of the allocation.

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1125905	Barberry Hurcott Limited	LPMM3341	Object	MM3.3	No	No	No	<p>The proposed revision of strategic green belt release from 'limited' to 'necessary and justified' is in principle to be welcomed (the restriction to a 'limited' release being inherently problematic) however the justification for this change is to ensure that the Plan is effective and positively prepared; to ensure that the level of development required over the Plan period can be achieved. The extent of green belt land to be released however still does not appear sufficient to enable an appropriate level of affordable housing provision to be made (as against the identified need for the same), does not appear to give any material flexibility within the Plan to enable appropriate reaction to changes occurring within the Plan period, nor to enable delivery of planned and necessary infrastructure.</p> <p>Moreover by adhering to a release of land which is 'necessary' for the draft Plan period only, the LPA appear to be committing to rounds of green belt boundary review alongside each Local Plan review process, contrary to NPPF 140, which provides that changes to green belt boundaries should have regard to their intended long term permanence and endure beyond the Plan</p>

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								<p>period, in combination with the requirement at NPPF 143(e) that green belt boundaries should not need to be altered at the end of the Plan period.</p> <p>If the focus of green belt release in the draft Plan is solely that needed to meet the emerging Plan requirements, then future planned development needs will necessitate further green belt releases. Instead it would be appropriate, both for effective and positive preparation of the emerging Local Plan and to ensure that green belt boundary review is not an ongoing iterative process running alongside Plan preparation on each occasion, to seek to secure sufficient land release to meet anticipated future needs beyond the Plan period. Such land can (and should) be identified and appropriately safeguarded (see NPPF 143(c) and (d)). The proposed MM, and the draft Plan, does not appear to plan positively in this regard with the resultant effect being a continually reactive reassessment of green belt boundaries in future plan processes.</p>
1303054	Gladman Developments Limited	LPMM3321	Support	MM3.3				Green Belt release is supported where it is necessary and justified to support development in Kidderminster. However, in

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								locations where there are development options outside of the Green Belt, these should be considered before releasing additional land from the Green Belt.
1110090	Mr. John Shuttes	LPMM5	Support	MM6.1	Yes	Yes	Yes	I believe that the main modifications are acceptable as the amendments generally reinforce the effectiveness of the document.
231577	Persimmon Homes Limited	LPMM3109	Support	MM6.1	Yes	Yes	Yes	We support the updating of Policy 6A to include the spatial distribution and quantity of development in the District. In addition, we support the clear inclusion of 227 net additional dwellings at Bewdley and the clear specification that the expected growth delivery is a minimum requirement.
1125905	Barberry Hurcott Limited	LPMM3348	Object	MM6.1	No	No	No	The proposed modification at 6.1 adds text at “C” and adds table 6.0.2, seeking to direct growth towards ‘the most sustainable, larger settlements and towards the new village at Lea Castle’. This inherently identifies the new village at Lea Castle as being distinct from (and additional to) ‘the most sustainable, larger settlements’ of the District (the proposed modified text states that growth is directed to the most sustainable larger settlements, and also to Lea Castle). It is unclear how the proposed modification represents an appropriate strategy, given the Local Plan’s

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								identification of Lea Castle as distinct from (and additional to) the ‘most sustainable, larger settlements’. The submissions previously made on behalf of Barberry have clearly identified a reasonable alternative, namely land to the rear of Baldwin Road, which, being adjacent to the eastern urban extension exhibits similar sustainability benefits as Lea Castle but benefits from being within walking distance of local schools (cf. Lea Castle).
1137373	Mrs Sonia White	LPMM10	Object	MM6.1	No	No	No	<p>MM6.1 is not sound or legally compliant in regard to Field at Habberley Road REF WA/KF3</p> <p>Primarily this area is GREEN BELT  The surrounding infra structure is inadequate for housing.  Transport egress from this field will endanger lives.  Pedestrian routes to local facilities from this field will endanger lives.  The area is rich in wildlife throughout the year, hence its status as GREEN BELT  It is a prime area, surrounded by other land, absolutely suited to agriculture/farming.</p> <p>Negative for Local services and facilities</p>

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								<p>Negative Need to travel, poor Public Transport</p> <p>Negative for Soil and Land</p> <p>Negative for Water Resources and Quality and Flood Risk</p> <p>Negative for Landscape and Townscape</p> <p>Negative for Green Belt</p> <p>DOUBLE Negative for Biodiversity and Geodiversity</p> <p>I endorse these objections above provided by the local people's group who have done extensive research into this proposed development.</p>
1301097	Mrs Kathleen Hill	LPMM3634	Object	MM6.2 (Page 34)				<p><b>a. "The right amount of land and type of employment uses at readily accessible locations..."</b> The land at Low Habberley is currently farmland producing food. How can this be the right kind of land with readily available employment?</p>

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								<p><b>b. "...enables labour force to live locally."</b> See a above - jobs? Public transport in this area is a 'joke'.</p> <p><b>d. "infrastructure that supports communities which are housing the labour force and facilitates the movement of people to their employment...and supporting free infrastructure."</b> - See a and b above. Developing the land at Low Habberley will increase pressure on the already overburdened medical facilities and the road infrastructure that is clogged with traffic already and peak times and heavy most of the time. Crossing the road to that field now is fraught with danger and often dependent on the kindness of drivers to stop and hold up a line of traffic to enable pedestrians to cross.</p>
1301097	Mrs Kathleen Hill	LPMM3653	Object	MM6.7				<p><b>Policy 6B - Locating New Development (page 38) iii. "Encourage the effective use of and re-use of accessible, available brownfield land"</b> Land at Low Habberley is Green Belt</p> <p><b>A. (iv) "...enhance the open countryside."</b> Not by building on this Green Belt land!!</p>

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								<p><b>A. (v) "Maintain the openness of the Green Belt."</b> Not by building on it!</p> <p><b>A. (vi) "Focus most development in and adjacent to the urban areas...effective public service provision..."</b> The field at Low Habberley is completely separated from the present urban area by a road. Building on it will overstep that barrier and provide further opportunities to infill the rest of the Green Belt land between it and the hamlet of Low Habberley. This in turn will put great pressure on Habberley Valley Nature Reserve with all the attendant effects on the local wildlife.</p> <p><b>A. (vii) "<u>Protect from development areas that are sensitive because of their landscape, heritage assets or biodiversity</u>"</b> An excellent modification. Now please show that you mean it by removing the Green Belt field at Low Habberley from your plan to build houses on it.</p> <p><b>D. "<u>Development of land beyond settlement boundaries</u> will be strictly controlled and will be limited to dwellings for rural workers, replacement dwellings and rural exception sites (Policy 8C); employment development in rural areas and buildings for agriculture and forestry (Policy 21B) and renewable energy</b></p>

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								<b>projects (Policy 24B) and development specifically permitted by other Wyre Forest Local Plan policies"</b> Yes. Prove that you mean this and remove the land at Low Habberley from building plans.
260520	Campaign to Protect Rural England	LPMM283		MM6.7				MM6.7: Policy 6B.D – We welcome the change, but we would ask for further clarification of what “beyond settlement boundaries” means. This is less of an issue where such land is Green Belt, where such applications are refused as a matter of course. However west of the Severn, there have been a series of recent applications relating to land adjoining but outside a village envelope boundary. It may be that this is covered in the glossary by a definition of settlement boundary. This is important because NPPF encourages infill in villages: it needs to be made clear that such infill is only permissible within the village envelope, as defined in the Plan.
1298978	Mrs Lorraine Brown	LPMM203	Object	MM6.7	No	No	No	<p>This area of land is green belt. The findings of every assessment do not support the release of this land from The Green belt.</p> <p>This area of land provides the area with a significant area of contribution as Green belt land.</p>

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								<p>There are significant negative impacts to building on this land access was deemed “poor” public transport links and local facilities are insufficient to support building on this land.</p> <p>There is no reasonable justification for building on this land I believe full consideration has not been given to local nature reserves and woods and the impact building on this land would have. The land is also not adjoining a built up area as stated in the sustainability report this statement is legally incorrect</p>
231691	Worcestershire Wildlife Trust	LPMM1975	Support	MM6.7	Yes	Yes	Yes	We welcome and support the new Principle 7 set out in Policy 6B and in particular the weight it gives to protection of biodiversity. We consider that this brings clarity to expectations in this area and that the principle reflects the requirements of national policy.
1300044	Mr Geoff Evans	LPMM577	Object	MM6.7	No	No	No	This is a very sensitive area that supports a wide range of biodiversity as has been found during site assessments that have been carried out on behalf of WFDC. The significant upheaval of major development and associated degradation of the environment would destroy existing habitat and have a tremendous negative impact on the surrounding area.

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1303054	Gladman Developments Limited	LPMM3323	Object	MM6.7				<p>In point 'D' of this MM which identifies acceptable development outside of the settlement boundaries. Entry Level housing should be considered appropriate as stated in Policy 8B alongside Rural Exception Sites.</p> <p>In addition to Rural Exception Sites, development outside of settlement boundaries should be considered if the Council is in a position where it cannot meet its housing needs.</p>
1301097	Mrs Kathleen Hill	LPMM3696		MM6.8				<p><b>"Locally, the Green Belt continues to serve all the purposes of national policy and the boundaries are considered to be strong and enduring. However, due to the exceptional circumstances of an increased housing demand coupled with a reduced amount of brownfield land..."</b> There are many brownfield sites that are privately owned. The Council should find ways of persuading private owners to release this land for building the housing it needs.</p>
1125905	Barberry Hurcott Limited	LPMM3366	Object	MM6.9	No	No	No	<p>The proposed modification at 6.9 is to accommodate the latest iteration of the Framework, however the same point as above applies, namely that unless a green belt review encompassing development needs beyond the draft Plan period is considered, the</p>

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								consequence is to leave review of green belt boundaries in lock-step with future emerging plans
231577	Persimmon Homes Limited	LPMM3116	Support	MM6.11	Yes	Yes	Yes	Our comments relate specifically to Policy 6E and the role of Bewdley as a Market Town. We support the proposed wording in relation to Bewdley and agree that the development of the allocated sites with additional housing will promote the vitality and viability of the market town. We agree the modification supports a sustainable pattern of development.
1225187	Mrs Claire Wood	LPMM2153	Object	MM7.1	No	No	No	<p>MM7.1 My objections to MM7.1 are as follows:</p> <ul style="list-style-type: none"> <li>• WFDC have not provided full and adequate evidence to justify the removal of the Green Belt land in Blakedown (WFR/CB/3);</li> <li>• WFDC are relying on an exemption to release land from Green Belt for 'affordable housing' and the draft policy states that '...any new housing should be provided... to meet any local housing need as shown in a Parish Needs Survey and/or the Housing Register...'. WFDC have not provided any evidence to support such a need in Blakedown and indeed the neighbourhood plan for the local parish, prepared by Churchill &amp; Blakedown Parish</li> </ul>

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								<p>Council, in collaboration with and supported by WFDC, does not identify such a need;</p> <ul style="list-style-type: none"> <li>• If WFDC can evidence such a need and that is then the exemption relied on to release the land from the Green Belt then surely the Local Plan should specify that the land can only be developed for the purpose of providing affordable housing? As it stands currently, the modifications to the plan do not make that stipulation; the draft Local Plan wording remains vague leaving that land exposed to any kind of development; and</li> <li>• In addition, if the land is to be released on the basis of the exemption for affordable housing then surely any reference to its use for car parking as part of WFDC's ambition to create a transport hub should be removed?</li> </ul>
231629	Churchill & Blakedown Parish Council	LPMM3938	Object	MM7.1				<p>NPPF 2021 para 140 provides that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Paragraph 141 provides that <i>“authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development” “makes as much use as possible</i></p>

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								<p><i>of suitable brownfield sites and underutilised land”</i> It is not clear that WFDC has fully evidenced or justified the removal of Green Belt land in Blakedown (WFR/CB/3 NPPF paragraph 147 retains the “Very Special Circumstances” test of whether inappropriate development causing harm to Green Belt is outweighed by other considerations. The Local Plan amendments are based on the exemption that “affordable housing” on Green Belt land is given in the NPPF, but the Draft Plan is confused between serving “District wide” or “Local Housing Needs” Policy WFR/CB/3 (9) states <i>the new housing should be provided .... to meet any local housing need as shown in a Parish Needs Survey and/or the Housing Register.</i> WFDC has put forward no evidence in support of this and this Policy is in conflict with others in the Plan NPPF paragraph 150 C provides that local transport infrastructure which can demonstrate a requirement for a Green Belt location may not be inappropriate development But The Local Plan does not adequately consider the potential for expansion of Kidderminster Station Car park or of neighbouring authorities allocating more suitable sites for a “transport hub” before seeking to remove WFR/CB/3 from Green Belt</p>

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260520	Campaign to Protect Rural England	LPMM284	Object	MM7.2				<p>MM7.2: This change is unacceptable. The land at Station Road, Blakedown was primarily intended for additional station car parking, which was to be funded by allowing some housing. At the Examination it was established that the requisite parking could be adequately provided at Kidderminster Station and on other land at Blakedown (probably former sidings). Accordingly, there is no purpose in removing site WFR/CB/3 from the Green Belt. Under NPPF, “exceptional circumstances” have to be established for removing land from the Green Belt; and none have been shown.</p> <p>Even if part or all of WFR/CB/3 is required for additional railhead car parking (contrary to the case made at the Examination), this could be done by a planning consent applicant establishing that there were “very special circumstances” for allowing such a car park, something that would not (or hardly) adversely affect the openness of the Green Belt. The very special circumstance would be that the site adjoins the station and is the only piece of open land to do so available anywhere along the Kidderminster-Stourbridge-Birmingham line.</p>

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1227041	Sue Fowler	LPMM575	Object	MM7.2	No	No	No	<p>Section MM7.2 refers to the removal of Green Belt status from areas around Kidderminster and Stourport as part of the review carried out prior to the development of the Draft Plan. The modification specifically adds Blakedown to justify the inclusion of the Land off Station Drive (WFR/CB/3) in the list of sites to be removed from Green Belt in the Pre-Submission Amendments of July 2019 without fulfilling the statutory requirements for consultation.</p> <p>The NPPF stipulates that any Green Belt review should "demonstrate it has examined fully all other reasonable options", "promote sustainable patterns of development" and "set out ways in which the impact of removing land from Green Belt can be offset through compensatory improvement to the environmental quality and accessibility of remaining Green Belt land" - none of which have been evidenced.</p> <p>Further the NPPF reiterates that the "very special circumstances" required for removal of Green Belt status "will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly</p>

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								<p>outweighed by other considerations". The "considerations" relating to this piece of Green Belt have fluctuated: at the first stage of the Local Plan Review right up to the Pre-Submission Plan, the Green Belt status was not in question (the site having been identified as unsustainable at the 2006 Inspector's Report). At Amendment to the Pre-Submission Plan, the site was required for a car park, together with housing which would subsidise the car park development. Subsequently the requirement for the car park has disappeared, but the housing (which was originally an afterthought) has remained, although at no point has evidence been produced to show that such a high level of housing provision is or will be necessary to meet local housing needs for social, affordable or private market local housing needs</p> <p>This meandering path to the removal of Green Belt status fails to meet the "very special circumstances" of the NPPF, and is therefore neither justifiable, legal or sound. The land should not be removed from Green Belt at this point, but subject to detailed consideration in the event that the NPPF's "very special circumstance" requirement comes to pass.</p>

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1225187	Mrs Claire Wood	LPMM2161	Object	MM7.2	No	No	No	<p>MM7.2</p> <p>My objections to MM7.2 are as above for MM7.1 and additionally I would highlight ED20B – Technical Note 2 – Summary of Site Assessments which says:</p> <p>The site makes a contribution to Green Belt purposes because of its containment of Blakedown particularly along the A456 Birmingham Road.</p> <p>The high degree of physical and visual containment limits the impact of development on the Green Belt, although this is a gateway site into Blakedown which is locally significant in turn demanding particular attention to edge treatment, built density and massing.</p> <p>The draft Local Plan utterly fails to respect the contribution made by this site and appears to be going ahead with its removal from Green Belt in advance of the review of the Green Belt boundary within the District having been undertaken or WFDC having presented evidence to demonstrate that such a review has been completed to an adequate standard.</p>

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231577	Persimmon Homes Limited	LPMM3122	Support	MM7.2	Yes	Yes	Yes	We support the retention of wording that specifies changes to the Green Belt boundary will be made at locations around Bewdley.
231629	Churchill & Blakedown Parish Council	LPMM3939	Support	MM7.2				<p>As above.</p> <p>And as stated in ED20B – Technical Note 2 – Summary of Site Assessments: <i>The site makes a contribution to Green Belt purposes because of its containment of Blakedown particularly along the A456 Birmingham Road. The high degree of physical and visual containment limits the impact of development on the Green Belt, although this is a gateway site into Blakedown which is locally significant in turn demanding particular attention to edge treatment, built density and massing.</i> The Local Plan does not respect the contribution made by this site ED20 – Green Belt Topic Paper paragraph 8.29 refers to “<i>an identified local housing need</i>” yet Policy 36.6A of the Submission Plan states “<i>Housing to be provided in accordance with policies elsewhere in Local Plan and also to meet any local housing need shown in a Parish Housing Needs Survey</i>”</p> <p>Clarity is needed what housing need this site is to satisfy – Local or District need? There is also no specific requirement for affordable housing over and above the policies elsewhere in the</p>

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								Submission Plan 36.6A again states “ <i>Housing development on the site would help to cover the costs of the car parking and would also help towards meeting the future housing needs in Blakedown village</i> ”. In order to cover the costs of the car park we suggest that a future developer’s viability assessment would negate or significantly limit the provision of affordable housing. If so this would be contrary to NPPF 149 (f) as the site is being released from Green Belt yet does not satisfy the exceptions in the NPPF.
1125905	Barberry Hurcott Limited	LPMM3370	Object	MM7.2	No	No	No	The proposed modification at 7.2 is to clarify the exception of Blakedown from the green belt “...to enable the development needs for the District to be met most sustainable [sic] and economically” but does not do anything to meet the submissions made on behalf of Barberry that the Plan does not meet the District’s needs sustainably and economically given that it overlooks and omits the land to the rear of Baldwin Road which can not only meet but exceed the Plan’s (uninspiring) affordable housing policy requirements (which Lea Castle – and other allocations – cannot). It is more sustainably located than Lea Castle, which by the LPA’s own admission is not itself considered a sustainable location without the

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								<p>additional c.800 there proposed (and we query, in accordance with previous submissions, whether Lea Castle achieves sustainability as a location even following the additional 800 units (footnote 1)).</p> <p>1 See further the RCA hearing submission (Matter 3) Appendix 2 : Lavigne Lonsdale report (November 2020)</p>
1225187	Mrs Claire Wood	LPMM2162	Object	MM7.3	No	No	No	<p>MM7.3</p> <p>My objections to MM7.3 include all of the above and additionally as the NPPF states that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence' I would reiterate my point that the draft Local Plan utterly fails to respect the part this site plays in preventing urban sprawl towards Hagley.</p>
1301097	Mrs Kathleen Hill	LPMM3705	Object	MM7.3	No	No	No	<p><b>"The important role of the Green Belt is fully recognised. The NPPF (para <del>133</del> 137) states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."</b>" Building</p>

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								on the field at Low Habberley will increase urban sprawl and result in providing the way open for further development between it and the hamlet of Low Habberley.
231629	Churchill & Blakedown Parish Council	LPMM3940	Support	MM7.3				<p>As above.</p> <p>And as stated in ED20B – Technical Note 2 – Summary of Site Assessments: <i>The site makes a contribution to Green Belt purposes because of its containment of Blakedown particularly along the A456 Birmingham Road. The high degree of physical and visual containment limits the impact of development on the Green Belt, although this is a gateway site into Blakedown which is locally significant in turn demanding particular attention to edge treatment, built density and massing.</i> The Local Plan does not respect the contribution made by this site ED20 – Green Belt Topic Paper paragraph 8.29 refers to “<i>an identified local housing need</i>” yet Policy 36.6A of the Submission Plan states “<i>Housing to be provided in accordance with policies elsewhere in Local Plan and also to meet any local housing need shown in a Parish Housing Needs Survey</i>” Clarity is needed what housing need this site is to satisfy – Local or District need? There is also no specific requirement for affordable housing</p>

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								over and above the policies elsewhere in the Submission Plan 36.6A again states <i>“Housing development on the site would help to cover the costs of the car parking and would also help towards meeting the future housing needs in Blakedown village”</i> . In order to cover the costs of the car park we suggest that a future developer’s viability assessment would negate or significantly limit the provision of affordable housing. If so this would be contrary to NPPF 149 (f) as the site is being released from Green Belt yet does not satisfy the exceptions in the NPPF.
1301097	Mrs Kathleen Hill	LPMM3710	Object	MM7.4	No	No	No	<b>“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced...”</b> I do not believe the circumstances are exceptional enough to warrant this incursion onto Green Belt land where this is creating an entirely new development - not an extension of one already established. (Low Habberley)
1225187	Mrs Claire Wood	LPMM2437	Object	MM7.4	No	No	No	MM7.4  Per my points above, I do not believe that any exceptional circumstances have been identified by WFDC to warrant the removal of this site from Green Belt. How could WFDC provide evidence of the need to remove the

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								land from Green Belt when they changed their minds 3 times as to what the land would be used for and why? That kind of flip flopping does not instil confidence in the draft Local Plan or WFDC.
231629	Churchill & Blakedown Parish Council	LPMM3941	Object	MM7.4				Exceptional circumstances have not been fully evidenced and justified
1225187	Mrs Claire Wood	LPMM2446	Object	MM7.5	No	No	No	MM7.5  My concern here is that the removal of land from the Green Belt in Blakedown (WFR/CB/3) appears to be going ahead without a full review of the Green Belt boundary within the District having been undertaken or WFDC having presented evidence to demonstrate that such a review has been completed to an adequate standard.
1225187	Mrs Claire Wood	LPMM2449	Object	MM7.6	No	No	No	MM7.6  Per my point above, no evidence of local housing need has been provided to justify Policy WFR/CB/3. The Local Plan confuses District Wide and parish/village specific future housing requirements and indeed the neighbourhood plan for the local parish, prepared by Churchill & Blakedown Parish

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								<p>Council, in collaboration with and supported by WFDC, does not identify such a need.</p> <p>Finally, I can see no evidence whatsoever that WFDC have considered the joint impact of releasing this piece of land in Blakedown (WFR/CB/3) from Green Belt for affordable housing development in addition to the proposal to develop the land at Station Yard for additional parking. The cumulative effect on road traffic up to a potential of 600 additional vehicle movements on small village roads per day assuming:</p> <ul style="list-style-type: none"> <li>• 174 vehicle movements if all proposed spaces at Station Yard are utilised;</li> <li>• Upwards of 300 vehicle movements if the car park is built on the land released from Green Belt; and</li> <li>• 100 vehicle movements assuming 50 houses with 2 cars per household</li> </ul> <p>would completely overload the A456/Station Drive/Lynwood Drive junctions, particularly when you consider the proximity to the level crossing. It will have a serious negative impact on a village road network not suitable to such a volume of additional vehicle movements; and significantly increase risks for both road traffic</p>

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								<p>and pedestrian safety (including significant numbers of school children travelling to and from the village primary school and using the station for travel to high school). Not to mention the detrimental effect on local residents living in the Station Drive/Lynwood Drive/Roxall Close/Mill Lane/Mill Close/Sculthorpe Road.</p> <p>I would also refer you to the recently refused change of use planning application 19/0380/FULL, which was rejected by WFDC on the grounds of dangerous vehicle movement on Lynwood Drive and Roxall Close considered not suitable for a solely residential area and that was on the basis of 10 to 20 additional vehicle movements a day nothing like the hundreds of additional vehicle movements proposed by these two elements of the draft Local Plan. (Further details below.)</p>
1125905	Barberry Hurcott Limited	LPMM3393	Object	MM7.6	No	No	No	<p>The reasoned justification to MMs 7.6 and 7.7 seeks to highlight the need for the LPA to release green belt land to secure a five-year supply of housing and/or employment land through the draft Plan period, noting that affordable housing is a matter to be given very substantial weight and refers to NPPF 149(f) in support of affordable housing being of</p>

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								<p>sufficient weight to potentially constitute an exception to green belt policy, whilst reiterating the Framework's urging that land for future development needs is identified and safeguarded when setting green belt boundaries (NPPF 143(c) and (d)). This does not however reflect the approach taken by the draft Plan. The proposed release of green belt land will not enable the LPA to meet its year-on-year affordable housing need (noting that the draft Plan already seeks to make a reduced level of provision of affordable housing at 90dpa) let alone do anything to make inroads into the District's extant need for affordable housing; moreover the release of green belt land is proposed in relation to development which itself falls short of the proposed policy requirements for affordable housing provision. The draft Plan does not meet the evidenced needs and the reasoned justification given in the text (the subject of the MMs here) does not match that evidence nor will it match the practical consequences of the draft Plan and its policies. On the LPA's reasoning as given in the MMs more green belt land should be released to secure even further provision of affordable housing. Perhaps fittingly although MM 7.6 cites NPPF 149(f) as support for the LPA's proposed 'wider' green belt release, NPPF</p>

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								149(f) is concerned with exceptions from inappropriate development in the form of limited affordable housing for local community needs (including rural exception sites). It is not a Framework policy which considers green belt boundary review scenarios. The draft Plan, despite citing NPPF 143, does not reflect the approach required therein (namely to identify and safeguard land such that it can be demonstrated that green belt boundaries will not need to be altered at the end of the Plan period). The draft Plan does not plan positively in this regard; it does not seek to secure release of green belt land which meets current needs
231629	Churchill & Blakedown Parish Council	LPMM3942	Object	MM7.6				No evidence of local housing need has been provided to justify Policy WFR/CB/3, and it appears the Plan is confused between District Wide and Local/village specific future housing requirements Using market housing to fund the development of a car park suggests affordable housing provision will be limited. Unless significant affordable housing is to be provided then the release of WFR/CB/3 from Green Belt should not be an exceptional circumstance under NPPF 149(f).

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260520	Churchill & Blakedown Parish Council	LPMM285		MM8.1				<p>MM8.1 Table 8.0.1 We would have welcomed a target for 3-bedroom houses and another for 4-bedroom and above. WFDC is a Housing Market Area on its own. It should therefore not be seeking to provide housing for people moving out of Birmingham (or other parts of the conurbation), but still working there. For one thing, this aggravates the amount of commuter traffic on A456 through Hagley. Such people are observed particularly to acquire the larger kinds of dwelling. Separate targets should provided for these two classes of house.</p> <p>Para 8.8 The amendment is poorly drafted. Substitute <b>accessible and adaptable dwellings conforming to M4(2) of the Building Regulations 2010</b>.</p>
260520	Campaign to Protect Rural England	LPMM286		MM8.2				<p>MM8.2 The limit should be 4 houses (not 5), as 25% of 4 = 1. This threshold appears not to be applicable to small urban sites, which seems to be an unintended lacuna.</p>
1299978	Mr Mark Dainter	LPMM561	Object	MM8.2				<p>Affordable Housing Led Schemes - the number of enabling dwellings set at normally not more than 20% may restrict the ability of Providers to be able to viably develop if strictly applied. Can it be considered to increase the percentage to 30% of overall number..?</p>

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1299978	Mr Mark Dainter	LPMM560	Object	MM8.2				<p>Reference Tenure Split - I do not believe that the text should be changed to "primarily social rent". This is likely to cause some providers to struggle greatly to get development schemes to work in their business plans which are generally balanced with social rent and affordable rent. Forcing a majority of social rent on a scheme may result in the overall numbers of new homes that a Provider can build being reduced.</p> <p>Note that further in the document (8.16) it is simply stated that social rent included - not primarily.</p>
1125905	Barberry Hurcott Limited	LPMM3410	Object	MM8.2	No	No	No	<p>The “minimum annual average target” of 90 affordable dwellings per annum and a policy requirement of a minimum of 25% affordable housing provision remains too low given the clearly evidenced, and increasing, shortfall in affordable housing provision in the District and evidenced worsening of affordability.</p> <p>Tetlow King’s analysis, submitted previously on behalf of Barberry, shows an existing shortfall of 919 dwellings against SHMA targets with the LPA achieving delivery of only 45% of its identified affordable housing needs (footnote 2). Once losses arising from Right to Buy are</p>

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								<p>allowed for, that shortfall increases to 1,053 dwellings (footnote 3). Forward analysis of affordable housing delivery shows that only 64 affordable dwellings per annum will be delivered from major permissions in the first five years of the emerging plan period (footnote 4).</p> <p>The proposed MM at 8.2 fails to remedy the problems identified (and outlined above) and is not an appropriate strategy given the evidence of existing and increasing shortfall in affordable housing provision in the District, which by setting minimum policy requirements of 90dpa/25% and by seeking to deliver below that level on major permission sites within the first five years of the emerging plan period. As recommended by Tetlow King in their analysis consideration should be given to amending policy 8B to secure 30% affordable housing on small- and medium-sized greenfield sites<sup>3</sup>, as indicated in the Viability Assessment (IFT06) to maximise the ability of the Plan to secure affordable housing to meet the identified needs. Both of these changes are necessary to ensure the Plan is positively prepared, and effective (footnote 5). Additionally, given the shortfall of affordable housing secured on main sites such as Lea Castle Hospital and</p>

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								<p>Churchfields Business Park, additional greenfield sites should be allocated to bolster affordable housing supply. This will ensure that the Council has a far better chance of meeting its affordable housing need, overcoming any shortfalls which arise on brownfield sites (footnote 6).</p> <p>Moreover the proposed MM at 8.2 appears incoherent. It is proposed to assert: <i>“Where viability assessments show that the developer will be unable to meet all policy requirements on site, prioritisation of infrastructure requirements have been agreed so that the provision of affordable housing is not always reduced first from developers’ obligations”</i></p> <p>Support for this proposition is claimed to be found within PPG on viability. However we are unable to find support in PPG for the proposition that ‘where a developer is unable to meet all policy requirements, prioritising infrastructure means that provision of affordable housing is not always reduced first’. The lack of support in PPG for such a proposition is perhaps unsurprising given that it makes no sense. If the LPA wishes to pursue a policy whereby if contributions are reduced from policy-minimum levels because of</p>

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								<p>viability concerns it prioritises infrastructure, then this necessarily entails affordable housing provision being reduced first. The LPA cannot prioritise infrastructure contributions in such circumstances whilst also purporting to prioritise affordable housing provision. It must prioritise one or the other; if infrastructure provision is prioritised (per the proposed MM 8.2) then it necessarily follows that affordable housing provision is lesser.</p> <p>2 RCA hearing submissions (Matter 3) Appendix 1: Tetlow King Affordable Housing Report (November 2020) at Figure 4.2 and paragraph 4.4</p> <p>3 Tetlow King (fn.1 above) at 4.9, noting that this data is incomplete as it is based on data from only two of five RPs</p> <p>4 Tetlow King (fn.1 above) at 5.5</p> <p>5 Tetlow King (fn.1 above) at 5.12</p> <p>6 Tetlow King (fn.1 above) at 5.11</p>

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260520	Campaign to Protect Rural England	LPMM287		MM8.4				<p>MM8.4 The addition of the word “designated” is welcome, but we would welcome this becoming “<b>within the boundaries of designated rural settlements</b>”: see comments on MM6.7.</p> <p>MM6.7: Policy 6B.D – We welcome the change, but we would ask for further clarification of what “beyond settlement boundaries” means. This is less of an issue where such land is Green Belt, where such applications are refused as a matter of course. However west of the Severn, there have been a series of recent applications relating to land adjoining but outside a village envelope boundary. It may be that this is covered in the glossary by a definition of settlement boundary. This is important because NPPF encourages infill in villages: it needs to be made clear that such infill is only permissible within the village envelope, as defined in the Plan.</p>
231577	Persimmon Homes Limited	LPMM3127	Object	MM8.5	Yes	No	No	<p>RPS note that the threshold for considering self-build as part of major developments has increased from 10 dwellings to 50. Whilst this is considered to move in the right direction, there remains a question the justification underpinning the figure of 50 or more units in the modification: “Major development</p>

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								schemes of 50 or more units should take into consideration the demand shown in the Self Build and Custom Build Register and where possible provide suitable plots". RPS believe the proposal would be better placed on larger schemes e.g. 100 dwellings or above where there is a stronger ability to provide choice and prevent delay on mid-sized schemes of 100 or less. Presently, the Council has not provided a justification why the threshold is most suited to 50 dwellings, particularly when RPS observes the 100 dwelling threshold commonly used in other Local Plans as a supported figure. RPS does however support the proposal that "the timescales for marketing will be reduced if the phasing of the site and build out rates are less than 12 months" otherwise there is a considerable risk that housing delivery will be stalled in the District. Where Policy 8d specifies that work will be undertaken with partners, RPS suggest the inclusion of public landowners in this section. For example, the District Council itself, County Council, NHS and other public bodies with land holdings and asset management/disposal strategies.
260520	Campaign to Protect Rural England	LPMM288		MM8.6				MM8.6 Surely the regulations are called "Building Regulations 2010" (no brackets).

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								Para 8.30 The number of housing cases quoted is surely exceptional, resulting from the pandemic and is likely to revert to the lower level of preceding years. The use of data for an exceptional period is liable to give rise to inappropriate decisions. Either the unamended data should be retained <i>or</i> data should be provided for several years <i>or</i> if the amended text is retained, something should be added as to this being exceptional, as being from the time of the COVID-19 pandemic.
1125905	Barberry Hurcott Limited	LPMM3417	Object	MM8.6	No	No	No	The (very) sizeable change from 1,000 households approaching the LPA for housing advice in 2017/18 to 8,500 households in 2020/21 (and concomitant increase from 150 households owed a full rehousing duty to 415 households homeless or at risk of homelessness) is properly reflected in the proposed text pursuant to MM 8.6 however this step change does not appear to be reflected anywhere else in the LPA's housing figures. It is unlikely (for example) that the submission Plan's affordable housing provision of 90dpa was informed by the substantial increase in households in need or homeless/at risk as per the LPA's 2020/21 figures. It is unclear whether or how the LPA's proposed policies respond to such a change in evidence

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								of need, and as a result whether the Plan's proposed policies on affordable housing provision – or allocations – are an appropriate strategy to address such issues
260520	Campaign to Protect Rural England	LPMM289		MM8.7				MM8.7 – reference to “open countryside”. The use of this phrase has been eliminated from the overall strategy by MM6.7 in favour of “within settlement boundaries”. It is our position that Gipsies and other Travellers are entitled to a permanent residence to the same extent as the settled community, no more and no less. Accordingly, the provisions as to acceptable sites for travellers should mirror those for the settled community.
1299978	Mr Mark Dainter	LPMM562	Object	MM8.7				<p>The additional site at Zortech Avenue for the traveller site seems inappropriate in terms of:</p> <p>a) the surrounding land use and the potential detriment to the highway (traffic and congestion and safety)</p> <p>b) the increased demand on the local infrastructure may be too great (schools, health services, etc)</p> <p>c) to what extent the adjacent nature reserve would suffer detriment</p>

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1299943	Mr Tony Hind	LPMM578	Object	MM8.7	No	No	No	<p>The proposed site has previously been used as waste dumping ground by the Golf course that was previously there. Lorries used to come in full with various things, not just earth, (we complained to the council on various occasions). I feel digging all that up could be hazardous to existing residents and any new proposed ones.</p> <p>Before any digging work that ground should be thoroughly tested and residents given the results.</p> <p>Also, from a noise point of view, how can that possibly be controlled on what will essentially be a camp site right at the back of current residents gardens.</p> <p>Also, the cost of this would be extreme, there are many other sites where this could go, which would also be much better for the travellers, with much less effort and cost, so the council could spend that money in other important areas.</p>
1299540	Ms Mo Blakemore	LPMM573	Object	MM8.7	Yes	Yes	No	<p>The proposed changes will impact neighbouring houses and the travelling show people who already occupy part of the site and who are also afforded protection as a minority.</p>

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								<p>When they were relocated here they were told they would be the only occupants of the site.</p> <p>When the golf course first became empty, there was a large, illegal encampment of travellers who occupied the site. There were also noise issues every night.</p> <p>How will neighbouring houses be protected from this?</p> <p>The travelling show people and the TVP factory make noise most of the time, is this suitable for residential use?</p> <p>How will access be granted if a substantial buffer zone is to be erected as per the amendment paperwork?</p> <p>How much will it cost to clear the site of the land fill as the Jennings were quoted £100k to have this done and this is why they refused this plot in the first place.</p>
260520	Campaign to Protect Rural England	LPMM290		MM9.2				MM9.2 – New Policy 9.2.B HIAs are required for Major Developments. “Major Developments” needs to be defined in glossary.

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1301097	Mrs Kathleen Hill	LPMM3722	Object	MM9.3	No	No	No	<p><b><u>"A. Development should help minimise negative health impacts and maximise opportunities to ensure that people in Wyre Forest District lead healthy, active lifestyles and experience a high quality of life by:</u></b></p> <p><b><u>(i) Providing easy to maintain, safe and attractive public realm and green infrastructure including green spaces, footpaths, bridleways and cycle routes that encourage active travel opportunities. These spaces should enable formal and informal physical activity, recreation and play, and should support healthy living and social cohesion. The design of these spaces should be flexible and should consider older people and those living with dementia or disabilities."</u></b></p> <p>By building on land at Low Habberley you will be removing a valuable facility that many of the present population use to help them maintain a healthy active lifestyle.</p> <p><b><u>" (ii) Minimising and mitigating the impacts of negative-air quality and reducing people's exposure to poor air quality."</u></b></p>

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								The Low Habberley development would cause an increase in pollution thus increasing the present population's exposure to poor air quality.
1197572	Sport England	LPMM566	Object	MM9.3		No		<p>Sport England does not object to the proposed modification to move the reference to Sport England's Active Design Guidance from the policy wording in part 3 to the reasoned justification in para 9.8. However, in making this amendment, there is no longer explicit reference to <i>sport</i> within the wording of the policy. Given the well established inter relationship between sport and physical and mental well-being, Sport England would recommend the word <i>sport</i> is reinstated into the policy wording as follows:</p> <p>Ai. 'These spaces should enable formal and informal <i>sport and</i> physical activity, recreation and play...'</p> <p>In part 4 of the policy the former wording promoted opportunities for physical activity, exercise and recreation '<i>to serve all sections of the community, including older people and people with disabilities</i>'.</p>

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								<p>The modification states in part Ai) '<i>The design of these spaces should be flexible and should consider older people and those living with dementia or disabilities.</i>'</p> <p>As drafted, the proposed modification moves the focus away from meeting the needs of all sections of society to focus on older people and those with dementia or disabilities. Whilst Sport England supports making reference to the elderly and those with disabilities, we object to the loss of reference to all sections of society, since our strategy relates to tackling inequalities of opportunity to be physically active for all sections of the community. To address this, Sport England would recommend a further modification to the wording of the policy as follows:</p> <p><i>'The design of these spaces should be flexible and should consider the needs of all sections of the community, including older people and those living with dementia or disabilities.'</i></p>
1299978	Mr Mark Dainter	LPMM563		MM9.3				Question of clarification - will the requirements apply to regeneration schemes as well as development.
231573	Worcestershire County	LPMM2731	Support	MM9.3	Yes	Yes	Yes	We support the amendments to Policy 9, which broadly accord with the joint Statement

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	Council, Planning Economy & Performance							of Common Ground (examination document SD10a).
231577	Persimmon Homes Limited	LPMM3135	Support	MM9.3	Yes	Yes	Yes	We support the inclusion of wording to promote the provision of “easy to maintain, safe and attractive public realm and green infrastructure including green spaces, footpaths, bridleways and cycle routes that encourage active travel opportunities”. This modification supports the design aspirations of Site 34.4, Catchem’s End, Bewdley and the proposed linkages to the neighbouring green space to the west.
260520	Campaign to Protect Rural England	LPMM291		MM10.8				MM10.8 New Para 10.21 Some more wording is needed to ensure that the core of the town centre retains retail and other commercial uses (such as offices and clinics), with other uses mainly being welcomed in peripheral parts of the town centre. This will effectively be a continuation of old protected frontages policies, though these have now often been much eroded.
260520	Campaign to Protect Rural England	LPMM292		MM11.2				MM11.2 The change makes the present Design SPD applicable for the duration of the Plan, even if a new version is adopted. Add the word “currently”.

**Appendix 1 – Responses made on the Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)**

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
231691	Worcestershire Wildlife Trust	LPMM1978	Support	MM11.6	Yes	Yes	Yes	We note the updates to para. 11.31 of the Reasoned Justification for Policy 11D. We support these necessary changes, which bring the plan into line with the recently amended NPPF.
231691	Worcestershire Wildlife Trust	LPMM1979	Support	MM11.7	Yes	Yes	Yes	We welcome the proposed amendments to para. 11.32 of the Reasoned Justification for Policy 11D. We support the changes recommended and in particular the additional protection given to veteran trees, which we believe reflects the tenor and intent of guidance in the NPPF and importance of these features for biodiversity.
231332	Natural England	LPMM18	Support	MM11.9	Yes	Yes	Yes	We welcome the inclusion of new paragraph (11.39) to describe the theme related to the functionally linked watercourses of the Severn Estuary Special Area of Conservation and Ramsar site added as part of the environmental context, including reference to the requirement to consider potential impacts on migratory fish forming part of the reasons for the Severn Estuary designations in development proposals through the Habitat Regulations Assessment.
231691	Worcestershire Wildlife Trust	LPMM1980	Support	MM11.9	Yes	Yes	Yes	We fully support the new paragraph to be inserted as paragraph 11.39 in the Reasoned Justification for Policy 11D and agree that it is

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								needed for clarity and effectiveness of the plan.
1197572	Sport England	LPMM507	Object	MM12.1		No		<p>Sport England notes the modifications proposed to add part D to the wording of the policy which provides further clarity as to what is expected in terms of planning obligations and infrastructure requirements.</p> <p>The Council and Sport England have previously agreed a modification to para 12.8 of the reasoned justification to add the words <i>including sport and recreation facilities</i> in brackets to the list of infrastructure (see the completed Statement of Common Ground, page 3). To be consistent with this previously agreed amendment, Sport England would recommend that the same reference is added to the wording of the policy as follows:</p> <p><i>‘Where appropriate, planning obligations will be required to fund infrastructure projects that are directly related to specific development, including but not limited to affordable housing, transport, green infrastructure (<b>including sport and recreation facilities</b>), education, health and other social infrastructure.’</i></p>

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								This would ensure that the policy wording is consistent with the agreed modification to the reasoned justification, and would be consistent with the policy wording for the major housing allocations at Lea Castle and Kidderminster Eastern Extension where there are specific requirements for provision of playing pitches to meet the needs of the proposed allocations.
302433	West Mercia Police	LPMM3480	Object	MM12.1	Yes	No	Yes	<p>Policy 12 is not effective, justified or consistent with national planning policy in relation to emergency service infrastructure needs as currently drafted. The list of infrastructure types provided is almost a repetition of Section 216 (2) of the Planning Act 2008. This creates a problem in that whilst the list is not intended to be an exclusive one, it will be treated as such in practice.</p> <p>It was an issue that was recognised during the preparation of the Wyre Forest Core Strategy (adopted December 2010), which is why Policy CP07: <i>Delivering Community Wellbeing</i> of that document contained a full list of what ‘social infrastructure’ actually encompassed. In his report on the Core Strategy, Planning Inspector Philip A Goodman stated in relation to the list that:</p>

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								<p><i>“81. I conclude that the plan is sound in this regard. The Council suggested other minor changes, including clarifying that Health and Safety includes the Emergency Services. I endorse suggested changes CC55-CC58 in the interests of clarity.”</i></p> <p>The reason given for the change to Policy 12 is that it will add further clarity. We contend that it will not, as the stated list of infrastructure types misses out a lot, such as the emergency services. We recommend instead that the list contained in Policy CP07 of the Core Strategy for social infrastructure is carried over into the new Policy 12 in the Local Plan. As well as addressing the clarity problem, this would make it consistent with the content of Chapter 3 of the Council’s Planning Obligations Supplementary Planning Document (adopted September 2016).</p> <p>The requested change would also enable Policy 12 to be fully consistent with paragraphs 8 (b), 20 (b), 35-37, 92 (b), 97 and 130 (f) of the National Planning Policy Framework (July 2021) (NPPF).</p> <p>It may be though that the emergency services have not been listed in the policy due to a</p>

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								<p>concern about affecting the viability of developments in the District. In this respect it is clear from the NPPF and further guidance in relation to the consideration of viability, both at the plan-making and decision-taking stages, that there may well be developments which the proper seeking of obligations in relation to a raft of social and physical infrastructure would render such schemes unviable. If that is the case, the question of viability will be highly site-specific in relation to individual developments. It is however legitimate for the providers of infrastructure to be factored into such calculations from the outset and not be excluded without the local authority explaining and justifying this specifically on a site-by-site basis rather than through a blanket policy barrier.</p> <p>Ultimately a sustainable development cannot be such if it does not provide the emergency services infrastructure necessary to support it. Its absence means there will be a detrimental impact on the ability to create a safe and accessible environment where crime and disorder, and the fear of crime, do not undermine quality of live or community cohesion.</p>

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								<p>In this respect emergency service delivery is not just responding to specific incidents or crimes. The 'blue light' services also must provide fire prevention advice, crime prevention advice, community assurance or lead at emergencies e.g. RTA's, flooding and counter terrorism. The emergency services must also attend incidents involving deaths, crowds and events. They also attend and input to community safety and crime partnerships, and provide referral responses where there are expressed concerns about the safety of children, the elderly or those with special needs. Some or all of these will affect every development scheme during its lifetime.</p> <p>Notwithstanding the above, the methodology used by West Mercia Police (WMP) for Section 106 requests has been tested at numerous inquiries nationally, with the result that there are now 12 Secretary of State and 31 Planning Inspectorate decisions supporting Section 106 contributions for police infrastructure. Details of these are enclosed in <b>Appendix 1</b>. In these decisions the Inspectors accepted the following broad points:</p> <ol style="list-style-type: none"> <li>1. If planning obligations are not provided to the emergency services,</li> </ol>

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								<p>the development in questions will be unacceptable in planning terms. This is because it would mean capital funding having to be diverted from elsewhere, leading to the dilution of service provision across the entire area covered by the emergency service in question.</p> <p>2. The police are able to quantify the impacts of a given development and requests contributions in a way that is wholly compliant with the statutory tests of CIL Regulation 122.</p> <p>3. Whilst the police and other emergency services are statutory and funded at public expense, so too are most of the other infrastructure types that benefit from developer contributions. Therefore, if this did cause an obligation to fail the CIL Regulation 122 tests, then most of the existing Section 106 and CIL systems nationally would be unlawful as well.</p> <p>4. Whilst the sums at stake for the emergency services on a development by development basis are small in comparison to the huge sums that will be required to complete a development, they are large from the</p>

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								<p>point of view of the emergency services. Therefore, the relatively small size of the contributions should not detract from their necessity in the context of the CIL Regulation 122 tests.</p> <p>The High Court has also confirmed the acceptability of developer contributions for police infrastructure. This concerned the case of <i>Jelson Limited vs Secretary of State for Communities and Local Government and Hinckley and Bosworth Borough Council</i> [2016] EWHC 2979 (Admin)(<b>Appendix 2</b>).</p> <p>Jelson Limited (JL) were appealing to the High Court against the decision of a Planning Inspector to refuse planning permission for 73 homes. The case revolved around a dispute between the parties over the calculation of 'Full Objectively Assessed Need' for housing. However, JL also objected in the case to making a Section 106 contribution to Leicestershire Police (LP), on grounds that such contributions did not comply with CIL Regulation 122. Their arguments against the police contribution are contained in paragraphs 73-76 of the enclosed judgement (<b>Appendix 2</b>). In essence, they argued that the Planning Inspector had not properly assessed</p>

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								<p>the evidence submitted by LP. Had the Inspector done so, she would have rejected LP's Section 106 contribution request.</p> <p>The High Court rejected also of JL's arguments, as detailed in paragraphs 77-81 of the judgement (<b>Appendix 2</b>). In summary, the reasons for this were as follows:</p> <ol style="list-style-type: none"> <li>1. It was unreasonable to have expected the Inspector to undertake a more detailed analysis of the submissions from LP than she had done.</li> <li>2. The request made by LP was clear, with the contributions requested properly allocated to specific projects.</li> <li>3. The police evidence comprehensively demonstrated and evidenced the impact caused by the development and why the infrastructure types (and contributions) identified would mitigate this.</li> <li>4. In view of the above, the Inspector could have made no other reasonable choice but to award the requested Section contribution to LP.</li> </ol> <p>The judgement provided support for Section 106 contributions for police infrastructure, as</p>

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								<p>the methodology used by WMP to request such contributions follows LP's.</p> <p>The overall conclusion that should be drawn from all of the above is that if it were a good argument that the police and emergency should not receive developer contributions, then the High Court, Secretary of State and Planning Inspectorate would have said so. Contributions to police infrastructure have been challenged and scrutinised on a number of occasions previously, as it is clear on the face of the decision enclosed in <b>Appendix 1</b>.</p> <p>Whilst it is common practice and of course right for individual planning officers and Inspectors to satisfy themselves that all of the tests within CIL Regulation 122 and reflected in paragraph 57 of the NPPF have been met; nevertheless Policy 12 needs to be amended as requested in order that there is clear guidance to planning officers and developers alike on how developer contribution requests from the emergency services should be considered.</p> <p>Finally and for the avoidance of doubt, the police and other emergency services are not seeking exceptional status relative to other infrastructure providers. Whilst it is true that</p>

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								<p>they are unique in that they alone exist to save life and protect communities, it is recognised that others have equally vital roles to play in new development schemes. It is for this reason and all the others described above that the police and other emergency services seek formal parity with them, via the change to Policy 12 that we have requested to ensure compliance with paragraph 35 of the NPPF.</p> <p>Supporting documents for this response are included at Appendix 6 of this Summary of Responses.</p>
1217250	National Highways	LPMM279		MM13.4				<p>Consultation on the Proposed Main Modifications to the Wyre Forest District Local Plan (2016-36) - Town and Country Planning (Local Planning) (England) Regulations 2012, Section 19 and 35</p> <p>National Highways welcomes the opportunity to comment on the main modifications to the Wyre Forrester District Local Plan (2016-36).</p> <p>National Highways, formerly Highways England, has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015, and is the highway</p>

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								<p>authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.</p> <p>The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. The SRN within and near to the area of Wyre Forest includes the M5 Motorway.</p> <p>We have reviewed the proposed modifications and are pleased to see that our recommended wording under the Transport and Accessibility section (paragraphs 13.4 and 13.5) are being proposed to be included.</p> <p>However, we would like to propose some additional changes:</p> <p>Firstly, reference to Highways England will need to be amended to National Highways following our name change in August 2021. NB: This is a simple name change and does not</p>

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								<p>change the requirements as set out in our 2015 Licence agreement with DfT.</p> <p>Secondly, the Transport and Accessibility section of the Local Plan makes no reference to the Infrastructure Delivery Plan (IDP) which will set out the likely transport infrastructure needed to support the delivery of the local plan's employment and housing supply.</p> <p>As per our signed Statement of Common Ground (SoCG), between ourselves, work is ongoing to identify the local plan's specific transport impacts, including its impact on the M5 corridor and junctions forming part of the Strategic Road Network (SRN).</p> <p>Whilst it is not necessary to make specific reference to our SoCG within the local plan policies, it is necessary to reference the IDP as an important tool for bringing forward any required transport mitigation.</p> <p>As such, we would like to suggest the following revised wording to the below paragraph (<b>new text in bold</b>):</p> <p>Therefore, <b>National Highways</b>, who maintains and manages the M5 Corridor, continues to work with Worcestershire County Council, and</p>

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								other key stakeholders to identify and develop improvement schemes and <b>potential</b> funding opportunities at these locations. <b>This will</b> enable the growth across this area to be accommodated within the operational capacity of the Local and Strategic Road Network. <b>Once identified, any infrastructure improvements, and potential funding avenues, will be clearly set out in our Infrastructure Delivery Plan (IDP).</b>
260520	Campaign to Protect Rural England	LPMM293		MM13.4				MM13.4 The new text is not wholly accurate, because M5 J6 is also a viable route from Kidderminster and Stourport to M5 southward and to the southwest. This should be mentioned in the text.
1217250	National Highways	LPMM280		MM13.5				<p>Consultation on the Proposed Main Modifications to the Wyre Forest District Local Plan (2016-36) - Town and Country Planning (Local Planning) (England) Regulations 2012, Section 19 and 35</p> <p>National Highways welcomes the opportunity to comment on the main modifications to the Wyre Forrester District Local Plan (2016-36).</p> <p>National Highways, formerly Highways England, has been appointed by the Secretary of State for Transport as strategic highway</p>

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								<p>company under the provisions of the Infrastructure Act 2015, and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.</p> <p>The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. The SRN within and near to the area of Wyre Forest includes the M5 Motorway.</p> <p>We have reviewed the proposed modifications and are pleased to see that our recommended wording under the Transport and Accessibility section (paragraphs 13.4 and 13.5) are being proposed to be included.</p> <p>However, we would like to propose some additional changes:</p> <p>Firstly, reference to Highways England will need to be amended to National Highways following our name change in August 2021.</p>

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								<p>NB: This is a simple name change and does not change the requirements as set out in our 2015 Licence agreement with DfT.</p> <p>Secondly, the Transport and Accessibility section of the Local Plan makes no reference to the Infrastructure Delivery Plan (IDP) which will set out the likely transport infrastructure needed to support the delivery of the local plan's employment and housing supply.</p> <p>As per our signed Statement of Common Ground (SoCG), between ourselves, work is ongoing to identify the local plan's specific transport impacts, including its impact on the M5 corridor and junctions forming part of the Strategic Road Network (SRN).</p> <p>Whilst it is not necessary to make specific reference to our SoCG within the local plan policies, it is necessary to reference the IDP as an important tool for bringing forward any required transport mitigation.</p> <p>As such, we would like to suggest the following revised wording to the below paragraph (<b>new text in bold</b>):</p> <p>Therefore, <b>National Highways</b>, who maintains and manages the M5 Corridor, continues to</p>

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Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								work with Worcestershire County Council, and other key stakeholders to identify and develop improvement schemes and <b>potential</b> funding opportunities at these locations. <b>This will</b> enable the growth across this area to be accommodated within the operational capacity of the Local and Strategic Road Network. <b>Once identified, any infrastructure improvements, and potential funding avenues, will be clearly set out in our Infrastructure Delivery Plan (IDP).</b>
260520	Campaign to Protect Rural England	LPMM294		MM13.5				MM13.5 The present wording fails to acknowledge the importance of the roads west of Bewdley (new) and Stourport bridges as access routes across the Severn towards mid-Wales. These are important as holiday routes. This is made very evident by traffic congestion on Fridays preceding bank holiday weekends and Sunday afternoons.
1217250	National Highways	LPMM3589	Object	MM13.5				We have reviewed the proposed modifications and are pleased to see that our recommended wording under the Transport and Accessibility section (paragraphs 13.4 and 13.5) are being proposed to be included. However, we would like to propose some additional changes: Firstly, reference to Highways England will need to be amended to National Highways following our name change in August 2021.

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								<p>NB: This is a simple name change and does not change the requirements as set out in our 2015 Licence agreement with DfT.</p> <p>Secondly, the Transport and Accessibility section of the Local Plan makes no reference to the Infrastructure Delivery Plan (IDP) which will set out the likely transport infrastructure needed to support the delivery of the local plan's employment and housing supply. As per our signed Statement of Common Ground (SoCG), between ourselves, work is ongoing to identify the local plan's specific transport impacts, including its impact on the M5 corridor and junctions forming part of the Strategic Road Network (SRN). Whilst it is not necessary to make specific reference to our SoCG within the local plan policies, it is necessary to reference the IDP as an important tool for bringing forward any required transport mitigation. As such, we would like to suggest the following revised wording to the below paragraph (new text in bold): <i>Therefore, <b>National Highways</b>, who maintains and manages the M5 Corridor, continues to work with Worcestershire County Council, and other key stakeholders to identify and develop improvement schemes and <b>potential</b> funding opportunities at these</i></p>

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								<i>locations. This will enable the growth across this area to be accommodated within the operational capacity of the Local and Strategic Road Network. Once identified, any infrastructure improvements, and potential funding avenues, will be clearly set out in our Infrastructure Delivery Plan (IDP).</i>
1125905	Barberry Hurcott Limited	LPMM3442	Object	MM13.5	No	No	No	We welcome the recognition in the draft Plan (through MM 13.5) that the District does not have direct access to the strategic road network, however the proposed text at MM 13.5 amounts to little more than ‘a plan to have a plan’. There does not appear to be support in the submitted evidence base for the proposition at MM 13.5 that the Plan’s potential for increased trips on the strategic road network being a “minor” impact and we query where the evidence to the Plan process is in support of this proposition. Since improvement schemes (and ‘funding opportunities’ have yet to be identified and/or developed it is unclear how this constitutes a justified or effective policy response. The observation that ‘in combination’ impacts of the proposed Plan “...cumulatively with further housing and employment growth in Birmingham, Black Country, Bromsgrove and South Worcestershire it is likely that

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								<i>improvements will be required at these junctions”</i> is strongly suggestive of a need for effective joint working to deal with matters rather than defer them. The approach at MM 13.5 however is precisely that – to defer matters and (seemingly) to respond reactively to development impacts and infrastructure needs arising cumulatively with development from other planning authority areas, rather than to proactively plan infrastructure provision in connection with planned development and to do so with effective joint working.
231332	Natural England	LPMM148	Support	MM14.1	Yes	Yes	Yes	<p>We welcome amendment to Policy 14 (B.iii and new paragraph 14.8 in reasoned justification ) to clarify requirements with regard to the provision of Green Infrastructure on brownfield sites.</p> <p>We welcome the inclusion of additional section H to Policy 14 Strategic Green Infrastructure and new paragraph 14.12 in reasoned justification setting out Councils commitment to safeguard and implement a scheme on land between Kidderminster and Stourport-on-Severn for development as the Burlish Country Park which will provide access to nature for local communities and opportunities for</p>

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								enhancement of the natural environment (NPPF Para 20 c) and d) and 92 c) are relevant)
1197572	Sport England	LPMM508	Object	MM14.1		No		<p>Sport England supports the proposed modification to part Fii) of the policy which reads ‘replacement of, or investment in, GI of at least equivalent quantity and quality of community and technical environmental benefit is secured in a suitable location agreed with the LPA’, in line with the completed Statement of Common ground between the Council and Sport England (see page 6).</p> <p>However, Sport England does not support the proposed modification to add part H of the policy in respect of the creation of Burlish Country Park on land of the former Burlish Golf Course, since this relates to Sport England’s maintained objection to the loss of this sports facility without appropriate mitigation in line with para 99 of the NPPF, as set out in Sport England’s previous objections, and explained in the Statement of Common Ground (see in particular pages 8-11).</p>
231691	Mr Steven Bloomfield	LPMM1981	Support	MM14.1	Yes	Yes	Yes	We welcome and support the proposed changes to Policy 14. These provide additional clarity and appropriate national policy compliance to the wording. The final (additional) paragraph H. is helpful and offers

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								important support for a welcome and positive council initiative.
817914	Mr Mark Davies	LPMM1015	Support	MM14.1				We support the proposed changes as presented to reflect the suggested amendments and agreements as previously set out in our statement of common ground. For example, some updates/changes to MM14.1,
231332	Natural England	LPMM155	Support	MM14.2	Yes	Yes	Yes	<p>We welcome amendment to Policy 14 (B.iii and new paragraph 14.8 in reasoned justification ) to clarify requirements with regard to the provision of Green Infrastructure on brownfield sites.</p> <p>We welcome the inclusion of additional section H to Policy 14 Strategic Green Infrastructure and new paragraph 14.12 in reasoned justification setting out Councils commitment to safeguard and implement a scheme on land between Kidderminster and Stourport-on-Severn for development as the Burlish Country Park which will provide access to nature for local communities and opportunities for enhancement of the natural environment (NPPF Para 20 c) and d) and 92 c) are relevant)</p>
260520	Campaign to Protect Rural England	LPMM295		MM14.2				MM14.2 New Para 14.10 is welcome, but it should either appear in the glossary or be cross-referred from there.

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231691	Worcestershire Wildlife Trust	LPMM1982	Support	MM14.2	Yes	Yes	Yes	We welcome and support the revised wording in the Reasoned Justification for Policy 14 and the additional clarity it brings to the requirements and proposals underpinning the district's GI policy.
817914	Environment Agency	LPMM1016	Support	MM15.1				We support the proposed changes as presented to reflect the suggested amendments and agreements as previously set out in our statement of common ground. For example, some updates/changes to MM15.1,
817914	Environment Agency	LPMM1017	Support	MM15.3				We support the proposed changes as presented to reflect the suggested amendments and agreements as previously set out in our statement of common ground. For example, some updates/changes to MM15.3
817914	Environment Agency	LPMM1018	Support	MM15.4				We support the proposed changes as presented to reflect the suggested amendments and agreements as previously set out in our statement of common ground. For example, some updates/changes to MM15.4
817914	Environment Agency	LPMM1019	Support	MM15.5				We support the proposed changes as presented to reflect the suggested amendments and agreements as previously set out in our statement of common ground. For example, some updates/changes to MM15.5

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817914	Environment Agency	LPMM1020	Support	MM15.6				We support the proposed changes as presented to reflect the suggested amendments and agreements as previously set out in our statement of common ground. For example, some updates/changes to MM15.6
231332	Natural England	LPMM173	Support	MMKD.1	Yes	Yes	Yes	We welcome amendments to paragraph 30.74 supporting Policy 30.31 South Kidderminster Enterprise Park (SKEP), Key Diagram and policies map PM.20 to clarify changes to the area of SKEP <u>to exclude</u> Wilden Meadows and Marshes SSSI and the associated former settling ponds west of Wilden Lane. We welcome inclusion of wording in reasoned justification paragraph 30.74 highlighting requirement that potential impacts on this land should be considered as part of any application for development and positive benefits consistent with Policy 11(d) secured to enhance this area.
231573	Worcestershire County Council, Planning Economy & Performance	LPMM2951	Support	MMKD.1	Yes	Yes	Yes	We welcome the proposed update to the Key Diagram for the South Kidderminster Enterprise Park (SKEP) so that it does not incorporate Wilden Marsh Meadows SSSI and the adjoining settling ponds west of Wilden Lane. This change accords with our previous comments.

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231573	Worcestershire County Council, Planning Economy & Performance	LPMM2692	Object	MINOR MI/16.3 and MI/16.5 not Main Modifications		No		<p>In Table 3 of the ‘Statement of Common Ground between Wyre Forest District Council and Worcestershire County Council’ (examination document SD10a), Wyre Forest DC stated that: “WFDC are agreeable to the suggested amendment to Policy 16C and Paragraph 16.27 of the Local Plan to read "such facilities" rather than "waste management facilities". This suggested amendment will be progressed as a suggested modification to the Local Plan.”</p> <p>The amendment has not been addressed within the schedule of Main Modifications, but has instead been included as Additional Modifications MI/16.3 and MI/16.5. WCC continues to consider that these modifications are necessary as a point of soundness, and therefore would ask the Inspectors to consider including them within their recommended Main Modifications.</p>
231573	Worcestershire County Council, Planning Economy & Performance	LPMM2735	Support	MM16.3	Yes	Yes	Yes	<p>We welcome the amendment to the footnote in Policy 16B, in line with our previous comments and the joint Statement of Common Ground (examination document SD10a).</p>

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231573	Worcestershire County Council, Planning Economy & Performance	LPMM2736	Support	MM16.4	Yes	Yes	Yes	We welcome the removal of section 3 of policy 16B, in line with our previous comments and the joint Statement of Common Ground (examination document SD10a). The removal ensures that the policy does not go beyond the remit of the Wyre Forest Local Plan. Minerals development is a county matter and, as such, policies governing mineral development are contained in the emerging Worcestershire Minerals Local Plan (MLP). For information, the MLP is currently in the examination stage. Consultation on the proposed main modifications to the MLP closed in October 2021.
260520	Campaign to Protect Rural England	LPMM296		MM16.5				MM16.5 We would have thought there ought to be an explicit reference in this paragraph to minerals issues being dealt with in the Worcestershire Minerals Local Plan: it appears that it is merely to be alluded to in a footnote.
231573	Worcestershire County Council, Planning Economy & Performance	LPMM2738	Support	MM16.5	Yes	Yes	Yes	We welcome the proposed reference to Mineral Safeguarding Areas, in accordance with the 2021 NPPF.

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260520	Campaign to Protect Rural England	LPMM297		MM16.6				<p>MM16.6 (Sites where mineral safeguarding has been highlighted) There is something highly contradictory about allocating sites for early development, and then also requiring mineral safeguarding procedures to be undertaken. The effect is to make the whole strategy of the Plan undeliverable and hence <i>fundamentally unsound</i>. In most cases the mineral involved is sandstone (described as solid sand). This is an extremely abundant mineral in the area, where the available resource, even if the sites are sterilised by being developed, is likely to be sufficient for many centuries. Imposing mineral safeguarding requirements on such sites is likely to require the mineral to be extracted before development and then the resultant hole filled with waste, which will delay development for a decade or two. This would be the equivalent of not allocating the sites, contrary to the whole strategy of the Plan.</p> <p>The Worcestershire Minerals Plan requires that mineral considerations should be taken into account in making allocations, so that such sites should be released from restrictions requiring resources to be safeguarded from being fossilised by development. Anything else is a case of the proverbial “dog in the manger”. Either the safeguarding of these site should be</p>

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								withdrawn or they should be de-allocated and alternative ones allocated. Alternatively, the Mineral Planning Authority should specify what measures are required to work the minerals before they are fossilised and how long this will take to deliver before the site can be available for development. This might be different if it related to locally scarce minerals, such as glacial sand and gravel or crushed rock. We would add that as we oppose Lea Castle village and Kidderminster East Extension, we would welcome these sites being fossilised.
260520	Campaign to Protect Rural England	LPMM298		MM18.2				<p>MM18.2 in item i, As with MM16.7, the proposed wording fails to make clear that infill is only allowed within <b>the designated boundary of</b> a village etc</p> <p>Reference should not be made to the housing register, here or in Policy 6B, as this is a blunt instrument for determining actual housing need, due to multiple counting of applicants, who are liable to be counted in each settlement (even estate) where they ask to be houses and even in multiple housing authorities. If housing register data is used at all, there should be an additional requirement for the applicant to have a local connection with the place where they seek to be houses. If</p>

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								this is not done, an applicant could justify a development of 100 houses in the midst of open country, because the housing list had at least 100 applicants living in (say) Kidderminster. While there is certainly a need for affordable housing, it needs to be in the appropriate place, preferably on an allocated site. (This also applies to para 18.8).
260520	Campaign to Protect Rural England	LPMM299		MM18.3				<p>MM18.3 Policy 18D The present plan contains a policy largely prohibiting new mobile home parks on landscape grounds. This policy is about the temporary used of caravans etc; and is appropriate as far as it goes. However there is a major gap in it as it says nothing about the permanent (or nearly permanent) use of caravans etc (where new developments should be prohibited). In referring to nearly permanent, we are thinking of sites where occupation is allowed for as much as 11 months per year, with the resident being absent for a month as a holiday. This may be implicit in saying “only permitted temporarily”, but there should be something explicit.</p> <p>The exclusion from this policy of accommodation for Gipsies and other Travellers is appropriate, but the reasoned justification should merely state that provision</p>

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								for their needs is made elsewhere in the Plan (with a cross-reference).
376324	The Canal and River Trust	LPMM1200		MM18.3				<p>We are the charity who look after and bring to life 2000 miles of canals &amp; rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation.</p> <p>As you aware the Inspector posed a question in relation to liveaboards boaters as part of the EiP and the Trust and Council agreed a Statement of Common Ground and I provide an extract below.</p> <p>a) Both parties accept that the matter is not covered in the plan as proposed, and that the recent evidence base has not yet properly established whether there is a houseboat need.</p> <p>b) Agree that the Trust cannot provide</p>

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								<p>information to help assess the houseboat need.</p> <p>c) The Council would be agreeable to undertaking a full needs assessment if the Inspector decides that this is necessary, but this cannot be done before the examination hearing sessions due to be held in January/February 2021.</p> <p>d) If the Inspector considers that it is necessary for the Council to undertake more work on houseboat need, then the Trust would be happy to help the Council to determine a way forward after that i.e. writing of a policy for inclusion at next local plan review etc.</p> <p>e) If the Inspector feels a policy on any type of moorings is deemed necessary now, then the Council and the Trust will work together on creating a suitable policy and supporting text to be included as a main modification</p> <p>I note that the main modifications include at 18.15</p> <p>'The Wyre Forest District Gypsy and Traveller Accommodation assessment (2020) also identified that there be a need for residential boat moorings in the District. However, there is currently insufficient evidence on this matter. The Council will work with the Canals</p>

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								<p>and Rivers Trust to establish an accurate figure of need residential houseboat moorings. This will establish whether any allocation for moorings may need to be made in the review of the Local Plan'.</p> <p>As identified at e) the Trust offered to work with the council on a moorings policy, but as you will see at b) above the Trust cannot help with establishing need, and this was explained in detail in the SoCG.</p> <p>This modification is not acceptable to the Trust as it implies that we will help the council in establishing need. It is suggested that the modification be amended. 'If further evidence shows there is a need for any type of new moorings, the Canal &amp; River Trust will work with the council to create a suitable moorings policy'.</p>
1197572	Sport England	LPMM509	Support	MM20.6		Yes		<p>Sport England supports the modifications to paras 20.16, 20.18, and 20.19 of the reasoned justification which are consistent with the modifications agreed between the Council and Sport England in the completed Statement of Common Ground (see pages 4 and 5), to provide clarity for how playing pitch requirements will be calculated, and provision</p>

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								will be made, in line with the Council's evidence base in the Playing Pitch Strategy.
1197572	Sport England	LPMM512	Support	MM20.7		Yes		Sport England supports the modifications to paras 20.16, 20.18, and 20.19 of the reasoned justification which are consistent with the modifications agreed between the Council and Sport England in the completed Statement of Common Ground (see pages 4 and 5), to provide clarity for how playing pitch requirements will be calculated, and provision will be made, in line with the Council's evidence base in the Playing Pitch Strategy.
1197572	Sport England	LPMM551	Support	MM20.8		Yes		Sport England supports the modifications to paras 20.16, 20.18, and 20.19 of the reasoned justification which are consistent with the modifications agreed between the Council and Sport England in the completed Statement of Common Ground (see pages 4 and 5), to provide clarity for how playing pitch requirements will be calculated, and provision will be made, in line with the Council's evidence base in the Playing Pitch Strategy.
1201410	McDonalds Restaurants Ltd	LPMM3607	Object	MM22.11				We have considered proposed Policy 22G – with regard to the principles set out within the Framework. We fully support the policy's aim of promoting healthier living and tackling obesity. However, the proposed policy

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								<p>approach is unsound and fails to provide an evidence-based way of achieving the policy's objective. It has also been found unsound by several planning inspectors. It is too restrictive and prevents local planning authorities from pursuing more positive policy approaches. The London Borough of Waltham Forest has had such a policy in place for over a decade and its application has proven ineffective in tackling obesity to date.</p> <p>Within these broad points we have the following policy objections to draft Policy 22G:</p> <p>A. The 400m exclusion zone is inconsistent with national planning policy</p> <p>B. The policy is inconsistent, discriminatory and disproportionate.</p> <p>C. Examination of other plans have found similar policy approaches to be unsound.</p> <p>D. There needs to be further exploration into policies that are more positive, have a reputable evidence base and that comply with the Framework.</p>

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								<p>In summary, Planware Ltd consider there is no sound justification for a policy such as Policy 22G, which imposes a blanket ban on restaurants that include an element of hot food takeaway “within 400m the boundary of a school.” This is unsound and it should be deleted from the plan.</p> <p>However, as stated in the opening paragraph, Planware Ltd supports the aim of promoting healthier living and tackling the obesity crisis. We acknowledge that planning can have a role in furthering these objectives. We would therefore welcome and support any studies between obesity and their relationship with development proposals, including examination of how new development can best support healthier lifestyles and tackling the obesity crisis. When a cogent evidence base has been assembled, this can then inform an any appropriate policy response. This has still not emerged.</p> <p>Given the lack of any clear agreement between experts on the indices of obesity or poor health, analysing the evidence is a necessary part of this objection by way of background.</p>

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								<p>McDonald's supports the policy objective of promoting healthier lifestyles and tackling obesity. It does not consider that the proposed Policy 22G is a sound way of achieving those objectives. The underlying assumption in the policy is that all hot food takeaways (and any restaurants with an element of takeaway use) are inherently harmful to health. In fact, this is not supported by evidence. McDonald's own business is an example of a restaurant operation which includes takeaway but which offers healthy meal options, transparent nutritional information to allow healthy choices, and quality food and food preparation. The business itself supports healthy life styles through the support given to its staff and support given to football in the communities which the restaurants serve.</p> <p>In addition, the policy fails to acknowledge the wider benefits that restaurants can have, including benefits relevant to community health and wellbeing. McDonald's own business is an example of a restaurant operation that supports sustainable development through the use of renewable energy, the promotion of recycling, the use of energy and water saving devices. The economic benefits of its restaurants in</p>

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								<p>supporting town centres and providing employment opportunities and training are substantial, and important given that improved economic circumstances can support improved health.</p> <p>The policy fails to acknowledge that food choices which are high in calories and low in nutritional value are made at premises trading with Class E consents and can be delivered from the latter. The policy makes no attempt to control these uses.</p> <p>For the reasons given in this objection the proposed policy is very clearly inconsistent with government policy on positive planning, on supporting economic development and the needs of businesses. There is no justification in national policy for such restrictions to be applied to hot food takeaways. The effect of the policy had it existed in the past would have been to exclude restaurants such as McDonald's from major commercial and tourist areas.</p> <p>For the reasons given in this objection the proposed policy lacks a credible evidence base, and similar policies have been found to be unsound by inspectors who have examined</p>

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								<p>other plans. In the one London Borough that has had a similar policy, concerning a school exclusion zone, for around a decade (LB Waltham Forest). It has had no discernible effect on obesity levels, which have in fact increased since its introduction.</p> <p>Given the overall objective of improving lifestyles and lowering obesity levels, restrictive policy regarding hot food takeaway development is a narrow-sighted approach. There is no mention of other possible reasons behind the national high levels of obesity. To discriminate against hot food takeaways alone is worrying and using the planning system to influence people's daily lifestyle choices is not acceptable.</p> <p>See attachment for full objection.</p> <p>Supporting documents for this response are included at Appendix 6 of this Summary of Responses.</p>
231573	Worcestershire County Council, Planning	LPMM2742	Support	MM24.5	Yes	Yes	Yes	<p>The proposed modifications to part (B) of policy 24B include a requirement that new developments should be built to the highest</p>

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	Economy & Performance							<p>standards of energy efficiency, but it does not state what this highest standard is. We assume that this would be beyond Building Regulations standards. We would welcome the inclusion within the Local Plan of some further explanation/supportive text prior to the introduction of the 'Future Homes' standard.</p> <p>The proposed modifications to part (B) of policy 24B maintain the existing 10% requirement for renewable or low-carbon energy. We would welcome an increase in this proportion, if viable, to 12% or 15%.</p>
1197572	Sport England	LPMM552	Support	MM25.1		Yes		Sport England supports the modifications to part ii) of the policy which is consistent with the modifications agreed between the Council and Sport England in the completed Statement of Common Ground (see pages 5 and 6), to ensure that the wording of the green belt policy is consistent with the NPPF in respect of both existing uses of land and changes of use.
231723	Historic England	LPMM564	Support	MM26.1				Historic England welcomes proposed main modifications MM26.1 - Historic Environment policy
231573	Worcestershire County Council,	LPMM2749	Support	MM29.2	Yes	Yes	Yes	

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	Planning Economy & Performance							We welcome this modification, which addresses comments we made at previous stages of plan preparation.
1303087	Dr Margreth Becker	LPMM3562	Object	MM30.6	No	No	No	<p>MM30.6 Policy 30.5 Land at Bromsgrove Street Lion Fields BH/2</p> <p><b><u>Bullet Point 1: Former Glades Site Proposal to build cinema and new leisure centre</u></b></p> <p>The proposal to extend Lion Street across at the site of the former Woolworths building to Worcester Street seems to us superfluous. It is only a short walk around and the land would be better used for further dwellings. The former Woolworths building has been boarded up for years. Could this building (and others) be viewed as “Pollution” and the owner be required to remove it under the principle of “Polluter pays?”</p>
231573	Worcestershire County Council, Planning Economy & Performance	LPMM2752	Support	MM30.10	Yes	Yes	Yes	We recommend that the proposed modifications to policy 30.11 are further amended to improve clarity, as follows (n.b. suggested changes apply only to policy point (1). No changes are sought for any other policy point in policy 30.11). Our proposed

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								<p>amendments are shown as double strikethrough and double underlined, to distinguish from the existing proposed modifications.</p> <p>Policy 30.11 Sladen School Site BW/3</p> <p><u>The land <del>This site</del> is allocated as a mixed use site comprising of a new <b>Alternative Provision Primary</b> school and residential development. <del>for residential development.</del></u>  <del>Proposals</del> <u>Development should:</u></p> <ol style="list-style-type: none"> <li>1. <u>Safeguard land required for a new 60 place <b>Alternative Provision Primary</b> school and associated infrastructure</u></li> </ol> <p>For clarity, we also recommend further amendments to the proposed modifications to paragraph 30.28 of the Reasoned Justification to add a full description of school provision, as follows:</p>

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								<p><b>30.28</b> This site is in the ownership of Worcestershire County Council. <del>There have been a number of proposals put forward for the site since the school closed. It is now proposed to release the site for residential development. Provision of a small playing field on-site should be considered as part of these plans, perhaps in the form of a ‘village green’ overlooked by the housing. It is proposed to develop it to deliver a new 60 place Alternative Provision school and approximately 36 class C3 dwellings. The Alternative Provision Primary Free School (Unity Academy) will cater for children aged between 4-11 years old with social, emotional and mental health difficulties. It is anticipated that approximately 10 places would be for pupils who have been permanently excluded from mainstream education with 50 places for pupils with social, emotional and mental health difficulties who require an alternative to mainstream schooling in the short-term. It will be necessary to ensure that both parts of the scheme are appropriately integrated with each other and the neighbouring areas. The role of Green Infrastructure in and around the whole landholding will be an important component of this.</del></p>

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1298943	Miss Heather Gillespie	LPMM178	Object	MM30.17				See attached signed copies to stop the development at the habberley green belt. (only pages 2 and 8 attached)
1298478	Mr Julian Rose	LPMM16	Object	MM30.17				Topic paper ED20 which was produced after the site was selected for removal from green belt assessed the site to make significant contribution for 1) containing sprawl 2) preventing encroachment and importantly in 3) overall contribution (three out of five). A review of results of other sites shows that few if any make as much contribution to green belt as this site does.
1197092	Amy Hyde-Flynn	LPMM2758		MM30.17	No	No	No	Whilst I am not against the building of new houses, we feel strongly that brownfield sites should be used first, rather than destroying Green Belt land and land currently used to grow food. As we have seen with the recent delays and supply issues from abroad, the UK needs to make sure that we are as self-sufficient in food as possible.

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								<p>There is also the impact that removing this habitat would cause to the local wildlife and plant-life, not to mention the negative impact on local residents who use the field to walk through, and which proved itself a life-saver during the lock-downs. As mental health is an increasingly recognised issue, access to open, green spaces has been proven as an aid to positive mental health.</p> <p>Thank you for taking the time to read this, and I hope that you come to agree with our point of view, and keep this land as Green Belt.</p>
1299145	Mr Ian Cupper	LPMM277	Object	MM30.17	No	No	No	<p>See attached documents for comments. Pages 2-4 could not be uploaded! My comments align with the 'Stop The Habberley Road Development Group'. In addition:</p> <p>This is viable agricultural land that makes a significant contribution to the area in terms of amenity, recreation and food production. Development in this greenbelt area will increase urban sprawl; it will have a negative impact on the environment and on the local communities health and well-being.</p>
1285674	Dr Merlyn Wilcox	LPMM7	Object	MM30.17	No	No	No	<p>In her initial comments (document ED6), the Inspector said that she had not found a comprehensive, integrated and consistent level</p>

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								<p>of explanation of the local-level, site- specific exceptional circumstances that, in the Council's view, justify the release of each individual site from the Green Belt, and that that explanation should summarise the purposes that each individual site serves in the Green Belt, the effect of its release on these purposes and the overall integrity of the Green Belt, and the other relevant factors in each case that, cumulatively, may amount to exceptional circumstances justifying its release.</p> <p>The Inspector raised a number of Matters and Questions for the Examination (document ED16), including Matter 6, which relates to Allocations for Housing. The Questions include whether the selection of the site allocations was based on an adequate assessment of all potential sites, including a sustainability appraisal and assessment of their roles in serving Green Belt purposes.</p> <p>The Council subsequently produced a Topic Paper (document ED20), which assessed each site in more detail. In relation to the land at Low Habberley (ref WA/KF/3) ('the Site') it says:</p>

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								<ol style="list-style-type: none"> <li>1. That the Site makes a significant contribution to the Green Belt as it forms part of the arc of Green Belt which contains the northerly extent of Kidderminster, limiting extension of the contiguous built-up area of the town into open countryside and that as such it makes a significant contribution to Green Belt purposes of containing sprawl and preventing encroachment;</li> <li>2. That whilst the Site is small and nominally adjacent to the urban edge of Kidderminster, it is nevertheless exposed visually and physically, being bounded by an insubstantial hedge to the north west and thereby physically and visually connected to the wider open countryside;</li> <li>3. That whilst the Site can contribute to meeting the development needs of the District in a relatively sustainable location, the impacts on the Green Belt can only be mitigated to some degree through site design, and that the openness and permanence of the wider Green Belt are likely to be compromised through the absence of a substantial containing boundary and</li> </ol>

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								<p>the creation of a new built edge affecting the openness of the remaining Green Belt. It also said that mitigation through the creation of a development boundary is likely to require significant intervention;</p> <p>4. That the harm to the Green Belt would need to be balanced against the sustainability of the Site as a development location;</p> <p>5. In the accompanying appendix, which comprises a summary of the Contribution to the Green Belt and Likely Effect of Development on the Green Belt of each of the sites identified for removal from the Green Belt, the contribution made to Green Belt purposes is split into 5 categories for each site: Sprawl, Merger, Encroachment, Setting, and Overall Contribution. Each category is ranked as to whether the site makes a Limited Contribution, a Contribution, or a Significant Contribution. The Site is assessed as making a Significant Contribution in three categories - Sprawl, Encroachment, and, importantly, Overall Contribution. A review of the results of the other sites</p>

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								<p>shows that few (if any) are considered to make as significant a contribution as the Site. Whilst the 'Overall Contribution' for a few other sites is also 'Significant', there are a much larger number of sites where the 'Overall Contribution' category is considered to be lower (i.e. 'Contribution' or Limited Contribution').</p> <p>The Inspector's note to the Council dated 22 February 2021 (document ED46) on the initial drafting of the main modifications dealt with the broad scope of the modifications that appeared to be necessary, so far as they had been identified at the Hearing stage (such that there could be more). The note made clear that it was without prejudice to (i) the outcome of further work that the Council needed to undertake and (ii) the Inspector's final conclusions on the soundness of the Plan.</p> <p>Whilst Appendix A to the Inspector's note set out how some remaining issues affecting specific policies could be resolved, clearly the Inspector had a number of important concerns</p>

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								<p>with the emerging plan, including with policy 30.21.</p> <p>The Council's Sustainability Appraisal dated August 2021 (document ED58) considers (at pages 9 and 10) the sustainability impacts of the proposed site allocations.</p> <p>In the first instance, the appraisal is incorrect in that it says that the land at Low Habberley (ref WA/KF/3) has an area of 92.87 hectares. However, the draft plan says that the extent of site ref WA/KF/3 is 5.6 hectares, and so the appraisal should have been in relation to that area, not a larger area.</p> <p>In relation to policy 30.21, the appraisal says that in respect of Local services, Travel, Soil &amp; land, Water &amp; flooding, Landscape, and the Green Belt, there will be a minor negative impact compared with the current situation. Importantly, in relation to Biodiversity it says that there will be a major negative impact compared with the current situation, which will cause problematic sustainability issues, and that mitigation will be difficult and/or expensive. The impacts on community, historic</p>

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								<p>environment, employment and housing are considered to be either neutral or positive.</p> <p>The Site is therefore of the highest importance in terms of its contribution to the Green Belt. Developing the Site for housing would have a significant harmful impact on the Green Belt. This harm must be balanced against the sustainability of the Site. The Sustainability Appraisal confirms that the Site is not particularly Sustainable, and that development would cause significant harm, particularly in terms of Biodiversity. It is not therefore considered that the exceptional circumstances required to justify the removal of the Site from the Green Belt exist.</p> <p>It is considered that the Council acted prematurely in selecting the Site for removal from the Green Belt before they had adequately considered the contribution it made to the Green Belt in their Topic Paper (ED20), which was produced after the Site was selected. The Site had not been adequately assessed prior to that, and should have been discounted when that document was produced. Now that the position is clearer, the</p>

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								<p>Site should no longer be considered suitable for development.</p> <p>It should also be noted that the Reasoned Justification to policy 30.21 says that the site is approximately 1.5km from the town centre. That is considered to be incorrect; our clients have measured the distance and consider that, using the shortest possible route, it is in fact 2.6km.</p> <p>Therefore, it is not considered that MM30.17 makes the local plan sound and that for the reasons outlined above proposed policy 30.21 should be deleted in its entirety.</p>
1298606	Mr Kev Moule	LPMM19	Object	MM30.17				I hereby wish to object to ED57 & ED58 Habberley Road Development.
1298639	Caroline Moule	LPMM21	Object	MM30.17				I hereby wish to object to ED57 & ED58 Habberley Road Development.
1298642	Mr Gordon Bunn	LPMM23	Object	MM30.17				I hereby object to ED57 & ED58 Habberley Road Development.
1298643	Mr Adam Hart	LPMM25	Object	MM30.17				I am a resident of 7 years in Kidderminster. Having seen the plan proposal for the 140 homes on an area of natural beauty adjacent

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								<p>to the nature valley. I have to formally voice my objection to the planned development.</p> <p>I strongly support the development of redundant commercial areas of the town, which i believe would be far more reaching to the success of Kidderminster than the destruction of Kidderminster’s valued natural beauty areas.</p> <p>I hope the council will reconsider the plans and will look to encourage investors to bring life back to a town which once prospered so much, rather than destroying what is the main value to all inhabitants who live here today and the future.</p>
1300076	West Midland Bird Club	LPMM579	Object	MM30.17	No	No	No	<p><b>Objection to Change in Policy 30.21 Land at Low Habberley WA/KF/3 This land shown on the Policies Map is removed from the Green Belt and allocated for residential development.</b></p> <p><b>This is an objection and representation to the above-mentioned Policy amendment and any references to it in ED 57, ED58 and ED59 made on behalf of the West Midland Bird Club.</b></p>

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								<p><b>David Jackson - Conservation Officer</b></p> <p>The RSPB have published a List of Bird species which are at risk nationally. The UK's birds can be split in to three categories of conservation importance - Red, Amber and Green.</p> <p><b>The Red list</b></p> <p>Red is the highest conservation priority, with species needing urgent action.</p> <p><b>The Amber list</b></p> <p>Amber is the next most critical group.</p> <p><b>The Green list</b></p> <p>Species on the green list are the least critical group.</p> <p>They are Species that occur regularly in the UK</p> <p>The proposed development land at LOW Habberley hosts several species on the Red List.</p>

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								<p>Red Listed species are those of the highest conservation priority, such species needing urgent action on a national basis, and those species which nest or occur at the proposed development site include:- Curlew, Lapwing, Skylarks (3 breeding pairs recorded), Linnets, Yellowhammer and Song Thrush.</p> <p>In common with the rest of the UK, and indeed the planet, Worcestershire has suffered huge losses of natural habitats and species. <b>The 2018-2027 Worcestershire Biodiversity Action Plan (BAP) identifies 17 habitats and 26 species, or species groups, which are of particular conservation priority in the county.</b> The Worcestershire Biodiversity Partnership is an association of local government, statutory, voluntary and public bodies committed to working together to deliver the BAP.</p> <p>Each individual Action Plan gives an overview of the current status of the habitat or species in Worcestershire, identifies threats to it and current areas of work or activity being undertaken by partners. The plan then presents aims and objectives for the</p>

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								<p>conservation of that habitat or species over the ten-year lifespan of the BAP.</p> <p>I would refer the Council to the individual Action Plans :- H1 Arable Farmland Habitat Action Plan;</p> <p><b>and S20 the Farmland birds Species Action Plan which has regard to Red Listed birds:-</b></p> <p>Skylark: Long-term change -58% decline between 1970 and 2016 (trend: weak decline) Short-term change +1% increase between 2011 and 2016 (trend: no change).</p> <p>Yellowhammers which breed either on or close to the ground within thick hedges, usually where there is a wide uncut grass margin or ditch. They can breed late into the season so even cutting or flailing during August can have a detrimental impact on the success of the last brood. The adults feed almost exclusively on seeds but chicks are largely dependent on insects.</p> <p>Linnets are dependent on plentiful seed sources throughout the year, in particular arable weed seeds, which are eaten by both</p>

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								<p>adults and chicks. They nest in thick, thorny hedgerows or areas of scrub</p> <p>Lapwing: Long-term change -63% decline between 1970 and 2016 (trend: weak decline) Short-term change -3% decline between 2011 and 2016 (trend: no change). Grey partridge: Long-term change -92% decline between 1970 and 2016 (trend: strong decline) Short-term change -16% decline between 2011 and 2016 (trend: strong decline). crub and bramble within open farmland.</p> <p><b>Reference: Extract included by permission.</b> Pleydell Smithyman Limited March 2021 S:\M20.128 Habberley Review\Document_Report\M20.128.R.001 Ecological Review\M20.128.R.001A Ecological Review.docx</p> <p>In 2021Pleydell Smithyman Limited were instructed by Mr Richard Merlyn Wilcox to assess the ecological value of the land off Habberley Road, Kidderminster following the proposals for the development of 130 residential properties at the site. The proposals have been put forward by Richborough Estates. Their proposals bring forward outline plans to develop the site to include the</p>

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								<p>following: - 130 new homes, 25% being affordable; - A variety of house types to meet local needs; - Two points of vehicular access from Habberley Road, with six new points of pedestrian access; - Two pedestrian crossings and improvements to the footpath on Habberley Road along the frontage of the site; - Significant new planting and landscaping with a sensitive layout design to create a landscaped edge to Kidderminster; - Provision of 40% open green space, meeting local open space standards and delivering a net biodiversity gain for the site; - New footpath connections to existing public rights of way, improving connectivity to Habberley Valley Nature Reserve; and - A Sustainable Drainage System that creates an overall improvement to drainage of the site, and help protect the existing road network from flooding.</p> <p>The site offers suitable habitat for breeding and wintering birds in the form of arable land and hedgerows. During the bird survey Skylarks (<i>Alauda arvensis</i>) were recorded on the arable field and Woodpigeon (<i>Columba palumbus</i>)</p> <p>It is reported that Skylarks and Lapwings (<i>Vanellus vanellus</i>) have been recorded on the</p>

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								<p>arable field frequently, and therefore the site is likely to form an important part of the feeding and breeding resource for these species.</p> <p>The site also offers suitable habitat for foraging Barn Owls (<i>Tyto alba</i>). There are a number of mature trees in close proximity to the site that could offer nesting and roosting potential for Barn Owls. It is also reported that Tawny Owls (<i>Strix aluco</i>) and raptors have been seen on or flying over the site.</p> <p>An extensive list of bird species have been recorded on the site between 1999 and 2020 by local keen birdwatcher Chris Rudge. Regularly occurring species include Woodpigeon, Collared Dove (<i>Streptopelia decaocto</i>), Red-legged Partridge (<i>Alectoris rufa</i>), Goldfinch flocks (<i>Carduelis carduelis</i>), Linnet flocks (<i>Carduelis cannabina</i>), Chaffinch (<i>Fringilla coelebs</i>), Greenfinch (<i>Carduelis chloris</i>), Lesser Redpoll (<i>Carduelis</i> sp.), Meadow Pipit (<i>Anthus pratensis</i>), House Sparrow flocks (<i>Passer domesticus</i>), Starling (<i>Sturnus vulgaris</i>), Redwings (<i>Turdus iliacus</i>), Fieldfares (<i>Turdus pilaris</i>) use the land for feeding.</p>

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								<p>Species recorded frequently within the hedgerows include Yellowhammer (<i>Emberiza citronella</i>), Blue Tits (<i>Cyanistes caeruleus</i>), Great Tits, Long-tailed Tits (<i>Aegithalos caudatus</i>), Blackcaps (<i>Sylvia atricapilla</i>), Chiffchaffs (<i>Phylloscopus collybita</i>), Song Thrushes (<i>Turdus philomelos</i>), Blackbirds (<i>Turdus merula</i>), Dunnocks (<i>Prunella modularis</i>), Wrens (<i>Troglodytes troglodytes</i>), Goldcrests (<i>Regulus regulus</i>) and Robins (<i>Erithacus rubecula</i>). Nests of Linnet, Greenfinch, Wren and Dunnock have been recorded.</p> <p>More occasionally occurring species include Pied Wagtails (<i>Motacilla alba</i>), Grey Wagtails (<i>Motacilla cinerea</i>), Wheatear (<i>Oenanthe oenanthe</i>), Curlews (<i>Numenius arquata</i>), Lapwing, Common Buzzard (<i>Buteo buteo</i>), Siskin (<i>Carduelis spinus</i>), Brambling (<i>Fringilla montifringilla</i>) and Yellowhammer.</p> <p>Birds of prey recorded include regular Kestrel (<i>Falco tinnunculus</i>), Sparrowhawk (<i>Accipiter nisus</i>) and Tawny Owls. Barn owls have been seen hunting and Hobbies (<i>Falco subbuteo</i>) have bred in an ash tree bordering Habberley Valley Nature Reserve approximately. Quail (<i>Coturnix coturnix</i>) have also been heard and</p>

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								<p>seen rising vertically out of the crop in various years. Grey partridge (<i>Perdix perdix</i>) have also been seen. The belt of trees at the southern end of the site is reported to support an extensive Jackdaw and Rook (<i>Corvus frugilegus</i>) roost. Great spotted Woodpecker (<i>Dendrocopos major</i>) and Green Woodpecker (<i>Picus viridis</i>) are also seen here, as well as the occasional Tree Creeper (<i>Certhia familiaris</i>), Nuthatches (<i>Sitta europaea</i>) and Jays (<i>Garrulus glandarius</i>).</p> <p><b>Conclusions and Recommendations</b></p> <p>The site offers suitable habitat for a wide range of bird species.</p> <p>Any development should consider the potential for impacts to occur on all bird species and on and surrounding the sites. Adequate desk study and survey effort should be included to substantiate all impact assessments. Impacts upon all designated sites within proximity to the site must be considered as a result of the proposed development, and where development is allowed to occur, adequate measures must be installed to mitigate for any additional impacts as a result of increased human pressure, particularly on</p>

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								<p>Habberley Valley Nature Reserve. It will be vital to adequately justify the need of the development, particularly with regards to the location being within a designated Green Belt. All other possibilities should be explored before development is allowed to occur within designated Green Belt.</p> <p>The West Midland Bird Club object to the land being taken out of Green Belt and would recommend that the land be afforded protection from development due to the land being a valuable feeding and breeding resource for farmland birds as the land Any housing development will have no biodiversity net gain.</p>
1200165	Richborough Estates	LPMM2667	Support	MM30.17	Yes	Yes	Yes	<p>These representations have been prepared by Turley on behalf of Richborough Estates Limited in relation to Land at Low Habberley ('the site') which they are promoting through the Local Plan Review (LPR), including most recently attending the Examination of the plan where they provided support for the proposed allocation of the site (Policy 30.21).</p> <p>In addition to engaging with the LPR, alongside the examination of the Plan, Richborough Estates submitted an outline planning</p>

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								<p>application for up to 124 dwellings on land at Low Habberley (Ref. 21/0421/OUT). As we go on to note below, the submission of the planning application has demonstrated that the site is not subject to any technical constraints, and following the adoption of the LPR the application can be determined in accordance with the newly adopted Plan, allowing for the delivery of new homes early on in the plan period.</p> <p><b>Main Modification MM30.17</b></p> <p>Proposed modification MM30.17 relates to Policy 30.21 and represents the refinement of wording to respond to the live outline planning application, as well the alteration of wording to ensure that the policy requirements are precise, appropriate and measurable.</p> <p>The main changes to the policy are found within the list of requirements (seven in total), which development of the site should meet. In the context of NPPF paragraph 35, Richborough Estates agree that the proposed main modifications are sound and ensure the policy is effective and deliverable, as required by the NPPF.</p>

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								<p>As set out previously, the submitted planning application shows how Richborough Estates proposals accord with the relevant policy requirements, as set out below:</p> <ol style="list-style-type: none"> <li>1. <b>“The access should be taken from Habberley Road”</b>: The outline planning application takes access from two locations along Habberley Road, which has been deemed appropriate.</li> <li>2. <b>“The existing hedgerows and trees should be retained and supplemented to soften the impact of development and provide biodiversity net gain”</b>: The outline application retains existing hedgerows and trees save for the proposed access points into the site from Habberley Road. Retention of the existing hedgerows and trees are supplemented by a network of open spaces and new planting which both enforces the new Green Belt boundary and also assists in the delivery of a demonstrable biodiversity net gain on site.</li> <li>3. <b>“The development should be set back from the bridleway to protect the setting of High Habberley House”</b>: Appropriate set back of the proposed</li> </ol>

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								<p>development has been allowed for within the illustrative masterplan as well as additional planting within the north western corner of the site to enhance the sense of separation.</p> <p>4. <b>“The rear hedgeline should be strengthened to provide a new defensible boundary to the Green Belt”</b>: See comments to point 2.</p> <p>5. <b>“The scale and design of the development should be sympathetic to the character and setting of Low Habberley”</b>: The scheme density, and layout has been carefully considered and the illustrative masterplan which supports the planning application has been subject to detailed consideration by statutory consultees, inclusive of design and landscape.</p> <p>6. <b>“The impact of any development on the nearby Habberley Valley Nature Reserve and Local Wildlife Site should be balanced out through biodiversity net gain”</b>: The application has considered the impact upon nearby Habberley Valley Nature Reserve and statutory consultees have deemed it necessary for a financial contribution to be secured through a Section 106</p>

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								<p>agreement towards the ongoing management of the nature reserve.</p> <p>7. <b>“Proposals should specify how existing and surrounding habitats including Habberley Valley and Eastham’s Coppice will be taken into consideration. Measures to protect and mitigate for bats and brown hare should also be considered”:</b> The ecology assessment submitted with the planning application has considered the impact of the proposed development both locally on site, as well as within the wider area. As noted in response to the second policy requirement (above), new planting and habitat creation will provide a biodiversity net gain, which will assist in mitigating the impact of the proposed development upon habitats within the wider area.</p>
859769	Mrs Gaynor Gillespie	LPMM3174	Object	MM30.17		No	No	My client objects to proposed Main Modification MM30.17 on the basis that it only amends specific details relating to this proposed allocation, informed by current planning application proposals, rather than address fundamental principles which run to

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								<p>the heart of the objectives of the Local Plan. The National Planning Policy Framework (NPPF), in paragraph 119, states that “Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”. NPPF paragraph 141 states that “Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for identifying need for development”. NPPF paragraph 141 a) identifies that the assessment approach should make as much use as possible of suitable brownfield sites and underutilised land. NPPF paragraph 142 states that “Where 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”. It should also be noted that more recently the message from the Conservative Government is one of seeking to focus attention on ‘building beautiful homes on brownfield sites’. Local Plan Objective 5 seeks to maximise the use of previously developed land in order to ensure that the</p>

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								<p>best use is made of available land both within and beyond the main towns. Proposed Policy 6B also seeks to encourage the effective use and re-use of accessible, available and environmentally acceptable brownfield land. Wyre Forest District Council (WFDC) therefore appears to respond positively to the requirement of NPPF paragraph 119 through the objectives of the Local Plan. However the actual execution of this through the sites included for allocation does not demonstrate an approach that makes as much use as possible of previously developed land. My client recognises that there is a need for land to be released from the Green Belt adjacent to Kidderminster in order to meet the development targets for the new Plan period and as part of this there will be a need for development to take place on previously undeveloped land in the Green Belt. The approach taken through the Local Plan to pursue a housing target that is greater than the calculated housing need is commendable and supported by my client. Through ensuring a flexible supply of housing sites of different types and sizes WFDC is putting in positive measures to assist it with both meeting its housing need also boosting significantly the supply of housing, including affordable</p>

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								<p>housing. My client also recognises that “The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns” (NPPF paragraph 73) and therefore that there is a role for large-scale strategic urban extensions to Kidderminster as part of the Local Plan approach. 5 The role that site WA/KF/3 (Land at Low Habberley) plays within the Local Plan approach still remains unclear. Site WA/KF/3 is in the Green Belt, lacks an existing strong defensible Green Belt boundary on all sides, does not contain any previously developed land and cannot be considered to be or even form part of a large-scale urban extension to Kidderminster. Main Modification MM30.17 does not shed any further light on this. In making only minor changes to site WA/KF/3 in the Main Modifications consultation the presumption would be that WFDC, through the Plan-making process has first maximised the use of previously developed land and that the only way to ensure that there is a sufficient and flexible supply of suitable residential development sites around the edge of Kidderminster is to pursue an approach that relies on the allocation of non-strategic, non-</p>

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								<p>previously developed, sites in the Green Belt which need the creation of new defensible landscape boundaries. My client considers that this is however not the case. My client accepts that site WA/KF/3 would make a contribution towards ensuring a flexible supply of housing sites of different types and sizes. However WFDC would still have a housing target in excess of its housing need if site WA/KF/3 was not included. It is therefore confusing that site WA/KF/3 remains in the Plan when potential residential site WFR/ST/1 (Land at Captains) has been excluded. Site WFR/ST/1 features on the WFDC brownfield land register. This site is considered to be a sustainably-located partially previously developed site on the eastern edge of Kidderminster, adjacent to the proposed strategic allocation, which can accommodate residential development in tandem with appropriate mitigation for ecological/landscaping features. As explained within the responses issued on behalf of my client to the Local Plan Examination Hearing sessions the technical studies within the WFDC evidence base provide support for development at site WFR/ST/1. Most notably the 2018 Green Belt Review concludes, in term of site WFR/ST/1, that “the site makes only limited contribution to the Green Belt, being</p>

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								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”. Site WFR/ST/1 is not a late entry to the Local Plan review process, being specifically identified in the Preferred Options consultation document as a core housing site. The suitability of the site for accommodating residential development was acknowledged by WFDC during the Local Plan Examination discussions and also subsequently through the pre-application process. WFDC has therefore not appropriately taken into account the reasonable alternatives in deciding on the Local Plan allocations. This point was made through previous representations made by my client in declaring the Local Plan approach to: not be justified; not be positively prepared and; therefore be unsound. This stance remains valid, not least through the acceptance by WFDC that site WFR/ST/1, which contains previously developed land, can accommodate residential development and the willingness of my client to pursue development on the site as evidenced through constructively engaging with the WFDC pre-application process. The proposed Main

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								Modifications do not address either the deviation from the national objective to maximise the use of previously developed land or justify the approach taken to continue to allocate non-strategic non-previously developed Green Belt sites. The proposed Main Modifications are accordingly not considered to make the Plan approach sound. It is considered that a revised review of alternative sites, including previously developed sites, should be undertaken and consulted on before the Local Plan moves forward to adoption to ensure that the Local Plan is genuinely based on an approach that maximises the use of previously developed land.
1302954	Rosemary Everitt	LPMM2666	Object	MM30.17				I write to put forward our objection to the above development, Hospitals, GP's , Schools, can not cope now, also this is green belt , brown belt is the way forward, to save the environment!
1302962	Mr David Everett	LPMM2668	Object	MM30.17				The planned development, if permitted, will inevitably increase the footfall in the Habberley Valley Nature Reserve, not only by the residents of the houses in question.  Historically, when the Valley was owned by the Lord of the Manor, the site was subjected to

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								<p>various outrageous uses – for example, training dispatch riders during WWII, motor-cycle trials round the edge of Pekket Rock shortly after the war, and so on. Since its purchase by Wyre Forest District Council it has been converted into a local nature reserve, and access, though never denied, has been kept within bounds by limiting the number of car parking spaces and use mainly by local residents has been on foot with some small effort.</p> <p>The access roads in any new development will inevitably increase the numbers of human visitors (these days often with dogs – increasingly because of the new occupation of ‘dog walker’). There is absolutely no way that this can benefit wildlife in the valley, and the notion that biodiversity might be one outcome of the housing development is patently absurd.</p> <p>I have been involved in working parties organised by the WFDC rangers and I know that a few years ago it was feared the adder population in the valley had deserted the site. Fortunately, their continuing presence was eventually confirmed. I can’t see any chance that this will remain so as a result of the extra housing supply.</p>

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1302951	Pamela Williams	LPMM2659	Object	MM30.17				<p>I object to the building plans to erect 140 new homes on this beautiful green belt field. The extra traffic to enter exit this new build would make this already busy road more dangerous. Also probably extra traffic onto Coningsby Drive would make more problems. A beautiful area would be robbed of the birds wild life trees/hedges etc.</p> <p>Surely there are more areas in and around Kidderminster that new homes could be built not using green belt.</p>
1299550	Mrs Elizabeth Jones	LPMM2848	Object	MM30.17				<p>Please no more housing. Roads blocked. Cars parked on grass at Franche Estate. Bowling Green closed at White Wickets - moved to Stourport. used by many pensioners who are unable to get there). Our little walks in country will not be enjoyable.</p> <p>Keep all green belts.</p>
1301410	Mr Peter Hill	LPMM3783		MM30.17				<p>Many of the statements put forward in support of the Habberley field development are questionable. For example:</p> <p>MM30.51 - "The retention and enhancement of the hedge on the western edge will provide a strong defensible Green Belt</p>

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								<p>boundary" <b>Clearly the B4190 road is a far more defensible boundary</b></p> <p>MM30.17 Policy30. 6 "<i>The impact of any development on the nearby Habberley Valley Nature Reserve and Local Wildlife Site should be balanced out through biodiversity net gain.</i>" <b>How is this building of a housing estate on a Green Belt field going to enhance biodiversity?!</b></p> <p>MM9.3 Policy 9 v. "Encouraging opportunities for access to fresh food, for example through the retention and provision of allotments, community orchards, fruit trees" <b>Really!? On a 5.6 hectare field containing a housing estate??</b></p> <p>MM9.3 Policy 9 A "Development should help minimise negative health impacts.." <b>Again by removing existing scenically attractive Green Belt and existing paths much relied on by local population?? Really!</b></p> <p><b>These are just four random statements among countless others which are highly controversial, misleading and inaccurate.</b></p>

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								MM8. "Kidderminster and Stourport-on-Severn provide a good range of jobs and services and the opportunities for accessing the public transport network" <b>At peak times traffic on the B4190 and adjoining roads leading in and out of Kidderminster is heavy and congested. There is no opportunity for employment in the vicinity. All working people would have to commute into or through the town and there is no viable bus service.</b>
1299552	Mr Robert Ward	LPMM2689		MM30.17				There is no comment on fuel line across the land affected by this proposal
1300127	Mrs Doreen Davies	LPMM2733		MM30.17				I live on Franche Estate and I think the extra traffic going through the estate is going to make life worse than it is now.  Access to site is going to be dangerous whichever road it's put on.  We are supposed to look after environment not spoil it. It's only a tiny bit of land leave it alone.
1303118	Enal Holdings Limited	LPMM3757	Object	MM30.18				We are writing to you to object to the above planning application for a gypsy site at the rear of the golf club by Birchen Coppice. We are

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								<p>objecting against consultation documents ED57, ED58 and ED59. We are objecting on the following grounds: -</p> <p><b>1.Safety of Students and Users</b> – Centre of Sporting Excellence ('CoSE'), which is the land that we own, is used by users of all ages.</p> <p>CoSE is used as the site where students are taught about football and can achieve qualifications in football. These students are both male and female and the majority of the students are between the age of 16 - 18. However, students who are undertaking Higher Education also use the facilities.</p> <p>At CoSE, we provide a friendly social environment where users of all ages come to enjoy sport. The users that use the site range from the Under 8's team learning to play football all through the age range to include boys, girls, ladies and men's football teams. The site is also used by mature retirees who frequent the two bowling greens. We are fortunate to have a facility where a wide range of users can come and participate in sports such as football, bowling, judo and model car racing within our grounds in the knowledge</p>

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								<p>that the users are largely safe from any outside factors.</p> <p>We are also concerned that students will decide to no longer learn at this site as they will not feel safe walking to and from the site. If they decide to go to other learning establishments, this will have an enormous financial impact on all businesses that use the CoSE site along with local colleges and universities who use the site as training grounds. We ask the committee to look at the objective at 3.1 (page 16) of ED57, which supports that the Council should be looking to support the economic and social growth of the area and create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.</p> <p><b>2. Financial Loss Companies Cannot Afford to Lose</b> – As well as the financial loss that we, the education company, the two bowling clubs and judo club would all suffer if the users stopped using this site, a lot of time and money has been invested into the facilities and the necessary equipment to make the sporting experience enjoyable and attractive. Improving the security of our grounds even further will</p>

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								<p>take significant investment, which is an expense we would prefer not to incur as our business recovers from the impact of Covid.</p> <p><b>3. Effect on the Tranquillity of the Area</b> - The area in which our facility is located is beautiful. We are extremely lucky to have the Burlish Nature Reserve as the backdrop to our grounds. Converting this green belt of land to brown belt to allow the traveller site will diminish the aesthetics of the area significantly. This could make users of our facility think differently about whether they continue to utilise our facility in the future, which goes against our planned intention to increase the number of users at CoSE. We ask the committee to read policy 6B of ED57 which supports the protection of landscapes.</p> <p><b>4. Environmental Issues</b> - Green belts should be retained as much as possible. This will help the current environmental issues that the planet is current experiencing. Green land encourages users to walk and exercise which will assist in less pollution as users will not be using their cars as much. It also helps the NHS, as exercise is recommended to keep users fit and health. Supported by the objective at 3.1, MM9.2 and MM7.4 of ED57 which states that 'once</p>

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								<p>established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified’. We do not believe that the planning of a traveller’s site is an exceptional circumstance.</p> <p><b>5.Loss of Privacy to Young Children and Users</b> - One of the reasons why we feel our junior programme is so attractive to the parents of young boys and girls (under 8 years of age) wishing to take up football, is the privacy that our facility offers. A traveller site on our doorstep puts this privacy at risk. This could make parents think twice about whether our location is somewhere they feel comfortable allowing their child to play football. We also object to the application because despite CoSE being some 52 acres in size, our football pitches are currently over utilised. This is largely due to the size of our football programme which commences at U8 level and goes up to our U23’s. Both the ladies and men’s football teams are also using the facility.</p> <p>There is potential for further demand on our facility as a result of our new and exciting partnership agreement with Kidderminster College, who have ambitions to expand their</p>

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								<p>sports provision on our site, as well as expand their courses in non-sporting areas such as horticulture and catering, which will also be undertake within our grounds and within our education building.</p> <p>As a business, we are looking to expand our site to ensure that we can satisfy the additional demand that could be placed on our facility, so that we don't damage what we already have. Our future vision includes approaching the Council to discuss whether there is an opportunity to lease/purchase land that was previously part of the now defunct golf clubs.</p> <p>We would also use any such opportunity to expand our sports programme beyond football, so that we can provide residents with the opportunity to pursue other sports, such as rugby and cricket. We are aiming to invest in a 3G facility at CoSE so we can take some of the pressure of our grass pitches and provide a venue where supporters can watch our floodlit league teams play football, as well as open the use of the facility to the wider community. Should our vision be realised, the area would be a hub for sport, when you combine it with the facilities at Stourport High School, the facilities at Stourport Sports Club and the</p>

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								<p>facilities at the Wyre Forest Leisure Centre a short drive towards Kidderminster. Our vision is in line with MM20.6 paragraph 20.16 and MM20.8 paragraph 20.19 of ED57 for providing recreational facilities for all age groups.</p> <p>Our concern is that the traveller site will prevent us from realising the vision for our facility and the benefit it will bring to the area and the wider community who will benefit from it.</p>
1303119	Kidderminster Harriers	LPMM3773	Object	MM30.18				<p>We are writing to you to object to the above planning application for a gypsy site at the rear of the golf club by Birchen Coppice. We are objecting against consultation documents ED57, ED58 and ED59. We are objecting on the following grounds: -</p> <p><b>1.Safety of Students and Users –</b> Centre of Sporting Excellence ('CoSE').</p> <p>CoSE is used as the site where students are taught about football and can achieve qualifications in football. These students are both male and female and the majority of the students are between the age of 16 - 18. However, students who are undertaking Higher Education also use the facilities. We use</p>

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								<p>the site for our first team to train as well as to assist in the education of the students along with KHFC ED Ltd.</p> <p>At CoSE, we provide a friendly social environment where users of all ages come to enjoy sport. The users that use the site range from the Under 8's team learning to play football all through the age ranges to include boys, girls, ladies and men's football teams. The site is also used by mature retirees who frequent the two bowling greens. We are fortunate to have a facility where a wide range of users can come and participate in sports such as football, bowling, judo and model car racing within our grounds in the knowledge that the users are largely safe from any outside factors.</p> <p>We are also concerned that students will decide to no longer learn at this site as they will not feel safe walking to and from the site, and if they decide to go to other learning establishments, this will have an enormous financial impact on all businesses that use the CoSE site along with local colleges and universities who use the site as training grounds. We ask the committee to look at the objective at 3.1 (page 16) of ED57, which</p>

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								<p>supports that the Council should be looking to support the economic and social growth of the area and create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.</p> <p><b>2. Financial Loss Companies Cannot Afford to Lose</b> – A lot of time and money is invested into the facilities and the necessary equipment to make the sporting experience enjoyable and attractive. Improving the security of our grounds even further will take significant investment, which is an expense we would prefer not to incur as the business recovers from the impact of Covid.</p> <p><b>3. Effect on the Tranquillity of the Area</b> - The area in which we train is beautiful. We are extremely lucky to have the Burlish Nature Reserve as the backdrop to the grounds. Converting this green belt of land to brown belt to facilitate the traveller site will diminish the aesthetics of the area significantly. This could make users of the facility think differently about whether they continue to utilise the facility in the future, which goes against our planned intention to increase the number of users at CoSE. We ask the</p>

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								<p>committee to read policy 6B of ED57 which supports the protection of landscapes.</p> <p><b>4.Environmental Issues</b> - Green belts should be retained as much as possible. This will help the current environmental issues that the planet is current experiencing. Green land encourages users to walk and exercise which will assist in less pollution as users will not be using their cars as much. It also helps the NHS, as exercise is recommended to keep users fit and healthy. Supported by the objective at 3.1, MM9.2 and MM7.4 of ED57 which states that 'once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified'. We do not believe that the planning of a traveller's site is an exceptional circumstance.</p> <p><b>5.Loss of Privacy to Young Children and Users</b> - One of the reasons why we feel the junior programme is so attractive to the parents of young boys and girls (under 8 years of age) wishing to take up football, is the privacy that our facility offers. A traveller site on our doorstep puts this privacy at risk. This could make parents think twice about whether our location is somewhere they feel</p>

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								<p>comfortable allowing their child to play football.</p> <p>We also object to the application because despite CoSE being some 52 acres in size, our football pitches are currently over utilised. This is largely due to the size of our football programme which commences at U8 level and goes up to our U23's. Both the ladies and men's football teams are also using the facility.</p> <p>There is potential for further demand on our facility as a result of our new and exciting partnership agreement with Kidderminster College, who have ambitions to expand their sports provision on our site, as well as expand their courses in non-sporting areas such as horticulture and catering, which would also be performed on our grounds and in our education building.</p> <p>We would also use any such opportunity to expand our sports programme beyond football, so that we can provide residents with the opportunity to pursue other sports. We are aiming to invest in a 3G facility at CoSE so we can take some of the pressure of our grass pitches and provide a venue where supporters can watch our floodlit league teams play</p>

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								<p>football, as well as open the use of the facility to the wider community. Should our vision be realised, the area would be a hub for sport, when you combine it with the facilities at Stourport High School, the facilities at Stourport Sports Club and the facilities at the Wyre Forest Leisure Centre a short drive towards Kidderminster. Our vision is in line with MM20.6 paragraph 20.16 and MM20.8 paragraph 20.19 of ED57 for providing recreational facilities for all age groups.</p> <p>Our concern is that the traveller site will prevent us from realising the vision for our facility and the benefit it will bring to the area and the wider community who will benefit from it.</p>
1303124	Kidderminster Harriers Football Club Academy	LPMM3775	Object	MM30.18				<p>We are writing to you to object to the above planning application for a gypsy site at the rear of the golf club by Birchen Coppice. We are objecting against consultation documents ED57, ED58 and ED59. We are objecting on the following grounds: -</p> <p><b>1.Safety of Students and Users</b> – Our business works alongside Kidderminster College and the University of Worcester. We provide the practical and educational studies for students</p>

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								<p>keen to explore in sport, but primarily football. Our facility also hosts a number of football matches every week which all of our teams, from our youngest team of U8's through to our higher education students in the U23's, compete in.</p> <p>We operate from the Centre of Sporting Excellence ('CoSE'). CoSE hosts all students on our education programme, with students being taught their programme within the classrooms of the Old Chainwire Club, before performing their practical skills on our football pitches. These students are both male and female and with our students ranging between the age of 16 - 21.</p> <p>At CoSE, we provide a friendly social environment where users of all ages come to enjoy sport. The users that use the site range from the Under 8's team learning to play football all through the age ranges to include boys, girls, ladies and men's football teams. We are fortunate to have a facility where a wide range of users can come and participate or watch sports such as football in the knowledge that the users are largely safe from any outside factors.</p>

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								<p>We are also concerned that students will decide to undertake their studies and football coaching with alternative providers, as they will not feel safe walking to and from our site. This will have an enormous financial impact on us and all businesses that use the CoSE site, including the college and university with whom we are partnered. We ask the committee to look at the objective at 3.1 (page 16) of ED57, which supports that the Council should be looking to support the economic and social growth of the area and create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.</p> <p><b>2.Financial Loss Companies Cannot Afford to Lose</b> – As well as the financial loss that we would suffer if the students stopped using this site, owing to their fear of being in a close proximity to a travellers site, a lot of time and money has been invested into the facilities to purchase the necessary equipment to make the sporting experience enjoyable and attractive.</p> <p>Improving the security of our grounds even further will require significant investment,</p>

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								<p>which is an expense we would prefer not to incur as our business recovers from the impact of Covid.</p> <p><b>3.Effect on the Tranquillity of the Area</b> - The area in which our business is located is beautiful. We are extremely lucky to have the Burlish Nature Reserve as the backdrop to our grounds. Converting this green belt of land to brown belt to facilitate the traveller site will diminish the aesthetics of the area significantly. This could make users of our facility think differently about whether they continue to utilise our facility in the future, which goes against our planned intention to increase the number of users at CoSE. We ask the committee to read policy 6B of ED57 which supports the protection of landscapes.</p> <p><b>4.Environmental Issues</b> - Green belts should be retained as much as possible. This will help the current environmental issues that the planet is current experiencing. Green land encourages users to walk and exercise which will assist in less pollution as users will not be using their cars as much. It also helps the NHS, as exercise is recommended to keep users fit and healthy. Supported by the objective at 3.1, MM9.2 and MM7.4 of ED57 which states that</p>

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								<p>'once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified'. We do not believe that the planning of a traveller's site is an exceptional circumstance.</p> <p><b>5.Loss of Privacy to Young Children and Users</b> - One of the reasons why we feel our junior programme is so attractive to the parents of young boys and girls (starting from 7 years of age) wishing to take up football, is the privacy that our facility offers. A traveller site on our doorstep puts this privacy at risk. This could make parents think twice about whether our location is somewhere they feel comfortable allowing their child to play football.</p> <p>We also object to the application because despite CoSE being some 52 acres in size, our football pitches are currently over utilised. This is largely due to the size of our football programme which commences at U8 level and goes up to our U23's. Both the ladies and men's football teams are also using the facility.</p> <p>There is potential for further demand on our facility as a result of our new and exciting</p>

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								partnership agreement with Kidderminster College, who have ambitions to expand their sports provision with us.
1285677	Mr Gary Danks	LPMM9	Object	MM30.25	No	No	No	<p>This proposal must not be allowed to go ahead as it will have both detrimental on the environment, the green belt land that is used by many to access the rifle range nature reserve, the detrimental implications on the local services schools and access roads, not to mention the already suffering housing market.</p> <p>There are far better more suitable areas on brown fields land to accommodate any builds and to even suggest building on this green belt land is an absolute outrage and one that will not be forgotten at the next local elections.</p> <p>To down grade green belt land just so the council can easily fulfil a duty without actually taking measures to fulfil that duty is a disgrace especially when there are far better sites on brownfields, a reasonable person could only conclude that cost is a primary factor in this proposal.</p> <p>The area is an area on natural beauty and historically important to the local history of this country particularly the events of World</p>

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								<p>War Two and anyone who lived in this area would be aware of that.</p> <p>Watching the live stream of the planning committee, it was wrongly concluded that the road at Kinver Avenue / Zortec Avenue of Walter Nash Road was suitable for heavy vehicles that the traveling community use.</p> <p>The road is not suitable or sufficient and would in my professional opinion will create a safety hazard to pedestrians who use this area to access the beautiful nature reserve, it is an accident waiting to happen and yet the council do not respond to any queries and requests on the assessments that outline any control measures as to the above.</p> <p>As a professional highly qualified Health Safety and Environmental Officer, I would dispute the conclusion that the road is safe and would further ask to see what suitable and sufficient risk assessments have been carried regards access and egress to justify this awful proposal bearing The health and Safety At Work Etc Act 1974 and the Construction Design and Management Regulations 2015 and would seek further proof that the assessments take into consideration that children and other</p>

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								<p>pedestrians would be sharing this already busy area to access the old Golf field and nature reserve!</p> <p>I have requested on many occasions to see the full risk assessments to various parties from the council and planning depts, but these have never been provided despite the legal requirement to provide them.</p> <p>Despite the blatant untrue propaganda issued in the form of statements there was no consultation regarding the original process, the Birchen Coppice area has not had a local paper now for nearly 20 years, there were no leaflets delivered and no one in this area I have spoken to were aware of this proposal.</p>
1197572	Sport England	LPMM553	Object	MM30.25		No		<p>The proposed modifications to paras 30.69 and Policy 30.29 (Former Burlish Golf Course Clubhouse), does not address Sport England's maintained objection to the loss of the former sports facility without appropriate mitigation in line with para 99 of the NPPF, as set out in Sport England's previous representations, and summarized in the completed Statement of Common Ground between the Council and Sport England (see page 8).</p>

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231573	Worcestershire County Council, Planning Economy & Performance	LPMM2753	Support	MM30.26	Yes	Yes	Yes	We note that the site-specific policy AM30.30 for the new allocation “Land off Zortech Avenue LI/13”, previously included a requirement for a minerals resource assessment. This requirement is now proposed to be removed, as it is covered by the comprehensive list of minerals resource assessments proposed in MM16.6. As stated in our response to MM16.6, although removing the requirements from each allocation policy and placing them in the reasoned justification may weaken the emphasis given to minerals (and waste) safeguarding, we are nonetheless satisfied that the combination of MM16.6 and MM29.2 addresses the comments we made at previous stages of plan preparation, and we therefore also support MM30.26 to maintain consistency of approach.
231332	Natural England	LPMM17	Support	MM30.27	Yes	Yes	Yes	We welcome amendments to paragraph 30.74 supporting Policy 30.31 South Kidderminster

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								Enterprise Park (SKEP), Key Diagram and policies map PM.20 to clarify changes to the area of SKEP <u>to exclude</u> Wilden Meadows and Marshes SSSI and the associated former settling ponds west of Wilden Lane. We welcome inclusion of wording in reasoned justification paragraph 30.74 highlighting requirement that potential impacts on this land should be considered as part of any application for development and positive benefits consistent with Policy 11(d) secured to enhance this area.
231573	Worcestershire County Council, Planning Economy & Performance	LPMM2754	Support	MM30.27	Yes	Yes	Yes	We welcome the proposed changes to paragraph 30.74, which accord with our previous comments.

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1300042	Mrs Sam Fitter	LPMM574	Object	MM31.1	No	No	No	<p>Although we agree with the 600 houses on the brownfield site that was once Lea Castle, we totally disagree with the destruction of the beautiful, unspoiled greenbelt countryside surrounding the site which will be totally out of character with the surrounding area.</p> <p>The old hospital site is tree lined which has a good visual impact as you approach the area but the planned extra houses will have a massive detrimental effect both visually and regarding light pollution. We regularly walk our dog around this area and see polecats, deer and bats - all of whose habitats will be destroyed. We would also like to express our total disgust at the disrespect for the views of the local people in the fact that tester holes have already been dug on the A451 and on Axborough Lane. This seems very underhand as if a deal has already been agreed with the developers.</p>
1125905	Barberry Hurcott Limited	LPMM3443	Object	MM31.1-3	No	No	No	<p>The proposed MMs at 31.1 to 31.3 do not reflect the position as accepted by the LPA at the EIP, namely the LPA's acceptance that the proposed new village at Lea Castle is not (of itself) a sustainable location and that it is only the proposed additional c.800 units that renders the allocation sustainable. Given that it</p>

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								<p>is the addition of the c.800 units to the existing c.600 units (which are themselves not in a sustainable location) it remains unclear how the requirements of NPPF 73 have been considered or met (both for the Lea Castle allocation, and in relation to other potential allocations of c.800 units to other areas which themselves may currently be thought of as unsustainable or otherwise constrained but may be made acceptable by an 800-unit allocation extending them). NPPF 73 requires that new settlements or significant extensions are:</p> <p>a. well located;</p> <p>b. well designed; and</p> <p>c. supported by the necessary infrastructure and facilities, including a genuine choice of transport modes.</p> <p>Whilst granting the 600 units may have been granted with the intention of pursuing development on brownfield sites (albeit in a location with poor sustainability) the further release of green belt land with the purpose of increasing the sustainability of that location (given its poor transport and sustainability</p>

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								<p>credentials) appears unjustified. We refer back to the submissions made on behalf of Barberry as to the LPA's failure to properly consider the extensive and substantial adverse impacts of the proposed Lea Castle village(footnote 7), particularly when considered against the provision of NPPF 142 that <i>"Where 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 and/or is well-served by public transport."</i></p> <p>Moreover NPPF 142 goes on to state that plans <i>"...should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land."</i>; in addition NPPF 174(d) requires that plans should provide net gains for biodiversity (and NPPF 179 that opportunities to secure measurable net gains should be pursued). It is inexplicable therefore that MM 31.3 deletes the requirement to provide biodiversity net gain (deleted paragraph 18). Its replacement – the 'expectation of incorporating biodiversity measures in building design' (see proposed paragraph 20) does not appear to meet the</p>

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								<p>requirements of the NPPF to secure through policies a biodiversity net gain. The proposed text at paragraph 12 (the ‘expectation’ of “...a net positive effect on the local Green Infrastructure network”) is not an effective equivalent to securing biodiversity net gain in accordance with the Framework. It is particularly difficult to understand the proposed MM deletion of requiring biodiversity net gain in the context of the Environment Act 2021 have recently secured Royal Assent (and having been well publicised and broadly discussed on its route to the same) and the imminent coming into force of Schedule 14 of that Act (inserting s90A and Schedule 7A into the Town and Country Planning Act 1990 requiring a 10% biodiversity net gain from development).</p> <p>For the reasons set out above we are of the view that the MMs proposed do not result in a Plan which is positively prepared, justified, or effective. The draft Plan does not appropriately release green belt land, leaving a large unmet need for affordable housing whilst making allocations at sites to bolster an otherwise unsustainable location (Lea Castle). It does not provide for a green belt release which seeks to meet current and anticipated future needs nor</p>

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								<p>avoid the need for further green belt boundary reviews either before, or at, the end of the draft Plan period. It is internally inconsistent in its purported prioritisation of both infrastructure and affordable housing provision, and continues to overlook and omit sites which are more policy-compliant than proposed allocations.</p> <p>7 RCA hearing submission (Matter 3) Appendix 2 : Lavigne Lonsdale report (November 2020)</p>
1126889	Gillian Hill	LPMM2	Object	MM31.1 MM31.2 MM7.4, MM25.1 &2	No	No	No	<p>Lea Castle: The whole world is saying NOT to remove anymore wildness, green belt, habitats etc and yet you propose to remove certain green belt boundaries! Secondly, how does human made landscaping help wildlife, flora and fauna which rely on wildness? The fallow deer have now disappeared from the site, even the muntjac have moved on. Thirdly, it states for Lea Castle that attempts must be made to safeguard mature trees - well that's certainly not happened has it, 100s cut down amongst the 1000s of younger ones. Fourthly, the plan refers several times to 'sustainable village'. I cannot see any real sustainability - no solar, no wind, no heat pumps, no hydrogen fuel. How is all the carbon released going to be captured? Trees take years to mature to undo our</p>

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								carelessness. Is the wood used FSC etc? It is all brick, blocks and sand. Fifthly, the removal of the farmers fields to extend the build is criminal. We need locally sourced food in our ever threatened world - less travel miles, less carbon and provides employment in the sowing, harvesting, packaging etc. Finally is there now to be no school with this huge build? So the hundreds of children who will live on the site - where will they go?
1298221	Homes England	LPMM14	Support	MM31.2				<p>Homes England is the Government's housing accelerator tasked with using public land and working collaboratively with partners to deliver houses where they are most needed. Within this context, Homes England remains committed to the delivery of Lea Castle Wider Site to help address the housing challenges in Wyre Forest District.</p> <p>We are currently preparing an outline planning application (with accompanying site specific infrastructure delivery strategy) for submission in 2022 to compliment the timeframes for the Local Plan adoption. All necessary technical assessments and supporting documents will be prepared which will demonstrate a deliverable</p>

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								<p>and policy compliant scheme when assessed against the emerging policies in the Local Plan.</p> <p><b>Comments on the Main Modifications</b></p> <p>We support the modifications proposed by Wyre Forest regarding Lea Castle Village (Chapter 31: Lea Castle Village). However, since the examination, discussions have been held regarding the suitability of a 3G pitch on the Lea Castle Village site and whether an alternative site would be more appropriate. These conversations are ongoing between the local authority, Sport England, and all other relevant parties.</p> <p>To allow for flexibility in delivery of this facility, we would therefore request that the wording in Policy 31.1 (Reference MM31.2) is amended to “ <b><u>Retain Retention</u></b> and <b><u>upgrading of</u></b> 3 existing grass playing pitches and changing facilities together with provision of land for <b><u>either</u></b> an artificial grass pitch (3G) <del>or an additional grass pitch</del> <b><u>or alternative suitable outdoor sport/ recreation facilities</u></b>”.</p> <p>For the avoidance of doubt, we are still committed to facilitating delivery of a 3G pitch</p>

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								for the boroughs needs in line with proposed main modification policy 20.19.
1197572	Sport England	LPMM554	Support	MM31.2		Yes		Sport England supports the proposed modification to part 5 of the policy allocation referencing provision of land for either an artificial grass pitch (3G) or an additional grass pitch, in line with the modifications agreed between the Council and Sport England in the completed Statement of Common ground ( see page 7).
231723	Historic England	LPMM565	Support	MM31.3				Historic England welcomes proposed main modifications MM31.3 - Lea Castle criteria.
231691	Worcestershire Wildlife Trust	LPMM1986	Support	MM31.3	Yes	Yes	Yes	We are particularly pleased to support the additional clarity and requirements added to Policy 31.2 in new parts 13 and 18. We believe that these considerations will be important in delivering development in line with national planning policy.
817914	Environment Agency	LPMM1181	Support	MM32.1				We also support the amended wording to some of the site specifics e.g. Kidderminster Eastern Extension - (Amended criteria for clarity, effectiveness and consistency with sustainable development). We have no comments we wish to make on the Sustainability Appraisal or Policies

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1299299	Dr Peter King	LPMM300		MM32.3				MM32.3-4: information, not an objection: Since the Examination took place, I have prepared an article on the irrigation system, which I expect to be published in a forthcoming issue of <i>Transactions of Worcestershire Archaeological Society</i> . I have supplied a copy of the latest draft (it not being quite finished) to an archaeologist advising the developer and can supply it to the Council.
1299299	Dr Peter King	LPMM301		MM32.4				MM32.3-4: information, not an objection: Since the Examination took place, I have prepared an article on the irrigation system, which I expect to be published in a forthcoming issue of <i>Transactions of Worcestershire Archaeological Society</i> . I have supplied a copy of the latest draft (it not being quite finished) to an archaeologist advising the developer and can supply it to the Council.
1197572	Sport England	LPMM555	Support	MM32.4		Yes		Sport England supports the proposed modification to part 2d of the policy allocation 32.3 referencing provision of playing pitches, in line with the modifications agreed between the Council and Sport England in the completed Statement of Common ground ( see page 7).
231691	Worcestershire Wildlife Trust	LPMM1988	Support	MM32.4	Yes	Yes	Yes	We welcome the additional commentary on the treatment of the Hoo Brook and in

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								particular the wording regarding the brook corridor's protection and enhancement as a wetland reserve. This brings welcome clarity to this part of the policy.
1299944	Mrs Rebecca Johnson	LPMM556	Object	MM33.5	Yes	No	No	<p>In the case of Pearl Lane, Wyre Forest DC appear to be disregarding their own statements which appear within the local plan in which they state that they will protect green landscapes and historic sites and place development on brownfield sites close to existing employment, services and schools.</p> <p>The proposed site on Pearl Lane is not, as suggested in The Reasoned Justification MM33.5 p338, sustainable "the site lies in a sustainable location with good access to schools and buses". The proposed site is not close to existing employment, the local primary school is full to capacity and the nearest secondary school is three miles away across the bridge. Furthermore, the only transport system is the number 3 bus route which is regularly delayed due to the extensive traffic problems that are a daily problem in Stourport town centre. Diamond buses were fined £10,000 by the traffic commissioner following their continued poor timekeeping which was due to traffic congestion within the town. In</p>

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								<p>addition, the only means of access to and from Areley Kings is via the one sole bridge across the river. This constantly exacerbates the already congested area through and around the town centre.</p> <p>I question why ED57 MM33.5 p336 “there is an opportunity to design an area of open space in the northern part and conserve archaeology” has been removed. Building on the proposed site in Pearl Lane will not “protect from development areas that are sensitive because of their landscape and heritage assets”. Similarly, ED57 MM33.5 p338 appears to intimate that “the capacity (250 homes) may be exceeded” which is a major concern.</p> <p>Wyre Forest DC received in excess of 250 objections to the proposed development on Pearl Lane, via the website, a petition and postal objections, yet the local plan “consultation” appears to be ignoring these valid objections. I strongly feel that ED57 MM6.11 p47 “focus will be on suitable green field sites such as Pearl Lane” needs to be removed from the local plan. The objections Wyre Forest DC received voiced local residents concerns about the environment, raised air pollution within the town, increased traffic</p>

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								<p>congestion, and the loss of countryside as well as an archaeological historic site. In addition, the inclusion of Pearl Lane is also strongly opposed by Astley and Dunley Council.</p> <p>I feel that the local plan is contradictory. Wyre Forest DC Local Plan Preferred Options Sustainability Report p29 clearly states that “there are significant amounts of brown field land in Stourport without need for urban extension” and yet the plan is to build on greenfield sites despite previous objections. I feel strongly that the local plan is not sound and is not positively prepared. Consequently, Pearl Lane should be removed from the local plan due to the points raised above.</p>
1299736	Areley Kings, Save Pearl Lane & Dunley Road from Development	LPMM568	Object	MM33.5	No	No	No	<p>Page 336 policy 33.5 point 4.</p> <p>The statement 'There is an opportunity to design an area of open space in the northern part and conserve archaeology' has been deleted. This should remain due to a) the historic roman remains b) lessen the impact on Areley Wood SSSI, the site falls into the buffer zone (Natural England) c) there are desire lines through the hedge in the northern part which are used by walkers from the adjacent development via Cotswold Avenue</p>

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1299736	Areley Kings, Save Pearl Lane & Dunley Road from Development	LPMM570	Object	MM33.5	No	No	No	3) Page 339 policy 33.9 is the new statement 'the capacity (250 homes) may be exceeded if information is provided to demonstrate highway and education capacity is not constrained.' 250 homes originally mentioned in the local plan is a lot of extra demand on local services for a community like Areley Kings and putting this line in gives the developer an opportunity to increase the figure. We are yet to see the effect of the additional forthcoming development at the bottom of Pearl Lane (Malvern Hills).
1299736	Areley Kings, Save Pearl Lane & Dunley Road from Development	LPMM569	Object	MM33.5	No	No	No	<p>Page 338 policy 33.9 Reasoned Justification also concerns residents as the following has been added 'the site lies in a sustainable location with good access to schools and bus services.'</p> <p>This is very subjective as the problem of lack of school places was raised by the County Education spokesperson during the zoom local plan meeting. Indeed the local school on Dunley Road has gone, there are no buses to the nearest Primary School at Princess Way and the Secondary School is a distant 3+ mile distance away at the opposite end of town on the Minster Road, thus exacerbating traffic through the town centre and increasing noise</p>

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								and air pollution for residents. Also, how can it be claimed 'good bus services' when bus company Diamond were issued with a £10,000.00 fine by the traffic commissioner due to punctuality/delay issues specifically relating to the service 3 Areley Kings route. At the public hearing Traffic Commissioner Nick Denton branded the Areley Kings route 'problematic'. Consequently I suggest the additional word of 'sustainable' very subjective.
929261	Barratt Homes West Midlands	LPMM2887		MM33.5				Harris Lamb Planning Consultancy (“HLPC”) are instructed to submit Representations to the Wyre Forest Local Plan Main Modifications consultation by Barratt Homes. These representations relate to proposed Main Modification MM33.5 – Pearl Lane / AKR/14. Barratt Homes control the Pearl Lane site and have submitted a full planning application to Wyre Forest District Council proposing the development of the site for 331 dwellings with associated infrastructure and public open space (reference 21/0031/FUL). The proposed Main Modifications seek an amendment to the policy text to refer to the site providing 250 dwellings. The proposed change to paragraph 33.9 of the Reasoned Justification advises that the 250 dwelling capacity may be exceeded if

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								information is provided to demonstrate that local highways and education capacity are not a constraint to development, and subject to meeting all other policy requirements. This statement has now been overtaken by events. WCC County Council Highways have confirmed that the Transport Assessment submitted with planning application 21/0031/FUL demonstrates that there are no highways constraints to the development of a scheme of 331 dwellings. The response of WCC Education has confirmed that education constraints are not a constraint to development, subject to the applicant entering into a S.106 agreement to fund the creation of primary school place provision. Barratt Homes have confirmed that they are happy to enter into such an agreement. The policy text should, therefore, be amended to reflect the latest available information. It should confirm that the site is expected to provide 331 dwellings.
929261	Barratt Homes West Midlands	LPMM2892	Support	MM33.5				We also support the proposed changes to Part 6 of the policy text. It is not necessary for a 10 metre buffer to be provided either side of the Astley Aqueduct, and the amended text requiring the scheme to take it into account is entirely appropriate.

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929261	Barratt Homes West Midlands	LPMM2894	Support	MM33.5				We also support the removal of Part 9 of the policy, that suggested development should front onto Pearl Lane to help manage the new development into the existing urban area. This would result in the loss of a significant number of trees
929261	Barratt Homes West Midlands	LPMM2889		MM33.5				In terms of the other proposed changes to the policy we support the amendment to access being taken from both the Dunley Road and Pearl Lane. This reflects the application submission.
929261	Barratt Homes West Midlands	LPMM2891	Support	MM33.5				We also support the reference to removal of Part 4 of the policy, that refers to an area of open space being provided in the northern part of the site and the need to potentially conserve archaeology in situ. It is not necessary for this section of the site to remain open to buffer the settlement of Dunley, which is approximately 450 metres away from the edge of the site at its closest point. The Landscape and Visual Impact Assessment submitted with the application does not suggest there is any sensitivity in terms of the schemes impact on Dunley. The planning application was accompanied by a Geotechnical Study, and a trial trenching report, which have not identified any

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								archaeological constraints to the development of this section of the site.
929261	Barratt Homes West Midlands	LPMM2893	Support	MM33.5				We also support the changes proposed to Part 7 of the policy as it is not practically possible to open up the spring fed culvert watercourse that runs through the site given its depth below ground level.
1300164	Mr Haydn Wootton	LPMM2641	Object	MM33.5	No	No	No	<p>Although the Wyre Forest DC local plan contains many statements &amp; assertions about protecting green landscapes &amp; historic sites, placing development on brownfield sites close to existing employment, services &amp; schools, all of this seems to be irrelevant to the case of Pearl Lane. There have been many modifications to the ED57 document including MM6.7vii p38 "protect from development areas that are sensitive because of their landscape &amp; heritage assets" &amp; MM9.3A p84 "development should minimise negative health impacts...providing green spaces".</p> <p>Why is it then that in ED57 MM33.5 p336 "there is an opportunity to design an area of open space in the northern part &amp; conserve archaeology" has now been deleted? Similarly, ED57 MM33.5 p338 now seems to suggest "the capacity (250 homes) many be exceeded". The Reasoned Justification MM33.5 p338 now</p>

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								<p>states " The site lies in a <i>sustainable</i> location with good access to <i>schools &amp; buses</i>". Who says "sustainable". The main secondary school is a distant 3 miles away right over the other side of town &amp; the bus service is very poor, as anybody in Areley Kings would tell you. Buses are regularly delayed due to problems getting over the sole bridge due to congestion in the town centre. Indeed, the Areley Kings route was the subject of a £10,000.00 fine by the traffic commissioner. here is also virtually no employment on the Areley Kings side.</p> <p>Approximately 250 people objected to proposed development on Pearl Lane via the Wyre Forest DC planning portal &amp; a petition, yet the local plan "consultation" seems to be doing exactly the opposite in the case of Pearl Lane by ignoring objections, proposing to destroy green landscapes (with a historic site) &amp; placing development away from schools, railways &amp; employment. I feel that statement ED57 MM6.11 p47 "focus will be on suitable green field sites such as Pearl Lane" needs removing from the local plan. Not only due to the negative effect development would have on the residents &amp; environment, but also it contravenes the WFDC Local Plan Preferred Options Sustainability Report p29 statement</p>

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								<p>"there are significant amounts of brownfield land in Stourport without the need for urban extension".</p> <p>Sadly, the local plan is in danger of being contradictory claiming one set of values but choosing to do the opposite. Consequently, unless Pearl Lane is removed I consider the local plan not sound &amp; not positively prepared. The inclusion of Pearl Lane is also strongly opposed by neighbouring authority Astley &amp; Dunley Council.</p>
231691	Worcestershire Wildlife Trust	LPMM1990	Support	MM33.6	Yes	Yes	Yes	We welcome the amendments made to Policy 33.7. We are pleased to support the changes made in (renumbered) parts 5,6 and 7 and welcome the additional clarity they bring. This should help to make the policy more effective.
1197572	Sport England	LPMM557	Object	MM33.7		No		The proposed modifications to para 33.12 and policy allocation 33.8 (Land west of former school site Coniston Crescent) do not address Sport England's objection to the loss of the existing golf course without equitable mitigation in line with para 99 of the NPPF, as explained in Sport England's previous representations and summarized in the completed Statement of Common ground (see page 8-11)

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1197572	Sport England	LPMM558	Object	MM33.12		No		The proposed modifications to para 33.27 & 33.28, and policy allocation 33.16 (School site Coniston Crescent) do not address Sport England's objection to the loss of playing field without equitable mitigation in line with para 99 of the NPPF and Sport England's Playing Fields Policy and Guidance, as explained in Sport England's previous representations and summarized in the completed Statement of Common ground (see page 8-12)
536839	Taylor Wimpey West Midlands	LPMM3065	Object	MM33.12				Harris Lamb Planning Consultancy ("HLPC") are instructed to submit representations to the Wyre Forest District Local Plan Main Modifications Consultation by Taylor Wimpey. Our representations relate to proposed Main Modification MM33.12 - Proposed Changes to Policy 33.16 - School Site Coniston Crescent MI/38. The proposed Main Modifications seek to amend the policy text to advise that "vehicular access to should be taken from the Kingsway adjacent to the allotments." The Reason for the Change given is to amend the criteria for clarity and effectiveness. As detailed in our Representations to the Submission Plan and our Hearing Statements it is our view that the policy should refer to vehicular access being taken from either the Kingsway or Coniston Crescent. Indeed, of the

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								<p>two proposed access points it is clear that Coniston Crescent should be the preferred option. The Kingsway access necessitates development within the Green Belt, unlike Coniston Crescent. Attached to Appendix 1 of these Representations is a copy of the Committee Report for planning application 21/0030/FUL. This planning application proposed the development of 110 dwellings, including 18 affordable units, together with associated infrastructure, access and public open space at site 33.16 - School Site Coniston Crescent MI/38. The application was submitted as a 'full' application. Access was proposed off Coniston Crescent. As confirmed in Section 2.2 of the Committee Report Worcestershire County Council Highways have no objection to the scheme on highways grounds. It is confirmed that whilst it is acknowledged that Coniston Crescent is likely to generate objections from existing residents in the local community, the highway is in an appropriate standard to accommodate the increased traffic during the school drop off and pick up periods. As detailed in paragraphs 4.54 through to 4.61 the District Council have appointed independent Highways Consultants (Hub Transport Planning) to review the Transport Assessment. The HTP Assessment concludes</p>

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								<p>that “it would (the Coniston Crescent access) not have an unacceptable impact on highway safety nor would the traffic have a “severe” impact on the operation of the local highways network”. There is, therefore, no technical reason why the Coniston Crescent access should not be supported. Whilst Members refused to grant planning permission for the development contrary to the Officers recommendation on highways grounds there is no evidence to underpin any suggestion that Coniston Crescent is not a suitable access. Furthermore, the development of the Kingsway access will introduce additional built development in the Green Belt. It is necessary to create a road between the edge of the development site and the Kingsway urbanising this section of Green Belt. The road would result in additional building material being required, that is less sustainable than using the Coniston Crescent access. It would also result in significantly increased development costs, that would reduce the quantum of affordable housing that can be provided on viability grounds. This matter was agreed with Officers during the course of the determination period. It is, therefore, our view that Main Modification 33.12 should be revised to refer to access being taken from either Coniston</p>

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								<p>Crescent or The Kingsway given that there are no technical issues associated with the Coniston Crescent access. This modification is required for the plan to be found sound. Suggesting that development should be take from the Kingsway as opposed to Coniston Crescent is not “justified” (NPPF 33.b) or “consistent with national policy” (NPPF 33.5) given that the development of the Kingsway access will result in development within the Green Belt when a non Green Belt option is available.</p> <p>Supporting documents for this response are included at Appendix 6 of this Summary of Responses.</p>
1197572	Sport England	LPMM559	Object	MM33.17		No		<p>The proposed modification to the final line of para 33.38 is not factually accurate to describe the type of existing artificial grass pitches (AGP’s). The existing AGP’s are sand dressed hockey pitches, not 3G AGP’s which are a different type of surface filled with rubber crumb. There are no 3G pitches currently at Stourport Sports Club, but there are three sand AGP’s for hockey. The reference to football/3G AGP’s is incorrect and should be removed from the proposed modification.</p>

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1299737	Bewdley Civic Society	LPMM571	Support	MM34.2	Yes	Yes	Yes	The Bewdley Civic Society has considered the document Local Plan (July 2021) as it affects Bewdley. We note 34.2 and 34.4 and have no objection to either of these.
1299727	Mrs Angela Davies	LPMM439	Object	MM34.3	No	No	No	<p>NO NO NO Green belt land must not be built on under any circumstances. That's why it's green belt....protecting open spaces, flora and fauna for future generations. If allowed to be developed it would never be returned to open land destroyed forever. I do not believe that the suggested development is for local people and any incoming population will only add further crises to our roads, schools and local facilities. There are insufficient jobs in this area too meaning that any incoming population will have to travel out of the district for work creating further traffic problems.</p> <p>Specifically the Stourport road triangle will create such intense traffic problems....it's a major source of traffic fumes and congestion as it is now. The land should always remain in green belt for all the wildlife that has existed there for many many years</p>
1199839	Euro Property Investments Ltd.	LPMM1916	Support	MM34.3	Yes	Yes	Yes	Harris Lamb Property Consultancy are instructed by Euro Property Investments Ltd. ("EPIL") to submit representations to the Proposed Modifications Consultation to the

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								<p>Wyre Forest Local Plan.</p> <p>EPIL own and are promoting land at Stourport Road, Bewdley which is identified as site to be removed from the Green Belt and to be allocated for residential development.</p> <p>Our representations to the Pre-Submission Draft version of the Plan made a number of specific comments about the detailed wording of the site policy. We, therefore, welcome and support the changes that are now proposed to the policy as part of the Proposed Modifications to the Plan.</p> <p>We set out below our detailed comments to the changes that are listed in MM34.3 of the Proposed Modifications Document.</p> <p>Paragraph 34.7</p> <p>We support the introduction of the revised text that confirms that the site is to be allocated for approximately 100 homes with access from Stourport Road. EPIL currently have a planning application lodged with the Council seeking outline planning permission for up 100 dwellings which was submitted to accord with the draft policy at the time. The revised wording provides the opportunity to seek approval for in excess of 100 units if</p>

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								<p>desired. We, therefore, welcome the introduction of this added flexibility and ability to deliver an increased number of dwellings on the site should this be possible having regard to other site constraints.</p> <p>Similarly, we agree that access to the site should be taken from Stourport Road. The submitted outline planning application is submitted with all matters reserved apart from access. The access that has been proposed is from Stourport Road so is entirely in accordance with the proposed revision set out here.</p> <p>Policy 34.2 Stourport Road Triangle</p> <p>We refer to the numbers used in the Proposed Modifications Document.</p> <p>1. The change confirms that access is to be taken off Stourport Road. As noted above, we support this change and confirm that the current outline planning application proposes such an access arrangement into the site. The proposed change is acceptable to EPIL.</p>

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								<p>2. We agree and support the clarification that states that the northern part of the site should remain as open space as it is part of the former walled garden. We also support the deletion of the requirement to provide pedestrian gate through the retained brick wall and reiterate again that the representor does not have legal title to the wall and, therefore, would not have the ability to comply with such a requirement. Notwithstanding this, a new footpath connection from the western extent of the site onto Stourport Road close to the junction of Sandbourne Lane will ensure pedestrian connectivity to the north of the site. This change is supported.</p> <p>3. We have no objection to the introduction of the word 'The' to this part of the policy.</p> <p>4. We welcome the change to the policy that seeks to restrict storey height to the equivalent of two storeys noting that in doing so, this would allow the roof space to be used for additional accommodation if needed or desired. This change addresses our concern and provides the flexibility that we were seeking. In proposing the change, we note that this will not result in an adverse impact on</p>

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								<p>nearby heritage assets so again are content with these changes to the policy.</p> <p>5. We have no objection to the requirement to provide enhanced green infrastructure to the Riddings Brook in the form of a buffer strip. The current masterplan submitted in support of the outline application incorporates such a buffer and therefore, we are happy that the submitted scheme is in accord with the proposed change.</p> <p>6. We welcome the deletion of the two requirements to provide SUDs and a Flood Risk Assessment. Both requirements are covered elsewhere and are not, therefore, needed in the policy. We support this change.</p> <p>7. We have no objection to the requirement to provide a noise survey to support development on the site. EPIL have done this as part of the outline planning application and agree that the findings of the survey will be used to inform any mitigation that is required in order to deliver an acceptable noise environment for new residents on the site. The exact mitigation required will be determined at the time when approval of reserved matters is sought as this will relate to the detailed planning layout</p>

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								<p>under consideration, as opposed to an indicative masterplan.</p> <p>8. We have no objection to the requirement to supplement hedgerows on the site in order to help create connectivity to the woodland to the north.</p> <p>Paragraph 34.8</p> <p>We welcome the introduction of the text in this paragraph confirming that the site is a sustainable location and that it will help meet the housing needs of Bewdley. Similarly, we welcome the clarification on the building height point in that rooms in the roof would equate to a third storey but would not necessarily increase the height of the proposed dwellings. This provides an acceptable way forward for EPIL.</p> <p>We, therefore, ask that you take our comments into consideration and note our general support for the changes that you are now proposing to make to the Plan. Should there be a need to comment on the Plan further, we ask that we are informed of this process. Otherwise, we trust that you have everything you need and that you are able to</p>

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								conclude the consultation and Examination process.
1299737	Bewdley Civic Society	LPMM572	Support	MM34.4	Yes	Yes	Yes	The Bewdley Civic Society has considered the document Local Plan (July 2021) as it affects Bewdley. We note 34.2 and 34.4 and have no objection to either of these.
231577	Persimmon Homes Limited	LPMM3140	Object	MM34.4	Yes	No	No	RPS support the majority of the modifications in relation to MM34.4, notably the increase to the scale of the proposed allocation from 75 to 80 dwellings. RPS consider that this quantum is grounded in evidence, and draws on capacity plans shared with the Council. For clarity, RPS can confirm that there will be no impact on the existing lay-by, as requested by the Council's proposed addition to the policy. The proposed access will not encroach on this land either directly or indirectly, and this aspect of the policy can be satisfied. However RPS has some main points of concern. Firstly, there is an error on the Proposals Map which relates to section 7 of the policy. RPS advocate that the entire parcel (including the western flank adjacent to the existing north-south footpath) is taken out of the Green Belt to ensure that the proposed western footpath and cycle link can be provided easily alongside other necessary infrastructure such as the Pumping Station. It will be difficult to deliver a

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								comprehensive scheme unless this is achieved. We have made separate representations on the matter in relation to the Proposals Map. Secondly, it is noted that Persimmon Homes are proposing to gift the western land parcel (to the east of the church) to the Town Council. This is not a policy requirement but a proposal willingly offered during our discussions, creating a wider compensation benefit to support the Local Plan. As such, RPS therefore question the need for further planning contributions to bring forward improvements to the rear of Lodge Close. Lastly, RPS observe the need to connect to the wider footpath network where feasible. This principle is supported, though RPS consider that the policy should be more specific – noting the potential connection to Route 648(B) to the west, to avoid any ambiguity about what the wider network refers to.
541228	Mr Robert Watkins	LPMM567	Object	MM/36.2		No		<p>I objected to this site in 2018 as being an unsustainable location, in open countryside, and too remote from the settlement boundary of Far Forest.</p> <p>The main modification (MM/36.2) contains factual errors: the site is <u>not</u> previously developed land because it is agricultural (as</p>

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								<p>defined by Sec 336 of the 1990 Act) and therefore contradicts the definition of pdl as set out in the NPPF (paras 70/71).</p> <p>Also it is <u>not</u> 'located just outside the settlement boundary at Far Forest,' it is some 150m from the western boundary of the proposed settlement boundary.</p> <p>This site should be remove from the Local Plan, as it is not a sustainable location and is contrary to the NPPF.</p>
260520	Campaign to Protect Rural England	LPMM302		MM36.1				MM36.1 As in MM18.2 the use of data from the Housing Register is inappropriate, unless this is explicitly limited to persons on the Register who have a close link to the Far Forest area, for example by living there, working there, or having relatives there who need care.
260520	Campaign to Protect Rural England	LPMM303		MM36.2				As in MM18.2 the use of data from the Housing Register is inappropriate, unless this is explicitly limited to persons on the Register who have a close link to the Far Forest area, for example by living there, working there, or having relatives there who need care.

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1298333	Mr John Parkes	LPMM15	Object	MM36.2 page 383	No	No	No	<p>I'm not qualified to say if the document is legally compliant therefore I have had to tick "no" because there is not a N/A option.</p> <p>The plan still includes the Bill White Nursery (also recently called Lem Hill Nursery) and clearly has difficulty with the justification because it states the need to retain and strengthen hedges and set back from the road to retain the rural nature of the location, and the danger of water contamination into the nearby SSSI. In my mind this site is outside the village boundary and hence should not be a development site. The plan talks about other sites in the Far Forest area having been considered but rejected due to ecology issues. This is surely not "reasoned justification" to include the nursery site; in fact if you consider other local sites difficulties then this site may share those issues.</p> <p>Other local applications have been rejected due to concerns over traffic on the main road, and yet this proposed development will suffer the same traffic issues.</p> <p>Any development in this area will create significant commuter journeys to find</p>

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								<p>employment, which is contrary to the economic plan.</p> <p>The inclusion of this site does not match the wider justification and aims as stated in the previous 382 pages of the document, hence the site should be removed from the plan.</p> <p>I've spoken with a number of local residents who would like to have responded but they felt that after receiving an email, that contained a letter, that called a web site, that referenced separate documents, and then requested the use of a response portal, that required registration, to record their concerns; well they simply gave up. Many of the residents of Far Forest are older and not ICT literate hence responses received will be biased to the young.</p>
1298333	Mr John Parkes	LPMM576	Object	MM36.2 page 383	No	No	No	<p>I have shown my previously provided comments to Mr Gerald Lewis and he has asked me to submit his objections to the plan on the same grounds that I objected. He does not have access to email at this point in time.</p> <p>Gerald believes the inclusion of Bill White Nursery (also recently called Lem Hill Nursery) is inappropriate because it is outside the village boundary, and if developed will just</p>

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								<p>lead to further requests to develop the land between it and the existing village thus creating a large scale development in a small village. The document itself states the need to retain and strengthen hedges and to be set back from the road to retain the rural nature of the location, and the danger of water contamination into the nearby SSSI. The site is outside the village boundary while there is still land available for modest development within the existing village area. The document talks about other sites within the Far Forest area having been considered but rejected due to ecology reasons. This is surely not "reasonable justification" to include the nursery site, rather it is reason to reject the other sites, and if anything it should suggest that the difficulties experienced with those sites are likely to be shared with this site.</p> <p>Other local planning applications have been rejected due to concerns over traffic on the main road, and yet this proposed development will suffer the same traffic issues.</p> <p>Any development in this area will create significant commuter journeys to find employment, which is contrary to the</p>

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								<p>economic plan, and will remove one of the few employment opportunities within Far Forest.</p> <p>There is ample scope in the plan to expand Kidderminster to the east, plus development in Bewdley and Stourport, to enable all targets to be achieved, and these are areas with demand, infrastructure, and employment opportunities. The site at Far Forest does not fit with the other logical expansion required within the Wyre Forest area.</p> <p>Other local residents also object to the inclusion of this site within the greater plan but they are frustrated in expressing their concerns due to the complexity of the consultation process.</p>
260520	Campaign to Protect Rural England	LPMM304		MM36.3				As in MM18.2 the use of data from the Housing Register is inappropriate, unless this is explicitly limited to persons on the Register who have a close link to the Far Forest area, for example by living there, working there, or having relatives there who need care.
1225187	Mrs Claire Wood	LPMM2455	Object	MM36.5	No	No	No	

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								<p>MM36.5 My objections are as follows:</p> <ul style="list-style-type: none"> <li>• The site is accessed from Station Drive adjacent to the level crossing. There is no existing access into the site from Lynwood Drive, a residential cul de sac, and therefore this point is factually incorrect in the draft Local Plan and should be corrected. It raises a concern that it infers an existing right of access onto Lynwood Drive that does not exist;</li> <li>• The evidence base for the need for such a large development of parking was flawed to begin with; and the evidence and growth forecasts provided by SLC Rail have not been tested. In addition, I would argue they are no longer relevant given the pandemic (I refer you again to the fact that commuter passenger numbers remain at 45% of pre pandemic levels nationally (see <b>BBC</b>) and demand within Blakedown itself is negligible);</li> <li>• The treatment of Kidderminster and Blakedown Stations should not be interchangeable. Kidderminster has more frequent and varied services, hence its greater use. Creating additional parking at Blakedown with a less frequent and frankly, at the</li> </ul>

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								<p>moment at least, an utterly unreliable service will not attract commuters to park there; even if people were using trains to travel to work, which clearly they are not. Blakedown should not be used as the scapegoat because the authorities have failed to solve a parking problem at Kidderminster Station and the quality of life for Blakedown residents should not be sacrificed for a perceived parking need that is no longer there;</p> <ul style="list-style-type: none"> <li>• WFDC have also not sufficiently considered the potential for expansion of Kidderminster Station car park to accommodate the perceived need for the transport hub; nor have they collaborated with neighbouring local authorities to identify more practical/viable transport hub. FFor example, Hartlebury Station (Wychavon District Council) is arguably more accessible to residents of the southern and western sides of Kidderminster, Bewdley and Stourport; it is adjacent to large parcels of brownfield land and has a significantly more appropriate surrounding road network than the narrow village streets and often single file country lanes approaching Blakedown. I would challenge WFDC to be more holistic in their approach; just because Blakedown is the only alternative station in the WFDC area, does not</li> </ul>

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								<p>make it the right answer to any perceived transport needs;</p> <ul style="list-style-type: none"> <li>• The lapsed planning consent for Station Yard 08/0430/FULL - Change of use to car park, landscaping and associated works was for only 34 cars, so the current proposal is a significant increase and again the need has not been adequately evidenced by WFDC. Additionally, that lapsed planning permission contained numerous conditions to safeguard the amenity of neighbouring residents including landscaping, lighting, hours of use, and retention of boundary trees – many of which have now been removed. (Again please also refer to 19/0380/FULL as highlighted above);</li> <li>• In the recently refused application for residential development of Station Yard 14/0661/OUTL, there was concern by the Planning Officer about significant loss of amenity to residents of neighbouring houses on Lynwood Drive and Swan Close. This view was shared by the Planning Inspector at Appeal. The proposed access/egress to the car park from Lynwood Drive only serves to exacerbate that situation.</li> </ul>

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								<ul style="list-style-type: none"> <li>• Lack of detail and consideration of highways issues, access and proximity to level crossing. Junction layouts, in particular the proximity to A456/Station Drive, Lynwood Drive and Roxall Close and proximity to level crossing will cause significant access issues into and out of the site;</li> <li>• In addition, should the development of Green Belt land at (WFR/CB/3) off Station Drive and opposite Lynwood Drive go ahead, as is proposed in the current draft of the WFDC Local Plan, then the combination of additional traffic from that plus the Station Yard development could create up to 400 additional vehicle movements a day at a junction and on roads that are not designed to cope with that level of traffic . (Again please also refer to 19/0380/FULL as highlighted above);</li> <li>• The road network in immediate vicinity of site is inappropriate for such an intensification of use. It is designed to primarily serve a small residential area. Lynwood Drive is a cul de sac of circa 35 houses. Lynwood Drive/Station Drive were not designed to cope with 180+ additional vehicle movements per day associated with an 87 space station car park;</li> </ul>

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								<ul style="list-style-type: none"> <li>• Requirements for traffic calming and on street parking management have not been considered;</li> <li>• Concern over use of unsuitable country lanes; already congested A and B road network to reach Blakedown station namely: <ul style="list-style-type: none"> <li>▪ From North West/Lea Castle - via Hurcott Lane, Perriford Lane, Waggon Lane, Churchill Lane, Stakenbridge Lane, Mill Lane;</li> <li>▪ From North East/Hagley via A456; and</li> <li>▪ From South/East via B4188 Belbroughton Road/junction with A456</li> </ul> </li> <li>• There are significant numbers of school children who utilise the train station to get to nearby secondary schools arriving at the station from all directions; and the proposed increase in traffic will bring additional safety risks for them;</li> <li>• Additionally, there are significant numbers of school children and their families who walk to school using Churchill Lane, Mill Lane, Sculthorpe Crescent, Lynwood Drive and Station Drive to get to Blakedown Primary School with a considerable number of parents using Station Drive/Lynwood Drive as a short term parking option for drop off and pick up of</li> </ul>

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								<p>both primary and secondary school children. That has an implication both for the safety of pedestrians and the flow of traffic during the morning peak period in general and in particular for the junction of Churchill Lane and Mill Lane which narrows to single file and has no pavement for pedestrians from that junction up to the junction with Sculthorpe Crescent;</p> <ul style="list-style-type: none"> <li>• Additionally, there significant numbers of horse riders, dog walkers and ramblers who regularly use the surrounding country lanes and increased traffic will again create a safety issue for them;</li> <li>• Should the proposed development go ahead, careful consideration needs to be given to a number of safety concerns namely: <ul style="list-style-type: none"> <li>▪ the safety of the increased numbers of commuters moving between Lynwood Drive, a poorly lit and narrow residential street, to the station itself;</li> <li>▪ the impact of the increased pedestrian traffic over the level crossing to access Platform 2 (to Birmingham) which currently has quite a narrow space for pedestrians and the proximity of pedestrians to vehicles whilst on the level crossing; and</li> </ul> </li> </ul>

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								<ul style="list-style-type: none"> <li>▪ the safety of disabled commuters; the impracticality of disabled access and the considerable distance between the car parking the proposed disabled parking bays therein and the station itself</li> <li>• In addition, no consideration has been given to the use of The Avenue which will inevitably become the thoroughfare for pedestrian, not Lynwood Drive, which again poses safety issues as it is not lit and is, for the most part, simply a dirt path and unsuitable for commuters and particularly wheelchair users;</li> </ul> <p>It is in fact feasible that this proposal would drive local residents to using their cars far more for short distances and certainly between the two villages of Churchill and Blakedown as it would be deemed safer than being a pedestrian which could isolate the villages from each other and create unnecessary vehicle journeys and pollution;</p> <ul style="list-style-type: none"> <li>• Loss of amenity to neighbouring houses due to traffic and pollution;</li> <li>• Residents of Station Drive, Lynwood Drive and Mill Lane will suffer from <ul style="list-style-type: none"> <li>▪ increased traffic,</li> <li>▪ intensification of use of a redundant</li> </ul> </li> </ul>

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								<p>industrial site</p> <ul style="list-style-type: none"> <li>▪ significantly higher level of vehicle movements compared to when the site was in use as an oil depot and car storage yard (via car transporters)</li> <li>▪ light pollution</li> <li>▪ noise pollution</li> <li>▪ potential anti-social behaviour</li> </ul> <p>all during current rail operating hours of circa 06.00 to 23.30 - ie anti-social residential hours in mornings and evenings based in the current rail timetable which we anticipate could be changed to reflect the increased use of the Station;</p> <ul style="list-style-type: none"> <li>• In the recently refused application 19/0380/FULL, relating to a proposed change of use for a residential home in Roxall Close (off Lynwood Drive) to be used for business purposes, the application was rejected by WFDC on the grounds of dangerous vehicle movement on Lynwood Drive and Roxall Close not suitable for a solely residential area. The Council said “the additional and frequent vehicular movements to and from the property are considered to be harmful to the amenities</li> </ul>

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								<p>and ambience of this otherwise solely residential area”.</p> <ul style="list-style-type: none"> <li>• Please also refer to Planning Inspector’s Appeal Decision re APP/R1845/W/19/3234813 dated 18 December 2019, In particular paragraphs:</li> </ul> <p>9. To my mind and based on all that is in the evidence before me, the use generates a discernible level of activity over and above the activities associated with the predominantly residential uses on the street. The regular comings and goings associated with the business activities are out of step with the quiet residential character of the area.</p> <p>10. For the foregoing reasons I conclude that the development unacceptably harms the character of the area.</p> <p>That change of use application would have only added at the most 10 to 20 daily additional vehicle journeys to this residential neighbourhood not the potential for 180 under the proposal for the car park at Station Yard.</p> <p>Finally, per my point above, I can see no evidence whatsoever that WFDC have</p>

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								<p>considered the joint impact of developing the land at Station Yard for car parking and the development of the Green Belt land in Blakedown (WFR/CB/3) for affordable housing development/parking. The cumulative effect on road traffic up to a potential of 600 additional vehicle movements on small village roads per day assuming:</p> <ul style="list-style-type: none"> <li>• 174 vehicle movements if all proposed spaces at Station Yard are utilised;</li> <li>• Upwards of 300 vehicle movements if the car park is built on the land released from Green Belt; and</li> <li>• 100 vehicle movements assuming 50 houses with 2 cars per household</li> </ul> <p>would completely overload the A456/Station Drive/Lynwood Drive junctions, particularly when you consider the proximity to the level crossing. It will have a serious negative impact on a village road network not suitable to such a volume of additional vehicle movements; and significantly increase risks for both road traffic and pedestrian safety (including significant numbers of school children travelling to and from the village primary school and using the station for travel to high school). Not to mention the detrimental effect on local</p>

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								residents living in the Station Drive/Lynwood Drive/Roxall Close/Mill Lane/Mill Close/Sculthorpe Road.
231629	Churchill & Blakedown Parish Council	LPMM3943	Object	MM36.5				<p><b>The evidence base for the requirement of land at Station Yard, Blakedown, is flawed</b> The statistics and growth forecasts adopted by SLC Rail have not been verified or tested. Blakedown has a limited need for additional parking spaces by 2043. The evidence base in SLC Rail's Report pre-dates that used in Worcestershire County Council's LTP4 Report. It is contradictory and embellishes the need for further parking in Blakedown. The additional evidence produced by the Council contradicts that of Worcestershire County Council's LTP 4 and appears to be based on unsubstantiated evidence. The future need for parking has been manufactured to justify the substantial urban extension at Lea Castle, which is clearly going to have significantly adverse impacts upon the surrounding infrastructure.</p> <p><b>Effect of Covid Pandemic</b> Given commuter passenger numbers remain at 45% of pre pandemic levels nationally (see BBC) and</p>

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								<p>demand within Blakedown itself is negligible we would question whether the development is in fact required at all.</p> <p><b>The treatment of Kidderminster and Blakedown Stations should not be interchangeable</b> Kidderminster has more frequent and varied services, hence its greater use. Moving a perceived (and questioned) car parking requirement 3 miles along the road to meet WCC's plans will not solve the problem.</p> <p><b>The identified housing sites in The Plan to the eastern side of Kidderminster are not sustainable in transport terms which has caused the “push” eastwards to Blakedown</b> The proposed extension to the eastern side of Kidderminster and Lea Castle has resulted in significant sustainability concerns in terms of the capacity for Kidderminster to support such growth from a transport point of view. The Council have effectively pushed the additional growth and transport pressures from Kidderminster on to Blakedown. Using a small scale village such as Blakedown to overcome the sustainability issues of Kidderminster fundamentally</p>

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								<p>undermines the sustainability credentials of this Local Plan.</p> <p><b>The Council's approach is contrary to NPPF</b> A proper assessment of alternative potential sites, including both non-Green Belt and Green Belt locations does not appear to have been carried out, especially in co-operation with neighbouring Authorities. The Council has not demonstrated proper regard to sustainable development objectives, or that the proposed brownfield and green belt sites are the most sustainable options taking account of all relevant factors including travel impacts, loss of amenity, and seriously compromising the basic purposes of including land in Green Belts. In particular, Hartlebury Station (Wychavon District Council) is arguably more accessible to residents of the southern and western sides of Kidderminster, Bewdley and Stourport, and which is adjacent to large parcels of brownfield land.</p> <p><b>No regard to the adopted Churchill &amp; Blakedown Neighbourhood Plan</b></p>

**Appendix 1 – Responses made on the Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)**

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p><b>Adequate requirements for traffic calming and on street parking management have not been considered</b></p> <p><b>Lack of detail and consideration of highways issues, access and proximity to level crossing</b> Junction layouts, in particular the proximity to A456/Station Drive, Lynwood Drive and Roxall Close and proximity to level crossing will cause significant access issues into and out of the site. In addition, should the field opposite the entrance to Lynwood Drive be released from Green Belt for housing development, as is proposed in the current draft of the WFDC Local Plan, then the combination of additional traffic from that plus the Station Yard development will further exacerbate the situation potentially creating in excess of 150 additional vehicle journeys at a junction and on roads that are not designed to cope with that level of traffic</p> <p><b>The site is accessed from Station Drive adjacent to the level crossing.</b> Policy states <i>“This narrow site is accessed off Lynwood Drive and lies adjacent to the main railway line”</i>. There is <u>no</u> access into the site</p>

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Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p>from Lynwood Drive, a residential cul de sac. It is accessed from Station Drive.</p> <p><b>Road network in immediate vicinity of site is inappropriate for such an intensification of use</b> It is designed to primarily serve a small residential area. Lynwood Drive is a cul de sac of circa 35 houses. Lynwood Drive/Station Drive were not designed to cope with 174+ additional vehicle movements per day associated with an 87 space station car park.</p> <p><b>Concern over suitability of wider local road network - use of unsuitable country lanes; already congested A and B road network to reach station and increased speeding:</b> The surrounding road network that would be used to bring traffic into Blakedown comprises narrow country lanes and already congested A and B roads.</p> <ul style="list-style-type: none"> <li>• From North West/Lea Castle - via Hurcott Lane, Perriford Lane, Waggon Lane, Churchill Lane, Stakenbridge Lane, Mill Lane</li> <li>• From North East/Hagley via A456</li> <li>• From South/East via B4188 Belbroughton Road/junction with A456</li> </ul>

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								<p><b>Safety of pedestrians and other road users</b> There are significant numbers of school children who utilise the train station to get to nearby secondary schools arriving at the station from all directions; and the proposed increase in traffic will bring additional safety risks for them. Additionally, there are significant numbers of school children and their families who walk to school using Churchill Lane, Mill Lane, Sculthorpe Crescent, Lynwood Drive and Station Drive to get to Blakedown Primary School with a considerable number of parents using Station Drive/Lynwood Drive as a short term parking option for drop off and pick up of both primary and secondary school children. That has an implication both for the safety of pedestrians and the flow of traffic during the morning peak period in general and in particular for the junction of Churchill Lane and Mill Lane which narrows to single file and has no pavement for pedestrians from that junction up to the junction with Sculthorpe Crescent. Additionally, there significant numbers of horse riders, dog walkers and ramblers who regularly use the surrounding country lanes and increased traffic will again create a safety issue for them.</p>

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								<p>Should the proposed development go ahead, careful consideration is needed of:</p> <ul style="list-style-type: none"> <li>the safety of the increased numbers of commuters moving between Lynwood Drive, a poorly lit residential street, to the station itself;</li> <li>the impact of the increased pedestrian traffic over the level crossing to access Platform 2 (to Birmingham) which currently has quite a narrow space for pedestrians and the proximity of pedestrians to vehicles whilst on the level crossing; and</li> <li>the safety of disabled commuters and the impracticality of disabled access and the considerable distance between the car parking the proposed disabled parking bays therein and the station itself.</li> </ul> <p>No consideration has been given to the use of The Avenue which will inevitably become a short cut for pedestrians, not Lynwood Drive, which is, for the most part, simply a dirt path and unsuitable for commuters and particularly wheelchair users. It is feasible that this proposal would drive local residents to using their cars more for short distances (and</p>

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								<p>certainly between the two villages of Churchill and Blakedown) as it would appear safer than being a pedestrian. This could isolate the villages from each other and create unnecessary vehicle journeys and pollution.</p> <p><b>Loss of amenity to neighbouring houses due to traffic and pollution.</b> Residents of Station Drive, Lynwood Drive and Mill Lane from traffic, intensification of use of both sites, light and noise pollution, extended hours of use over and above the levels of historic activity on Station Yard. Residents of Station Drive, Lynwood Drive and Mill Lane will suffer from</p> <ul style="list-style-type: none"> <li>• increased traffic,</li> <li>• intensification of use of a redundant industrial site</li> <li>• significantly higher level of vehicle movements compared to when the site was in use as an oil depot and car storage yard (via car transporters)</li> <li>• light pollution</li> <li>• noise pollution</li> <li>• potential anti-social behaviour</li> </ul> <p>All during current rail operating hours of circa 06.00 to 23.30 - ie anti-social residential hours in mornings and evenings based on the current</p>

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								<p>rail timetable which we anticipate could be changed to reflect the increased use of the Station.</p> <p><b>Planning precedent relating to compromised Access, over intensification of use of site and loss of amenity to neighbouring residents</b> Application for residential development of Station Yard <b>14/0661/OUTL</b>, was refused due to significant loss of amenity to residents of neighbouring houses on Lynwood Drive and Swan Close. This was shared by the Planning Inspector at Appeal. The proposed access/egress to the car park from Lynwood Drive only serves to exacerbate that situation. The lapsed planning consent for Station Yard <b>08/0430/FULL</b> - Change of use to car park, landscaping and associated works was for only 34 cars, so the current proposal is a significant increase. That permission contained numerous conditions to safeguard the amenity of neighbouring residents including landscaping, lighting, hours of use, and retention of boundary trees – many of which have now been removed.</p> <p><b>19/0380/FULL</b>, relating to a proposed change of use for a residential home in Roxall Close (off Lynwood Drive) to be used for business</p>

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Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p>purposes, the application was <u>refused by WFDC on the grounds of dangerous vehicle movement on Lynwood Drive and Roxall Close not suitable for a solely residential area</u>. The Council said <i><u>“the additional and frequent vehicular movements to and from the property are considered to be harmful to the amenities and ambience of this otherwise solely residential area”</u></i>. Planning Inspector’s Appeal Decision <b>APP/R1845/W/19/3234813</b> 18 Dec 2019 In particular paragraphs: 9 <i>To my mind and based on all that is in the evidence before me, the use generates a discernible level of activity over and above the activities associated with the predominantly residential uses on the street</i> The regular comings and goings associated with the business activities are <i>out of step with the quiet residential character of the area</i> 10. For the foregoing reasons I conclude that the development <i>unacceptably harms the character of the area</i>. That change of use application would have only added at the most 10 to 20 daily additional vehicle journeys to this residential neighbourhood not the potential for 174+ under the proposal for the car park.</p>

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								<p><b>21/0030/FUL</b> - Stourport High School And Sixth Form Centre And Playing Fields Coniston Crescent Stourport On Severn Erection of 110 dwellings including 28 affordable units was refused on 18 November 2021 on the grounds of <i>1 The proposed <u>would significantly increase traffic movements via single point of access onto Coniston Crescent which would result in an unacceptable impact on highway safety to all users of the highway network, including pedestrians, particularly at peak school drop off and pick up times, and that the residual cumulative impacts of vehicle movements on the surrounding road network would be severe. As such a safe and suitable access cannot be provided to the development as required by paragraphs 110 and 111 of the National Planning Policy Framework. Significant weight is given to Policy 33.16 of the Emerging Wyre Forest Local Plan, which states that access for this development site should be provided from Kingsway. To approve the development with the proposed access in these circumstances would be contrary to Policy CC1 of the Site Allocations and Policies Local Plan, Policies 13 and 33.16 of the Emerging Wyre Forest Local Plan and Government advice in the National Planning Policy Framework.</u></i></p>

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231629	Churchill & Blakedown Parish Council	LPMM5638	Object	MM36.5				<p><b>Negative Effect of these Policies on Local Amenity in Isolation and Cumulatively</b> The cumulative effect if both Policies are adopted and the sites subsequently developed would cause significant harm to the amenity of residents nearby and users of most of the roads in the area. If Station Yard is developed with up to 87 spaces as currently proposed by WCC would create circa 180 additional vehicle movements per day. If Station Drive is developed with 50 houses (each with 2 cars being used twice per day on average) could create 200 additional movements per day. This would mean an additional 380 journeys using Station Drive and/or the A456 junction and almost half of those vehicles turning into the residential cul de sac of Lynwood Drive. Until proposals are confirmed for the reserved land for extra parking at Station Drive the overall cumulative impact is uncertain, but if the “Developer Option” is put forward as outlined in IFT03 - SLC Rail’s Report For Worcestershire County Council on Blakedown Station Car Park Options 27th June 2019 , being 50 dwellings plus 170 car spaces the latter could generate a further 340 movements per day ie a total of 720 vehicle movements.</p>

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1188945	Marmaris Investments Ltd.	LPMM13	Object	MM36.6	Yes	No	No	<ol style="list-style-type: none"> <li>1. These representations relate to the Main Modifications to the Local Plan. They relate to proposed policy 36.6A Land off Station Drive, Blakedown, MM36.6. These representations are submitted on behalf of the owners Marmaris Investments Ltd.</li> <li>2. We welcome the principle of the policy, the allocation of the site for housing and parking development but consider the wording is in part vague and thus requires clarity.</li> <li>3. <i>"...and safeguarded for future car parking need"</i> – this policy wording is vague and imprecise. There is no indication in the policy or supporting text as to how much and what area of the site is safeguarded for parking, how long a period is considered satisfactory to safeguard that land for parking, or what mechanism should be used to determine if the land is required for parking.</li> <li>4. This should be clarified with replacement wording as follows:  <i>"and part of the site, the location of which is to be established following an appropriate study, is safeguarded for parking spaces for station</i> </li> </ol>

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								<i>related use. The reservation of this land for car parking will be reviewed by monitoring of the demand for car parking at Blakedown Station, the projected future requirement for station parking at Blakedown and the amount of parking that can be accommodated on the Station Yard site within the plan period."</i>
260520	Campaign to Protect Rural England	LPMM305		MM36.6				<p>MM36.6: Evidence given at the examination very clearly showed that the development of this site was wholly unjustified. The justification was formerly providing funding for a station car park, but that has evaporated as parking to be provided at Kidderminster and for 111 cars at Blakedown are now considered adequate. Nevertheless, this is a unique site as it is the only place on the railway line where addition railhead parking could be provided. The site should accordingly remain undeveloped and should remain in the Green Belt. See also comments on MM7.2.</p> <p>MM7.2: This change is unacceptable. The land at Station Road, Blakedown was primarily intended for additional station car parking, which was to be funded by allowing some housing. At the Examination it was established that the requisite parking could be adequately provided at Kidderminster Station and on</p>

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								other land at Blakedown (probably former sidings). Accordingly, there is no purpose in removing site WFR/CB/3 from the Green Belt. Under NPPF, “exceptional circumstances” have to be established for removing land from the Green Belt; and none have been shown.
1225187	Mrs Claire Wood	LPMM2640	Object	MM36.6	No	No	No	<p>MM36.6</p> <p>My objections are as follows:</p> <ul style="list-style-type: none"> <li>• WFDC have not provided full and adequate evidence to justify the removal of the Green Belt land in Blakedown (WFR/CB/3);</li> <li>• WFDC are relying on an exemption to release land from Green Belt for ‘affordable housing’ and the draft policy states that ‘...any new housing should be provided... to meet any local housing need as shown in a Parish Needs Survey and/or the Housing Register...’. WFDC have not provided any evidence to support such a need in Blakedown and indeed the neighbourhood plan for the local parish, prepared by Churchill &amp; Blakedown Parish Council, in collaboration with and supported by WFDC, does not identify such a need;</li> </ul>

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								<ul style="list-style-type: none"> <li>• If WFDC can evidence such a need and that is then the exemption relied on to release the land from the Green Belt then surely the Local Plan should specify that the land can only be developed for the purpose of providing affordable housing? As it stands currently, the modifications to the plan do not make that stipulation; the draft Local Plan wording only refers to <b>housing</b> not <b>affordable housing</b> and car park provision leaving that land exposed to any kind of development;</li> <li>• In addition, if the land is to be released on the basis of the exemption for affordable housing then surely any reference to its use for car parking as part of WFDC's ambition to create a transport hub should be removed?</li> <li>• NPPF paragraph 150 C provides that local transport infrastructure which can demonstrate a requirement for a Green Belt location may not be inappropriate development, but the Draft Local Plan does not adequately consider the potential for expansion of Kidderminster Station Car park or of neighbouring authorities allocating more suitable sites for a "transport hub" before seeking to remove WFR/CB/3 from Green Belt;</li> </ul>

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								<ul style="list-style-type: none"> <li>• I would highlight ED20B – Technical Note 2 – Summary of Site Assessments which says:</li> </ul> <p>The site makes a contribution to Green Belt purposes because of its containment of Blakedown particularly along the A456 Birmingham Road.</p> <p>The high degree of physical and visual containment limits the impact of development on the Green Belt, although this is a gateway site into Blakedown which is locally significant in turn demanding particular attention to edge treatment, built density and massing.</p> <p>The draft Local Plan utterly fails to respect the contribution made by this site and appears to be going ahead with its removal from Green Belt in advance of the review of the Green Belt boundary within the District having been undertaken or WFDC having presented evidence to demonstrate that such a review has been completed to an adequate standard;</p> <ul style="list-style-type: none"> <li>• No evidence of local housing need has been provided to justify Policy WFR/CB/3, and it appears the Plan is confused between District Wide and Local/village specific future housing requirements and indeed the neighbourhood</li> </ul>

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								<p>plan for the local parish, prepared by Churchill &amp; Blakedown Parish Council, in collaboration with and supported by WFDC, does not identify such a need;</p> <ul style="list-style-type: none"> <li>• The evidence based is flawed; the statistics and growth forecasts adopted by SLC Rail have not been verified or tested and are almost certainly out of date given the pandemic and I refer again to the fact that national commuter numbers are only at 45% of prepandemic levels;</li> <li>• Blakedown has a limited need for additional parking spaces by 2043;</li> <li>• The evidence base in SLC Rail's Report pre-dates that used in Worcestershire County Council's LTP4 Report;</li> <li>• It is contradictory and embellishes the need for further parking in Blakedown;</li> <li>• The additional evidence produced by the Council contradicts that of Worcestershire County Council's LTP 4 and appears to be based on unsubstantiated evidence;</li> </ul>

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								<ul style="list-style-type: none"> <li>• The future need for spaces has been manufactured to justify the substantial urban extension at Lea Castle, which is clearly going to have significantly adverse impacts upon the surrounding infrastructure;</li> <li>• The treatment of Kidderminster and Blakedown Stations should not be interchangeable;</li> <li>• Kidderminster has more frequent and varied services, hence its greater use and popularity;</li> <li>• Moving a perceived (and questioned) car parking requirement 3 miles along the road to meet WCC's plans will not solve the problem;</li> <li>• The Council has failed to demonstrate the need for the very large number of spaces in this location proposed now and in future;</li> </ul> <p>The identified housing sites in The Plan to the eastern side of Kidderminster are not sustainable in transport terms which has caused the “push” eastwards to Blakedown;</p> <ul style="list-style-type: none"> <li>• The proposed extension to the eastern side of Kidderminster and Lea Castle has resulted in significant sustainability concerns in terms of</li> </ul>

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								<p>the capacity for Kidderminster to support such growth from a transport point of view;</p> <ul style="list-style-type: none"> <li>• The Council has effectively pushed the additional growth and transport pressures from Kidderminster on to Blakedown;</li> <li>• Using a small scale village such as Blakedown to overcome the sustainability issues of Kidderminster fundamentally undermines the sustainability credentials of this Local Plan Review;</li> <li>• The Council's approach is contrary to NPPF; no exceptional circumstances have been demonstrated to remove this land from the Green Belt;</li> <li>• A proper assessment of alternative potential sites, including both non-Green Belt and Green Belt locations does not appear to have been carried out, especially in co-operation with neighbouring Authorities;</li> <li>• The Council has not demonstrated proper regard to sustainable development objectives, or that the proposed brownfield and green belt sites are the most sustainable options taking account of all relevant factors including travel</li> </ul>

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								<p>impacts, loss of amenity, and seriously compromising the basic purposes of including land in Green Belts;</p> <ul style="list-style-type: none"> <li>• In particular Hartlebury Station (Wychavon District Council) is arguably more accessible to residents of the southern and western sides of Kidderminster, Bewdley and Stourport, and which is adjacent to large parcels of brownfield land;</li> <li>• Given commuter passenger numbers remain at 45% of pre pandemic levels nationally (see BBC) and demand within Blakedown itself is negligible we would question whether the development is in fact required at all;</li> <li>• Over intensification of use of site and loss of amenity to neighbouring residents;</li> <li>• Compromised Access : residents of Station Drive, Lynwood Drive and Mill Lane and surrounding areas will suffer from traffic intensification, light and noise pollution;</li> <li>• In the recently refused application 19/0380/FULL, relating to a proposed change of use for a residential home in Roxall Close (off Lynwood Drive) to be used for business</li> </ul>

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								<p>purposes, the application was rejected by WFDC on the grounds of dangerous vehicle movement on Lynwood Drive and Roxall Close not suitable for a solely residential area. The Council said <i>“the additional and frequent vehicular movements to and from the property are considered to be harmful to the amenities and ambience of this otherwise solely residential area”</i>.</p> <p>• Please also refer to Planning Inspector’s Appeal Decision re APP/R1845/W/19/3234813 dated 18 December 2019, In particular paragraphs:</p> <p>9. To my mind and based on all that is in the evidence before me, the use generates a discernible level of activity over and above the activities associated with the predominantly residential uses on the street. The regular comings and goings associated with the business activities are out of step with the quiet residential character of the area.</p> <p>10. For the foregoing reasons I conclude that the development unacceptably harms the character of the area.</p>

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								<p>That change of use application would have only added at the most 10 to 20 daily additional vehicle journeys to this residential neighbourhood not the potential for 180 under the proposal for the car park at Station Yard.</p> <ul style="list-style-type: none"> <li>• No “Exceptional Circumstances” have been evidenced or reasoned to justify the removal of this site from the Green Belt;</li> <li>• The proposal allocation fails on all 5 purposes of the Green Belt – sprawl, merging, encroachment, character, urban regeneration;</li> <li>• It is unnecessary and is not supported by any robust or reliable evidence;</li> <li>• WCC’s LTP identifies a need for 79 parking spaces. These can be accommodated in WFR/CB/2, notwithstanding concerns over the reliability of evidence used to arrive at the future need for that site;</li> <li>• There is no need for any further train station car parking within Blakedown that cannot already be met by the car park allocation at Station Yard (WFR/CB/2) under the lapsed planning permission;</li> </ul>

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								<p>Flawed and unreliable evidence that WFDC appear to be relying upon to remove this allocation from the Green Belt and allocate it for a mixed use development but primarily for an additional 170 car parking spaces and 50 houses they have been unable to accommodate elsewhere in the District that have an identified need for housing that Blakedown does not have;</p> <ul style="list-style-type: none"> <li>• This is a Major Development that has not received full and proper Consultation or proper consideration;</li> <li>• The provision of 50 houses and reserved future car parking will result in a major development;</li> <li>• This allocation proposes major development of a scale, which is completely out of character with the village of Blakedown;</li> <li>• The density and massing of this allocation will be significant and will completely erode this important gateway site, encroaching significantly east along the Birmingham Road;</li> </ul>

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								<ul style="list-style-type: none"> <li>• The site will be clearly visible from surrounding areas and would not be physically or visually contained;</li> <li>• Whilst no details are provided on the final design of the proposed allocation there are likely to be significant infrastructure works required to deliver the scheme;</li> <li>• This will result in the site being more visible and prominent within the Green Belt;</li> <li>• The surrounding openness would be severely harmed;</li> <li>• The proposed allocation encroaches further towards the town of Hagley, which will shortly be subject to significant areas of land being removed from the Green Belt to accommodate the significant growth required to meet the housing needs of Bromsgrove District and Birmingham under its own ongoing Green Belt Review and I would question whether WFDC have undertaken an appropriate Duty to Cooperate with adjoining authorities in this case;</li> <li>• As part of the Neighbourhood Plan adoption, there was evidence of need for only 7</li> </ul>

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								<p>affordable houses and 18 market houses required over the plan period and therefore the provision of 50 dwellings would go well beyond what Policy AM6B is seeking to achieve in village and rural settlements;</p> <ul style="list-style-type: none"> <li>• This is not due to the village being the most appropriate location of new residential development in the District, but solely as a means to deliver the proposed train station parking area, the need for which is questioned;</li> <li>• The Wyre Forest District Housing Need Study 2018 has identified that there was only an annual affordable housing need within Churchill and Blakedown of 3 dwellings per annum; therefore the use of the exemption for affordable housing as a means to release land from the Green Belt is questionable at best in this case</li> <li>• Blakedown is not as sustainable as the proposed Plan suggests : it has limited local services, very limited employment opportunities, no healthcare facilities and the primary school is currently full;</li> <li>• The station, bus route and limited local facilities might benefit the occupiers of any</li> </ul>

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								<p>new homes, but the lack of employment/need to travel for services far outweighs these perceived advantages;</p> <ul style="list-style-type: none"> <li>• For most facilities (including secondary schools, main retail provision and healthcare) residents have to travel to larger centres;</li> <li>• There are no reasons on housing supply grounds to represent the exceptional circumstances necessary to release the site from the Green Belt and indeed if that is the grounds used to then it should be specified in the modifications to the local plan that the land is released for the purpose of the development of <b>affordable</b> houses and not just housing in general;</li> <li>• Adverse effects on local ecology;</li> <li>• Inadequate Ecological and Environmental Assessments have been undertaken before promoting this site;</li> <li>• The area of wetland to the north of the site is Blakedown Brook which feeds into the SSSI at Hurcott Pool and should be protected;</li> </ul>

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								<ul style="list-style-type: none"> <li>• Use of SuDs should be carefully considered, and in the event that is not suitable then the capacity of existing stormwater sewer network needs to be considered;</li> <li>• Viability has not been demonstrated, save for a “Developer’s Option in SLC Rail’s Report, which has not been reviewed or analysed, which completely undermines the justification for the 50 houses and the future car parking spaces in Blakedown;</li> <li>• 50 houses are not necessary according to all recent Housing Needs Surveys;</li> <li>• All recent Housing Needs Surveys have identified a need for small scale local housing – lower cost or affordable small dwellings for First Time Buyers, new families, and downsizing need for elderly residents which frees up the existing stock of larger houses for those established on the housing ladder;</li> </ul> <p>A residential development of 50 dwellings, which needs to provide 25% affordable housing (in line with Policy 8B) and other tariff style contributions (i.e. highway improvements; open space; education; recycling etc) is very unlikely to be able to</p>

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								<p>financially support the development of the car park;</p> <ul style="list-style-type: none"> <li>• The Council has not considered the viability implications of this allocation in terms of the delivery of the car park;</li> <li>• This allocation places a significant financial burden on any future developer wishing to build out the residential allocation if they are required to contribute towards a future car park;</li> <li>• There is no detail as to the amount of affordable housing proposed, yet that is the sole reason for seeking to remove the site's Green Belt status and the wording of the plan should specify that the land is being released for affordable housing;</li> <li>• Lack of detail and consideration of highways issues, access and proximity to level crossing;</li> <li>• Junction layouts, in particular the proximity to A456 and the level crossing will cause significant access issues into and out of the site;</li> </ul>

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								<ul style="list-style-type: none"> <li>• Concern over use of unsuitable country lanes; already congested A and B road network to reach station and increased speeding:</li> <li>▪ The surrounding road network that would be used to bring traffic into Blakedown comprises narrow country lanes and already congested A and B roads</li> <li>▪ From North West/Lea Castle - via Hurcott Lane, Perriford Lane, Waggon Lane, Churchill Lane, Stakenbridge Lane, Mill Lane</li> <li>▪ From North East/Hagley via A456</li> <li>▪ From South/East via B4188 Belbroughton Road/junction with A456</li> <li>• Safety of pedestrians and other road users;</li> <li>• There are significant numbers of school children who utilise the train station to get to nearby secondary schools arriving at the station from all directions; and the proposed increase in traffic will bring additional safety risks for them;</li> <li>• Additionally, there are significant numbers of school children and their families who walk to school using Churchill Lane, Mill Lane, Sculthorpe Crescent, Lynwood Drive and</li> </ul>

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								<p>Station Drive to get to Blakedown Primary School with a considerable number of parents using Station Drive as a short term parking option for drop off and pick up of both primary and secondary school children. That has an implication both for the safety of pedestrians and the flow of traffic during the morning peak period in general and in particular for the junction of Churchill Lane and Mill Lane which narrows to single file and has no pavement for pedestrians from that junction up to the junction with Sculthorpe Crescent;</p> <ul style="list-style-type: none"> <li>• Additionally, there are significant numbers of horse riders, dog walkers and ramblers who regularly use the surrounding country lanes and increased traffic will again create a safety issue for them;</li> </ul> <p>Should the proposed development go ahead, careful consideration needs to be given to a number of safety concerns namely:</p> <ul style="list-style-type: none"> <li>• the safety of the increased numbers of commuters moving between Station Drive, a poorly lit residential street, to the station itself;</li> <li>• the impact of the increased pedestrian traffic over the level crossing to access Platform 2 (to</li> </ul>

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								<p>Birmingham) which currently has quite a narrow space for pedestrians and the proximity of pedestrians to vehicles whilst on the level crossing;</p> <ul style="list-style-type: none"> <li>• While the suggested inclusion of a pedestrian access to the station being incorporated are welcomed, there is no suggestion of a footbridge to reach Platform 2 – the busiest platform as it serves, Hagley, Stourbridge/Black Country and Birmingham.</li> </ul> <p>Finally, and per my objection above, I can see no evidence whatsoever that WFDC have considered the joint impact of releasing this piece of land in Blakedown (WFR/CB/3) from Green Belt for affordable housing development in addition to the proposal to develop the land at Station Yard for additional parking. The cumulative effect on road traffic up to a potential of 600 additional vehicle movements on small village roads per day assuming:</p> <ul style="list-style-type: none"> <li>• 174 vehicle movements if all proposed spaces at Station Yard are utilised;</li> </ul>

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								<ul style="list-style-type: none"> <li>• Upwards of 300 vehicle movements if the car park is built on the land released from Green Belt; and</li> <li>• 100 vehicle movements assuming 50 houses with 2 cars per household</li> </ul> <p>would completely overload the A456/Station Drive/Lynwood Drive junctions, particularly when you consider the proximity to the level crossing. It will have a serious negative impact on a village road network not suitable to such a volume of additional vehicle movements; and significantly increase risks for both road traffic and pedestrian safety (including significant numbers of school children travelling to and from the village primary school and using the station for travel to high school). Not to mention the detrimental effect on local residents living in the Station Drive/Lynwood Drive/Roxall Close/Mill Lane/Mill Close/Sculthorpe Road.</p>
231629	Alison Cartwright	LPMM3959	Object	MM36.6				<p><b>Conformity with NPPF</b> NPPF 2021 para 140 provides that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Paragraph 141 provides that “<i>authority should</i></p>

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								<p><i>be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development</i> “makes as much use as possible of suitable brownfield sites and underutilised land” It is not clear that WFDC has fully evidenced or justified the removal of Green Belt land in Blakedown (WFR/CB/3 NPPF paragraph 147 retains the “Very Special Circumstances” test of whether inappropriate development causing harm to Green Belt is outweighed by other considerations. The Local Plan amendments are based on the exemption that “affordable housing” on Green Belt land is given in the NPPF, but the Draft Plan is confused between serving “District wide” or “Local Housing Needs” Policy WFR/CB/3 (9) states <i>the new housing should be provided .... to meet any local housing need as shown in a Parish Needs Survey and/or the Housing Register.</i></p> <p>WFDC has put forward no evidence in support of this and this Policy is in conflict with others in the Plan NPPF paragraph 150 C provides that local transport infrastructure which can demonstrate a requirement for a Green Belt location may not be inappropriate development, But The Local Plan does not adequately consider the potential for</p>

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								<p>expansion of Kidderminster Station Car park or of neighbouring authorities allocating more suitable sites for a “transport hub” before seeking to remove WFR/CB/3 from Green Belt As stated in ED20B – Technical Note 2 – Summary of Site Assessments: <i>The site makes a contribution to Green Belt purposes because of its containment of Blakedown particularly along the A456 Birmingham Road. The high degree of physical and visual containment limits the impact of development on the Green Belt, although this is a gateway site into Blakedown which is locally significant in turn demanding particular attention to edge treatment, built density and massing.</i> The Local Plan does not respect the contribution made by this site.</p> <p>ED20 – Green Belt Topic Paper paragraph 8.29 refers to “<i>an identified local housing need</i>” yet Policy 36.6A of the Submission Plan states “<i>Housing to be provided in accordance with policies elsewhere in Local Plan and also to meet any local housing need shown in a Parish Housing Needs Survey</i>” Clarity is needed what housing need this site is to satisfy – Local or District need? There is also no specific requirement for affordable housing over and above the policies elsewhere in the Submission</p>

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								<p>Plan 36.6A again states “<i>Housing development on the site would help to cover the costs of the car parking and would also help towards meeting the future housing needs in Blakedown village</i>”. In order to cover the costs of the car park we suggest that a future developer’s viability assessment would negate or significantly limit the provision of affordable housing. No evidence of local housing need has been provided to justify Policy WFR/CB/3, and it appears the Plan is confused between District Wide and Local/village specific future housing requirements Using market housing to fund the development of a car park suggests affordable housing provision will be limited.</p> <p>Unless significant affordable housing is to be provided then the release of WFR/CB/3 from Green Belt should not be an exceptional circumstance under NPPF 149(f). A proper assessment of alternative potential sites, including both non-Green Belt and Green Belt locations does not appear to have been carried out, especially in co-operation with neighbouring Authorities. The Council has not demonstrated proper regard to sustainable development objectives, or that the proposed brownfield and green belt sites are the most sustainable options taking account of all</p>

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								<p>relevant factors including travel impacts, loss of amenity, and seriously compromising the basic purposes of including land in Green Belts. In particular Hartlebury Station (Wychavon District Council) is arguably more accessible to residents of the southern and western sides of Kidderminster, Bewdley and Stourport, and which is adjacent to large parcels of brownfield land.</p> <p><b>Proposed Policy 36.6A, point 5 – LWS buffering</b> We request this is strengthened in line with Document GI07 - Worcestershire County Council's September 2018 Addendum to Preliminary Ecological Appraisal of potentially ecologically sensitive sites on WFDC's list of sites for allocation in the 2018 Local Plan. This concludes: <i>The Local Wildlife Site located to the north of this site is a sensitive receptor which requires buffering. Utilising up to one third of the northern area of the site to provide both a buffer and sensitively designed green infrastructure (e.g. new public open space) will help protect the LWS from the adverse effects of development. This will inevitably have a significant impact on net developable area. And recommends that The northern end of the site must not be developed and needs</i></p>

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								<p><i>protecting from additional footfall – due to the slope of the land a buffer of at least 100m should be incorporated into development plans from the earliest stages</i> Use of SuDs should be with caution and consideration to the local watercourse network and Hurcott SSSI. In the event that is not suitable then the capacity of existing local stormwater sewer network needs to be considered.</p> <p><b>Proposed Policy 36.6A, point 6 – Trees</b> Modification proposed partly accepted to protect all trees on the boundary but appears to have been diluted compared to the recommendation in Document GI07 - Worcestershire County Council's September 2018 Addendum to Preliminary Ecological Appraisal of potentially ecologically sensitive sites on WFDC's list of sites for allocation in the 2018 Local Plan that: <i>The large oak tree beside the gateway on the south-western site boundary must be protected during development and in the longer term. A (permanent) root protection zone should be set up and the area should not be lit.</i></p> <p><b>Adverse effects on local ecology</b> Inadequate Ecological and Environmental Assessments have been undertaken before promoting this</p>

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								<p>site The area of wetland to the north of the site is Blakedown Brook which feeds into the SSSI at Hurcott Pool and should be protected better as noted above</p> <p><b>Contradicts WFDC's Green Belt Topic Paper 2020 as noted above as ED20 and their 2017 Review</b> WFDC considered this to be an important gateway site into Blakedown and makes an important contribution because of its containment of the village along the A456. The Council's Green Belt Review and site analysis was based on a smaller site allocation than now proposed, and no station parking. Their analysis is therefore flawed and does not fully assess the implications of this proposed new allocation. WFDC's Green Belt Review, Part II – Site Analysis undertaken by Amec Foster Wheeler in April 2017 noted the site's characteristics in regard to Green Belt and NPPF Policies as <i>CONTRIBUTION The site makes a contribution to Green Belt purposes because of its containment of Blakedown particularly along the A456 Birmingham Road, The high degree of physical and visual containment limits the impact of development on the Green Belt, although this is a gateway site into Blakedown which is locally significant</i></p>

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								<p><i>in turn demanding particular attention to edge treatment, built density and massing.</i></p> <p>Supporting documents for this response are included at Appendix 6 of this Summary of Responses.</p>
231629	Churchill & Blakedown Parish Council	LPMM5637	Object	MM36.6				<p><b>Negative Effect of these Policies on Local Amenity in Isolation and Cumulatively</b> The cumulative effect if both Policies are adopted and the sites subsequently developed would cause significant harm to the amenity of residents nearby and users of most of the roads in the area. If Station Yard is developed with up to 87 spaces as currently proposed by WCC would create circa 180 additional vehicle movements per day. If Station Drive is developed with 50 houses (each with 2 cars being used twice per day on average) could create 200 additional movements per day. This would mean an additional 380 journeys using Station Drive and/or the A456 junction and almost half of those vehicles turning into the residential cul de sac of Lynwood Drive. Until proposals are confirmed for the reserved land for extra parking at Station Drive the overall cumulative impact is uncertain, but if the “Developer Option” is put forward as outlined in IFT03 - SLC Rail’s Report For Worcestershire</p>

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								County Council on Blakedown Station Car Park Options 27th June 2019 , being 50 dwellings plus 170 car spaces the latter could generate a further 340 movements per day ie a total of 720 vehicle movements.
1283977	Wendy Arkell	LPMM4		MM36.7				<p>I still do not see how changing the planning to 4 dwellings will have any affect on the original planning application to use the private access along Fold Lane. As I have pointed out previously , parts of this lane is owned by Fold court residents and it is actually a public footpath and very well used by people. There is no room to put a side footpath once you move past the buildings fronting onto the High Street. I would also point out that this footpath route is also intended for use by the local school children in order to walk along to the village school, as the council have chosen not to provide a footpath along our very busy main road all the way past Rowberries Nursery to the School. This I presume is because they are trying to encourage people to use the footpath and walk, cutting down on car use!</p> <p>Also the residents who have to use the exit onto the village High Street . more often than not, have to come out with no sight line to the right up the Street due to continuous lines of</p>

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								<p>parked cars, as the village is very popular with visitors and there is no provision for off road parking. Also cars turning off the main road into the village come along very often way above the speed limit causing even more problems to exiting safely.</p> <p>If this development is allowed to go ahead using Fold Lane , who is going to maintain it as it is already deteriorating.</p> <p>I must say that if this development is regarded as essential then the exit to it should be along the farm road to the main road, which still has a speed limit of 30 mph and an excellent sight line compared to Fold Lane.</p>
1297948	Chaddesley Corbett Parish Council	LPMM12	Object	MM36.7	No	No	No	<p>We do not believe that this site should be included in the Local Plan and should be deleted. Please see our report below:</p> <p>Section MM36.7 Policy 36.7 – Fold Lane, Chaddesley Corbett Chaddesley Corbett Parish Council note that the above site has been retained in the Local Plan, with capacity reduced from 6 to 4 dwellings and with added requirements that the properties should meet</p>

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								<p>the needs of new households or older downsizers.</p> <p>The Parish Council remains opposed to any development of this site. The site is in the Conservation Area of Chaddesley Corbett village, washed over by the Green Belt and is currently used for agriculture. The proposed access road is an unadopted single track 'footpath' used extensively by walkers to access Chaddesley Woods, children to the school, agricultural vehicles, users of the Allotment site and Orchard and other residential properties. It would be unsafe to extend the use of this access any further, as reflected in previous comments from Highways.</p> <p>The review and update of our Neighbourhood Development Plan is well advanced, and identifies this site as an important Local Green Space. The revised NDP will also allocate a nearby site on Bromsgrove Road as a Rural Exception Site to meet the 2019 survey's identified local need for 10 affordable homes over the next 10 years. Retaining the Fold Lane site in the Local Plan would prejudice the development of the almost adjacent Bromsgrove Road site, putting this needed</p>

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								<p>housing supply at risk. Paragraph 8.15 of the draft Local Plan notes that affordability is a marked issue in the Parish, and “rental products are far more accessible to Parish residents.” The proposed allocated capacity of the Fold Lane site is below the proposed threshold for affordable housing on sites in Rural Areas (Policy 8B), and would deliver only market housing for sale. Based on the outcome of the redevelopment of the former Village school site, it is possible that some of this might become available for private rental (but unlikely to be at ‘affordable’ levels), or possibly short[1]term/holiday rental, and therefore will not address even a portion of the identified local need.</p> <p>Policy 8c (reference MM8.4) of the draft Local Plan restates a previous commitment for the District Council to work closely with Parish Councils and Neighbourhood Planning Forums to identify appropriate sites for rural exception schemes. By definition, the allocation of any greenfield site in the Green Belt would be an Exception Site, but here there is a clear lack of ‘close working’. There was a brief dialogue on the subject in January 2018, but nothing since.</p>

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								<p>In January 2018 the Parish Council was asked to respond to the possible allocation of one of three sites in the Local Plan. One was Fold Lane, one was the NDP's proposed Exception Site off Bromsgrove Road, and the third was the field between these two. There was inadequate time to consult with residents about these options, hence the Parish Council's decision not to support the allocation of any site in the Local Plan, but to address the question in the review of our NDP. After a rigorous call for sites exercise and site evaluation, the NDP's preference is for the site off the A448 Bromsgrove Road.</p> <p>Our verbal evidence to the Local Plan's external examiner set out all of this background, and a recent draft of our emerging revised NDP has been shared with WFDC Planning Officers, which confirms the results of our site selection exercise during which, despite Covid, we were able to consult with our residents.</p> <p>One of the prime aims of the introduction of Neighbourhood Planning in the 2011 Localism Act was to empower communities to shape development in their local area, to choose</p>

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								<p>where they want new homes, and have their say on what those buildings should look like.</p> <p>The Parish Council strongly objects to the allocation of the Fold Lane site for any scale or type of development in the District Council Local Plan. We would also urge the District Council to take account of representations from residents of Fold Lane. We would refer you to the Planning Practice Guidance for Neighbourhood Planning, see link below: <a href="https://www.gov.uk/guidance/neighbourhood-planning--2#evidence-to-support-a-neighbourhood-plan">https://www.gov.uk/guidance/neighbourhood-planning--2#evidence-to-support-a-neighbourhood-plan</a></p> <p>“The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.</p>

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								<p>This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”</p> <p>Supporting documents for this response are included at Appendix 6 of this Summary of Responses.</p>
1299251	Mr Adam Jones	LPMM281	Object	MM36.7	No	No	No	<p><b>Fold Farm, Chaddesley Corbett (0.31 ha) MM36.7</b></p> <p><b>Clause 36.11 ‘This small paddock is accessed along a private road which serves Fold Court and other dwellings’.</b></p> <p>This statement is inaccurate in its entirety. There is no access to the paddock from Fold Lane which is an unadopted road not a private road.</p> <p>The proposed development site is fenced all along Fold Lane, as it always has been historically. There is no dropped kerb, and a kerb exists all along the border with Fold Lane. There is also no gateway directly into the paddock (site area MM36.7), and therefore</p>

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								<p>there is simply no current access to this paddock from or onto Fold Lane.</p> <p>In addition to the above point the landowner has no right to legally bestow vehicular access to others along Fold Lane. The landowner also has no rights to the land below the lane for utilities provision for any development i.e. the land owner has no right to dig up the lane at all so how are the services to be provided.</p> <p>The legal soundness and compliance of this application is fundamentally flawed.</p> <p><b>Clause 36.12 ‘designed to meet the needs of newly formed households or older people looking to downsize’</b></p> <p>This statement is also inaccurate.</p> <p>In accordance with The Parish Housing Needs survey another site has already been allocated for Affordable Housing as per the explicit requirements from the survey and therefore the Neighbourhood plan. No other housing was required. Therefore the site MM36.7 is additional to any housing needs required. There is no further housing need to satisfy.</p>

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								The most recent planning application (20/0675/FUL) has been withdrawn, so this cannot be valid “reason for change” to the Wyre Forrester District Council Local Plan i.e. there is no actual planning permission being sought currently. Source Wyre Forest District Council Planning Portal 19/11/2021 19:44.
1281062	Mr Richard Green	LPMM3	Object	MM36.7	No	No	No	<p>The latest parish housing needs survey does not identify a housing need for development on this site. The Parish Council have identified an alternative site to fulfill any housing need there is.</p> <p>As a result the whole basis of the proposal is misconcieved.</p> <p>The site is in the green belt and is in a conservation area so again the allocation is misconcieved.</p> <p>The proposed allocation is outside of the Parish Council Neighbourhood plan.</p>
1298682	Andrew Page	LPMM35	Object	MM36.7	No	No	No	I wish to bring to your attention an inaccuracy in the text of the Proposed Main Modification associated with Reference MM36.7 of the 'Schedule of Proposed Main Modifications to

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								<p>the Wyre Forest District Local Plan (2016-2036)'.             Para 36.11 states 'This small paddock is accessed along a private road which serves Fold Court and some other dwellings....'. This statement is incorrect. There is no access to the paddock from Fold Lane. The paddock is accessed from Fold Farm via an agricultural vehicle access road off the A448. I refer you to Planning Permission WF241-89 dated 11th April 1989 which authorised the construction of an agricultural vehicle access road off the A448 to and from Fold Farm, Fold Farm House and Vicarage Farm. The right of access to and from Fold Farm House was not transferred in the Conveyance to the developer of Fold Court dated 14th October 1991.             In addition the Conveyance contains a covenant requiring the fencing with a 'good and sufficient stockproof fence' of the unfenced part of the paddock fronting Fold lane within two months of the date of the agreement. So there has been no direct access to or from the paddock and Fold Lane since, at least, early 1992 and probably considerably earlier.</p>

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								<p>Fold Lane is a public right of way. Section 34(1 and 2A) of the Road Traffic Act 1988 provides that anyone driving a mechanically propelled vehicle on a road that is a footpath, bridleway or restricted byway is guilty of an offence unless it can be shown that immediately before the commencement of section 47(2) of the Countryside and Rights of Way Act 2000 on 2nd May 2006 there was a private right in use for obtaining access to the land by the driving of mechanically propelled vehicles by a person with an interest in the land or by visitors to the land.</p> <p>As the land has been fenced off from Fold Lane since 1992 the occupiers of any properties that may be constructed on the paddock cannot, therefore, have a right of vehicular access to or from their properties via Fold Lane.</p>
1299187	Mr RICHARD BARKER	LPMM278	Object	MM36.7	No	No	No	<p>Para 36.11 states 'This small paddock is accessed along a private road which serves Fold Court and some other dwellings....'. This statement is incorrect. There is no direct access to the paddock from Fold Lane. There is no dropped kerb and the land is fully fenced off from Fold Lane.</p>

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								Fold Lane is a public footpath over a private road and any new access on to the footpath/right of way would be restricted under Section 34(1 and 2A) of the Road Traffic Act 1988.
1299258	Mrs Harriet Jones	LPMM282	Object	MM36.7	No	No	No	<p><b>MM36.7 - Fold Farm, Chaddesley Corbett (0.31 ha)</b></p> <p><b>Clause 36.11 ‘This small paddock is accessed along a private road which serves Fold Court and other dwellings’.</b></p> <p>This statement is inaccurate. There is no access to the paddock to or from Fold Lane.</p> <p>The proposed development site is fenced all along Fold Lane, as it always has been historically, with no access points. There is no dropped kerb, and a kerb exists all along the border with Fold Lane. There is no gateway directly into the paddock to/from Fold Lane. The access to this field is not from or onto Fold Lane – there is no access for the proposed development nor for their construction traffic.</p> <p>In addition to the above point: There is also no right by the landowner to legally bestow vehicular access to others along Fold Lane. The</p>

**Appendix 1 – Responses made on the Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)**

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p>landowner also has no rights to the land below the lane for utilities provision for any development.</p> <p>The legal soundness and compliance of this application is fundamentally flawed.</p> <p><b>Clause 36.12 ‘designed to meet the needs of newly formed households or older people looking to downsize’</b></p> <p>This statement is also inaccurate.</p> <p>In accordance with The Parish Housing Needs survey another site has already been allocated for Affordable Housing as per the explicit requirements from the survey and therefore the Neighbourhood Plan. No other housing was required. Therefore the site MM36.7 is additional to any housing needs required. There is no further housing need to satisfy.</p> <p>The most recent planning application (20/0675/FUL - WITHDRAWN) included one large 4-bed family home as part of the plans – which also goes against the Housing Needs Survey requirements identified for Chaddesley Corbett village.</p>

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Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								However, this planning application was withdrawn and there is no current planning permission listed (WFDC planning portal accessed 19.11.21 – no planning permission listed) so why is this mentioned as a valid reason for change to the WFDC Local Plan if there is no actual planning permission being sought currently?
1299410	Mr paul pioli	LPMM1965	Object	MM36.7				<p>I wish to object to the proposed allocation of land at Fold Farm, Chaddesley Corbett for residential development as proposed in the Wyre Forest District Local Plan Main Modifications (Section MM36.7 refers).</p> <p>The proposed main modification allocates this site for residential development to meet local needs as demonstrated through a parish housing needs survey and/or the Housing Register. The modification also sets out the requirements which would need to be met.</p> <p>The Parish Council has previously recommended a development of affordable housing for a site off the A448. The Parish Council believes that this development will meet all the needs identified in the Housing Needs Survey. This further site is therefore not</p>

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Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p>required and, as such, should not be included within the Local Plan.</p> <p>Furthermore, I object to the inclusion of this site as any development on it will have a significantly detrimental effect on the amenity of Hunters Ride, its gardens and Coach House impacting negatively on my enjoyment of the property and future sale value. Hunters Ride's status as a non designated Heritage Asset and its location within the conservation area and green belt should be protected.</p> <p>In addition to the impact of any proposed development on my property, future development of the site would also give rise to a number of highway safety concerns affecting the residents of Fold Lane.</p> <p>For the reasons set out above, I wish to object to the allocation of this site for residential development as proposed in the Wyre Forest District Local Plan – Main Modifications.</p>
1302580	Diane Dolley	LPMM1911		MM36.7				<p>I do not support the proposed housing development in Fold Lane for the following reasons:</p>

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								<p>1 The proposed site is in the Green Belt in the heart of the Conservation Area. It should therefore remain protected. The Chaddesley Corbett draft NDP proposes development on a number of sites which more than meet the needs indicated by the Housing Needs Survey. The 'Call for Sites' exercise conducted by the Parish Council in response to local needs was rigorous, thoroughly consulted upon and reflects the views of the community. The Parish does not need to sacrifice a green space in the Conservation Area as its needs will be met through implementation of the Neighbourhood Development Plan.</p> <p>2. There is a Public Right of Way through Fold Lane which also makes up part of the designated 'walk to school' route for Primary aged pupils. Additional traffic would make the route less safe.</p> <p>3. Fold Lane is a Private Road and is narrow at its intersection with The Village and visibility is poor. Any increase in traffic would pose additional hazards.</p> <p>4. The Fold Lane Conservation Area is proposed as a Local Green Space in the NDP</p>

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								<p>and affords views towards the Malvern Hills on a clear day.</p> <p>5. Whilst there is access to the farmyard there is no direct access to the space in question from Fold Lane.</p> <p>6. In the recent past flooding has occurred from the top of Fold Lane, resulting in considerable amounts of water affecting the garden and drive area to the corner property opposite the farm entrance.</p>
1302641	Mrs Siobhan Bratt	LPMM1951	Object	MM36.7	No	No	No	<p><b>MM36.7 - Fold Farm, Chaddesley Corbett (0.31 ha)</b></p> <p><b>Clause 36.11 ‘This small paddock is accessed along a private road which serves Fold Court and other dwellings’.</b></p> <p>The site for this proposed development named as this small paddock doesn’t have any point of access to or from Fold Lane, there is fencing which covers the whole parameter of the proposed site along its border with Fold Lane.</p> <p>There is also a fully constructed kerb with no modifications to allow any vehicular access to the site, as is there no gated access for</p>

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Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p>pedestrians anywhere along the border, the only way to access the proposed development site from Fold Lane (or vice versa) would be to climb over the fencing.</p> <p>In my opinion this would make the statement clause <b>36.11</b> inaccurate.</p> <p><b>Clause 36.12 ‘designed to meet the needs of newly formed households or older people looking to downsize’</b></p> <p>It is my understanding that another site has already been allocated for development and construction of properties meeting the criteria of Affordable Housing, I would have assumed that this would satisfy the requirements of the Neighbourhood Plan for Chaddesley Corbett Village.</p> <p>As the last planning application submitted <b>20/065/FUL</b> was withdrawn I was confused as to why discussions were even taking place to consider changing the WFDC local plan, I have checked surrounding areas close to the proposed site to see if there are any new notices that have been posted to inform of a new planning application being submitted and have found nothing, have also</p>

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								<p>checked the Wyre Forest District Council planning portal which also shows that no new planning application has been listed, In my opinion this would make the statement clause <b>36.12</b> inaccurate.</p> <p>If I may I would also like to give an update on some of the issues I mentioned in previous objections to the proposed development site known as ‘small paddock’ that have worsened since then.</p> <p>The vehicles volume of traffic using Fold Lane has continued to increase, especially larger vans making deliveries, which initially started to grow just after the initial Covid 19 lockdown.</p> <p>The condition of the footpath / road surface has deteriorated significantly in the last 12 months, with quite deep potholes appearing in several places.</p> <p>Exiting Fold Lane onto the Village continues to be a nightmare at times due to the volume of vehicles being parked either side, and directly opposite Fold Lane.</p>

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1302629	Mr Kevin Bratt	LPMM1938	Object	MM36.7	No	No	No	<p><b>MM36.7 - Fold Farm, Chaddesley Corbett (0.31 ha)</b></p> <p><b>Clause 36.11 ‘This small paddock is accessed along a private road which serves Fold Court and other dwellings’.</b></p> <p>The site for this proposed development named as this small paddock doesn’t have any point of access to or from Fold Lane, there is fencing which covers the whole parameter of the proposed site along its border with Fold Lane.</p> <p>There is also a fully constructed kerb with no modifications to allow any vehicular access to the site, as is there no gated access for pedestrians anywhere along the border, the only way to access the proposed development site from Fold Lane (or vice versa) would be to climb over the fencing.</p> <p>In my opinion this would make the statement clause <b>36.11</b> inaccurate.</p> <p><b>Clause 36.12 ‘designed to meet the needs of newly formed households or older people looking to downsize’</b></p>

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Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p>It is my understanding that another site has already been allocated for development and construction of properties meeting the criteria of Affordable Housing, I would have assumed that this would satisfy the requirements of the Neighbourhood Plan for Chaddesley Corbett Village.</p> <p>As the last planning application submitted <b>20/065/FUL</b> was withdrawn I was confused as to why discussions were even taking place to consider changing the WFDC local plan, I have checked surrounding areas close to the proposed site to see if there are any new notices that have been posted to inform of a new planning application being submitted and have found nothing,</p> <p>I have also checked the Wyre Forest District Council planning portal which also shows that no new planning application has been listed.</p> <p>In my opinion this would make the statement clause <b>36.12</b> inaccurate.</p>
1302855	Mr Graham Neale	LPMM2132	Object	MM36.7				Para 36.11 states 'This small paddock is accessed along a private road'

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								There is no access to the paddock from the road referred to
859769	Mrs Gaynor Gillespie	LPMM3162	Object	MM36.8		No	No	My client objects to proposed Main Modification MM36.8 on the basis that it seeks to amend the approach taken to Reserved Housing Sites within the Local Plan by only removing a site specific policy rather than address a fundamental principle relating to the sufficiency of the supply of Reserved Housing Sites. The National Planning Policy Framework (paragraph 139) makes specific reference to identifying areas of safeguarded land between the urban area and the Green Belt where necessary, when defining Green Belt boundaries, in order to meet longer term development needs stretching well beyond the Local Plan period. Local authorities also need to be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the Plan period. The principle for being able to safeguard land has therefore been established in national planning policy. My client recognises that Main Modification 36.8 does not seek to further reduce the supply of identified safeguarded land (Reserved Housing Sites). This stance is welcomed. Reserved Housing Sites are still considered to play an important role as part of the Local Plan

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								<p>strategy. If site-specific constraints or other considerations do delay or slow down the delivery of development on some of the allocated housing sites then it will be important for WFDC to be able to still demonstrate that it does have a wider suitable and flexible supply of deliverable sites in sustainable locations which can come forward to assist with maintaining a five year housing land supply position against the Local Plan housing need target. As acknowledged in the Local Plan supporting text, and unless alternative sites are allocated through a further (partial) review of the Local Plan, Reserved Housing Sites “provide the first option to consider for development if sites are not available to meet the desired requirement in other, sequentially preferable locations”.</p> <p>The most recent household projections for the District are higher than the level of growth chosen by WFDC as its housing need figure for the Local Plan period. WFDC should be mindful of the anticipated future requirement to plan for meeting an increased need, both through making additional allocations in the next Local Plan Review and ensuring the ability of WFDC to demonstrate a deliverable five year housing land supply position based on a greater housing need position. The expectation is that</p>

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								<p>future Local Plan Reviews will also find that there are insufficient previously developed sites within the urban areas to meet the housing need and therefore there will still be a need to review and alter Green Belt boundaries. There is accordingly considered to be a need to give regard to the requirement for Green Belt boundaries to endure beyond the end of the Plan period by safeguarding additional land in suitable and sustainable locations as part of the current Local Plan review process. The total identified capacity within the included Reserved Housing Sites amounts to c.116 dwellings. This would not make a significant contribution to the housing land supply and is accordingly not considered to be sufficient to meet the anticipated increase in local housing need and resultant pressure for further releases from the Green Belt. As a consequence it is contended that WFDC should be planning for additional reserved housing sites, notably around the edge of Kidderminster.</p> <p>Main Modification 36.8, being the only proposed change in relation to the approach to Reserved Housing Sites, therefore does not go far enough. It is not considered to be sufficient to simply ensure that the approach taken</p>

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								within the Local Plan to the already identified Reserved Housing Sites is consistent. The approach should go further and recognise the need for further Reserved Housing Sites to be included. The proposed Main Modifications are therefore not considered to address the national requirement to identify areas of safeguarded land between the urban area and the Green Belt, when defining Green Belt boundaries, in order to meet longer term development needs stretching well beyond the Local Plan period. My clients accordingly consider that WFDC has still not demonstrated that Green Belt boundaries will not need to be altered at the end of the Plan period and contend that the Local Plan is therefore still not sound in this regard. In order to rectify this it is considered that further Reserved Housing Sites should be reviewed and consulted upon before the Local Plan moves forward to adoption, to ensure that the Local Plan is genuinely based on an approach that can allow Green Belt boundaries to endure well beyond the Local Plan period.
260520	Campaign to Protect Rural England	LPMM307		MM36.9				As in MM18.2 the use of data from the Housing Register is inappropriate, unless this is explicitly limited to persons on the Register who have a close link to the Far Forest area,

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								for example by living there, working there, or having relatives there who need care.
260520	Campaign to Protect Rural England	LPMM308		MM36.10				<p>As in MM18.2 the use of data from the Housing Register is inappropriate, unless this is explicitly limited to persons on the Register who have a close link to the Far Forest area, for example by living there, working there, or having relatives there who need care.</p> <p>Additionally: this site is within the area of the medieval hamlet of Caunsall. Accordingly, a heritage assessment will be needed before development takes place.</p>
260520	Campaign to Protect Rural England	LPMM309		MM37.1				MM37.1 Policy MM36.6A ought not to be classified as a strategic policy, when clearly it is not one. Policies 31 and 32, each covering about 1400 houses are clearly strategic. Having 50 houses at Blakedown is on a completely different scale from that. There is no justification for declaring these 50 houses as strategic when numerous allocations in the three towns, some on a similar or greater scale are not.
260520	Campaign to Protect Rural England	LPMM306		MM37.7				MM37.7 Evidence given at the Examination very clearly showed a grave lack of local support for this site, with others potentially being promoted through a Neighbourhood

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								Plan. The allocation of this site is a non-strategic one, so that the District Plan is detracting from the ability of a Neighbourhood Plan to make appropriate allocations to meet local needs according to the wishes of local people, contrary to the Localism Act. The District Plan should have this allocation deleted, instead providing an appropriate housing target for the village to be met from land within <b>or adjoining</b> the village envelope boundary to be allocated through a Neighbourhood Plan.

## Appendix 2 – Responses made on the Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58)

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
1298642	Mr Gordon Bunn	LPMM24	Object	SA				I hereby object to ED57 & ED58 Habberley Road Development.
1298606	Mr Kev Moule	LPMM20	Object	SA				I hereby wish to object to ED57 & ED58 Habberley Road Development.
1298639	Caroline Moule	LPMM22	Object	SA				I hereby wish to object to ED57 & ED58 Habberley Road Development.
1285674	Dr Merlyn Wilcox	LPMM8	Object	Page 10	No	No		<p>In her initial comments (document ED6), the Inspector said that she had not found a comprehensive, integrated and consistent level of explanation of the local-level, site- specific exceptional circumstances that, in the Council's view, justify the release of each individual site from the Green Belt, and that that explanation should summarise the purposes that each individual site serves in the Green Belt, the effect of its release on these purposes and the overall integrity of the Green Belt, and the other relevant factors in each case that, cumulatively, may amount to exceptional circumstances justifying its release.</p> <p>The Inspector raised a number of Matters and Questions for the Examination (document ED16), including Matter 6, which relates to Allocations for Housing. The Questions include whether the</p>

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Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p>selection of the site allocations was based on an adequate assessment of all potential sites, including a sustainability appraisal and assessment of their roles in serving Green Belt purposes.</p> <p>The Council subsequently produced a Topic Paper (document ED20), which assessed each site in more detail. In relation to the land at Low Habberley (ref WA/KF/3) ('the Site') it says:</p> <ol style="list-style-type: none"> <li>1. That the Site makes a significant contribution to the Green Belt as it forms part of the arc of Green Belt which contains the northerly extent of Kidderminster, limiting extension of the contiguous built-up area of the town into open countryside and that as such it makes a significant contribution to Green Belt purposes of containing sprawl and preventing encroachment;</li> <li>2. That whilst the Site is small and nominally adjacent to the urban edge of Kidderminster, it is nevertheless exposed visually and physically, being bounded by an insubstantial hedge to the north west and thereby physically and visually connected to the wider open countryside;</li> <li>3. That whilst the Site can contribute to meeting the development needs of the</li> </ol>

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								<p>District in a relatively sustainable location, the impacts on the Green Belt can only be mitigated to some degree through site design, and that the openness and permanence of the wider Green Belt are likely to be compromised through the absence of a substantial containing boundary and the creation of a new built edge affecting the openness of the remaining Green Belt. It also said that mitigation through the creation of a development boundary is likely to require significant intervention;</p> <p>4. That the harm to the Green Belt would need to be balanced against the sustainability of the Site as a development location;</p> <p>5. In the accompanying appendix, which comprises a summary of the Contribution to the Green Belt and Likely Effect of Development on the Green Belt of each of the sites identified for removal from the Green Belt, the contribution made to Green Belt purposes is split into 5 categories for each site: Sprawl, Merger, Encroachment, Setting, and Overall Contribution. Each category is ranked as to whether the site makes a Limited Contribution, a Contribution, or a</p>

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Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p>Significant Contribution. The Site is assessed as making a Significant Contribution in three categories - Sprawl, Encroachment, and, importantly, Overall Contribution. A review of the results of the other sites shows that few (if any) are considered to make as significant a contribution as the Site. Whilst the 'Overall Contribution' for a few other sites is also 'Significant', there are a much larger number of sites where the 'Overall Contribution' category is considered to be lower (i.e. 'Contribution' or Limited Contribution').</p> <p>The Inspector's note to the Council dated 22 February 2021 (document ED46) on the initial drafting of the main modifications dealt with the broad scope of the modifications that appeared to be necessary, so far as they had been identified at the Hearing stage (such that there could be more). The note made clear that it was without prejudice to (i) the outcome of further work that the Council needed to undertake and (ii) the Inspector's final conclusions on the soundness of the Plan.</p> <p>Whilst Appendix A to the Inspector's note set out how some remaining issues affecting specific policies could be resolved, clearly the Inspector</p>

## Appendix 2 – Responses made on the Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58)

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								<p>had a number of important concerns with the emerging plan, including with policy 30.21.</p> <p>The Council's Sustainability Appraisal dated August 2021 (document ED58) considers (at pages 9 and 10) the sustainability impacts of the proposed site allocations.</p> <p>In the first instance, the appraisal is incorrect in that it says that the land at Low Habberley (ref WA/KF/3) has an area of 92.87 hectares. However, the draft plan says that the extent of site ref WA/KF/3 is 5.6 hectares, and so the appraisal should have been in relation to that area, not a larger area.</p> <p>In relation to policy 30.21, the appraisal says that in respect of Local services, Travel, Soil &amp; land, Water &amp; flooding, Landscape, and the Green Belt, there will be a minor negative impact compared with the current situation. Importantly, in relation to Biodiversity it says that there will be a major negative impact compared with the current situation, which will cause problematic sustainability issues, and that mitigation will be difficult and/or expensive. The impacts on community, historic environment, employment</p>

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								<p>and housing are considered to be either neutral or positive.</p> <p>The Site is therefore of the highest importance in terms of its contribution to the Green Belt. Developing the Site for housing would have a significant harmful impact on the Green Belt. This harm must be balanced against the sustainability of the Site. The Sustainability Appraisal confirms that the Site is not particularly Sustainable, and that development would cause significant harm, particularly in terms of Biodiversity. It is not therefore considered that the exceptional circumstances required to justify the removal of the Site from the Green Belt exist.</p> <p>It is considered that the Council acted prematurely in selecting the Site for removal from the Green Belt before they had adequately considered the contribution it made to the Green Belt in their Topic Paper (ED20), which was produced after the Site was selected. The Site had not been adequately assessed prior to that, and should have been discounted when that document was produced. Now that the position is clearer, the Site should no longer be considered suitable for development.</p>

## Appendix 2 – Responses made on the Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58)

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p>It should also be noted that the Reasoned Justification to policy 30.21 says that the site is approximately 1.5km from the town centre. That is considered to be incorrect; our clients have measured the distance and consider that, using the shortest possible route, it is in fact 2.6km.</p> <p>Therefore, it is not considered that MM30.17 makes the local plan sound and that for the reasons outlined above proposed policy 30.21 should be deleted in its entirety.</p>
1299853	Mr Neil White	<a href="#">LPMM438</a>	Object	Page 10,25,26 & ED57 MM3.1-3.6 (p23) , MM6.7- (p37, MM8.1- (p57), MM30.51, MM9.3- Policy 9 (p87), MM30.17- Policy 30.21 (280& p281)	No		No	<p>Poor access to local services. Severe impact on a local nature reserve. Undue stress on local schools and facilities. Poor public transport. It's a greenfield site. The area often floods causing water run off.</p> <p>It doesn't adjoin a built up area it's bordered by roads on 2 sides and field/ woods on the others.</p>

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Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
1284059	Mrs Carol Shakespeare	LPMM6	Object	Pages 25 & 26 REF Field at Habberley Rd WA/KF/3	No	No	No	<p><b><u>FIELD AT HABBERLEY ROAD REF WA/KF/3</u></b></p> <p>The proposed Habberley area land development carries the highest negative tariff of any development area &amp; hits a double negativity rating in the Biodiversity &amp; Geodiversity space.</p> <p>This in itself makes it nonsensical to develop against the backdrop of climate change/COP 26/Earth Shot/brownfield development priority &amp; wildlife impact (borders Habberley Nature reserve)-the field itself is stated in other documents as being a significant contributor to Green Belt Purposes.</p> <p>In short</p> <ul style="list-style-type: none"> <li>• Negative for Local Services &amp; facilities</li> <li>• Negative need to travel, poor public transport</li> <li>• Negative for soil &amp; land</li> <li>• Negative for Water Resources, Quality &amp; Flood Risk.</li> <li>• Negative for Landscape &amp; Townscape</li> <li>• Negative for Greenbelt</li> <li>• DOUBLE negative for Biodiversity &amp; Geodiversity</li> <li>• Stated as Neutral for Community &amp; Settlement identities – although from a</li> </ul>

## Appendix 2 – Responses made on the Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58)

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								<p>local resident standpoint this is extremely debatable.</p> <ul style="list-style-type: none"> <li>Neutral for Historic Environment (although again some of the local historians/historical date would find this debatable)</li> </ul> <p>Developing / removing from Greenbelt against this backdrop &amp; in the context of a very visible greenbelt border location will be against every ethical &amp; data driven statement &amp; promise made. It creates issues for local residents/services/wildlife &amp; will never be well received as not data/science/credibility supported.</p>
231332	Natural England	LPMM167	Support	Sustainability Appraisal	Yes	Yes	Yes	We have reviewed Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58) and agree with findings and conclusions of this report.
1303087	Dr Margreth Becker	LPMM3557	Object	Page 10, 25 and 26	No	No	No	<p><u>Significant Information against which the sustainability assessment should be read.</u></p> <p>Topic Paper ED20 which was produced <u>AFTER</u> the site was selected for removal from Green Belt assessed the site to make Significant Contribution for (1) containing sprawl (2) preventing encroachment, and importantly in (3) Overall Contribution (three out of five). A review of results</p>

## Appendix 2 – Responses made on the Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58)

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p>of other sites shows that few if any make as much contribution to Green Belt as this site does.</p> <p><b>SUSTAINABILITY REPORT ED58</b></p> <p>Page 10, 25, 26 (Comments regarding the Sustainability Appraisal)</p> <ol style="list-style-type: none"> <li>1. Site area assessed is not specific to the site itself (92.8 hectares vs. 5.6 actual)</li> <li>2. The statement “Adjoining Built Area” is false and misleading. It is separated from the built area by highways and is only adjoining another agricultural field. The correct phasing is “adjacent to built up area</li> </ol> <p>Table 5 (p10) Sustainability impacts of the Wyre Forest District Local Plan site allocations WA/KF/3 – Land at Low Habberley: (KEY as in Sustainability report ED58): Red = Double Negative, Yellow = Negative, Blue = Neutral, Green = Positive, Dark Green = Double Positive</p> <ul style="list-style-type: none"> <li>• Local services – yellow (Poor access, as judged by the HELAA (Housing Economic Land Availability Assessment) form)).</li> <li>• Housing Double positive green (Housing site&gt;40ha) (<b>THIS IS FACTUALLY</b></li> </ul>

## Appendix 2 – Responses made on the Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58)

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p><b>INCORRECT. Site is ONLY 5.6 Hectares) Hence should be only single positive (pale green)</b></p> <ul style="list-style-type: none"> <li>• Travel – yellow (Poor public transport access as judged by the HELAA form; with 200m of AQMA)</li> <li>• Soil and land – yellow (Greenfield grade 2 agricultural land; development could affect other soil/land)</li> <li>• Water and flooding – yellow (Partly in flood zone 2 or significant surface water flooding; in aquifer protection zone or similar)</li> <li>• Landscape – yellow (Some negative impact)</li> <li>• Biodiversity – red (Adjacent to or on designated conservation site; other significant cumulative impact on biodiversity) Double Negative</li> <li>• Employment = blue (No potential)</li> <li>• Historic – blue (No impact)</li> <li>• Green Belt – yellow (In Green Belt)</li> <li>• Community – Neutral</li> </ul> <p>The allocation has only one positive, that being the provision of housing. Any housing allocation would realise the same 'positive' <b>But NOT Double Positive as stated in the document. This field is far less than the 40 hectares definition ED58 for</b></p>

## Appendix 2 – Responses made on the Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58)

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p><b><u>double positive. (FACTUALLY INCORRECT STATEMENT).</u></b> Other than three neural impacts, the proposed allocation is shown to have seven negative Impacts out of the eleven. This includes six ‘minor negative’ impacts, and one ‘major negative’ impact, deemed as (Quote) “<i>problematic sustainability issues, mitigation difficult and/or expensive</i>”. What is startlingly apparent, which has been shown previously in every single analysis of the Low Habberley site, is the number of negatives and lack of positive impacts, particularly when compared to the other proposed allocations.</p> <p>It is also worthy to note and highlight that the ‘Green Belt’ criterion in the sustainability report is a simple ‘in or out’ assessment. However, as has been demonstrated in every Green Belt assessment undertaken for the Council (Amec Foster Wheeler – ‘Green Belt Review Strategic Analysis September 2016, and the Green Belt Topic Paper – Summary of Site Assessments October 2020) this site is highly important and makes a significant contribution to the Green Belt. <b>The findings of every assessment undertaken DO NOT support the release of this field from the Green Belt.</b></p> <p><b>An Ecology report done by Pleydell Smithyman Ltd (Ecological Consultants) on the site in March</b></p>

## Appendix 2 – Responses made on the Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58)

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p><b>2021 when the proposal to build on this site first came into the public domain and this is attached.</b></p> <p><b>It is considered that the Council acted prematurely in selecting this field for removal from the Green Belt before they had adequately considered the contribution that it made to Green Belt in topic paper ED20 which was produced <u>after</u> the site was selected. The site had not been adequately assessed before that and it should have been discounted when this assessment was produced. The Sustainability Appraisal confirms that the site is not particularly sustainable and that development would cause significant harm, particularly in biodiversity. <b>It is therefore considered that the exceptional circumstances required to justify the removal of the site from Green Belt <u>DO NOT</u> exist.</b></b></p> <p>The examination Inspector has asked for evidence to justify the release of each proposed site from the Green Belt (document ED6). All assessments undertaken demonstrate that this site provides a significant <b>positive contribution to the Green Belt</b>, and therefore evidences that it should <u>remain</u> as Green Belt, and not be released for development. The Sustainability assessment of the Low Habberley site (p25) makes the following</p>

## Appendix 2 – Responses made on the Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58)

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p>comments: The site is ticked to be ‘adjoining built up area’. <b><u>THIS IS FACTUALLY INCORRECT AND MISLEADING.</u></b> The site only ‘adjoins’ an open agricultural field. It is separated from the ‘built up area’ by highways to three sides. The correct phrasing would be that the site is ‘adjacent’ to a built up area.</p> <p>The sustainability assessment notes that: - The site has (Quote) ‘<i>Overall poor access to local facilities</i>’, as well as ‘<i>poor public transport access</i>’. – <b>The site is (Quote)</b> <i>Former open heath, and a ‘sensitive location what would impact on views to Habberley Valley Nature Reserve, Wassell Wood and receptors and Low Habberley and the northern boundary of Habberley Estate’.</i> – <i>The site is adjacent to the Habberley Valley Local Wildlife Site/Nature Reserve, and along boundary of Easthams Coppice. Protected trees on site, and BAP protected fauna, Pipistrelle bat and brown hare present.</i></p> <p>The only ‘reason for inclusion’ given is that it was a call for sites submission. Given the significant negative impacts, and the officer-assessed ‘poor’ access to local facilities and public transport, there is no reasonable justification for the allocation of this Green Belt land for building.</p>

## Appendix 2 – Responses made on the Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58)

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								Supporting documents for this response are included at Appendix 6 of this Summary of Responses.
1299552	Mr Robert Ward	LPMM2694		pages 10,25,26				There is no comment on fuel line across the land affected by this proposal (Low Habberley)
1137373	Mrs Sonia White	LPMM11		Pages 10 and 25				<p>MM6.1 is not sound or legally compliant in regard to Field at Habberley Road REF WA/KF3</p> <p>Primarily this area is GREEN BELT The surrounding infra structure is inadequate for housing. Transport egress from this field will endanger lives. Pedestrian routes to local facilities from this field will endanger lives. The area is rich in wildlife throughout the year, hence its status as GREEN BELT It is a prime area, surrounded by other land, absolutely suited to agriculture/farming.</p> <p>Negative for Local services and facilities</p> <p>Negative Need to travel, poor Public Transport</p> <p>Negative for Soil and Land</p>

**Appendix 2 – Responses made on the Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58)**

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								<p>Negative for Water Resources and Quality and Flood Risk</p> <p>Negative for Landscape and Townscape</p> <p>Negative for Green Belt</p> <p>DOUBLE Negative for Biodiversity and Geodiversity</p> <p>I endorse these objections above provided by the local people's group who have done extensive research into this proposed development.</p>

**Appendix 3 – Responses made on the Schedule of proposed changes to the policies map to reflect the proposed main modifications to the draft Local Plan (ED59)**

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
231332	Natural England	LPMM176	Support	PM.20 (SKEP)	Yes	Yes	Yes	We welcome amendments to paragraph 30.74 supporting Policy 30.31 South Kidderminster Enterprise Park (SKEP), Key Diagram and policies map PM.20 to clarify changes to the area of SKEP <u>to exclude</u> Wilden Meadows and Marshes SSSI and the associated former settling ponds west of Wilden Lane. We welcome inclusion of wording in reasoned justification paragraph 30.74 highlighting requirement that potential impacts on this land should be considered as part of any application for development and positive benefits consistent with Policy 11(d) secured to enhance this area.
231577	Persimmon Homes Limited	LPMM3103	Object	PM34	Yes	No	No	There is, in our view, an error on the Proposals Map, page 35 which relates to PM 34, Catchem's End. The modification indicates that the proposed site boundary, and land to be removed from the Green Belt, has been informed by emerging site plans provided by my client Persimmon Homes. Whilst it is understood this has largely been followed, there is an area on the western side of the parcel, which has been omitted from de-allocation for Green Belt. This area was previously indicated by Persimmon Homes to be largely used as open space, though should be removed from the Green Belt. We advocate that the entire parcel (including the triangle on the western flank adjacent to the existing north-south footpath) is taken out of the Green Belt to ensure that the proposed western footpath and cycle link can be provided easily alongside other necessary

**Appendix 3 – Responses made on the Schedule of proposed changes to the policies map to reflect the proposed main modifications to the draft Local Plan (ED59)**

Person ID	Respondent	Response Ref:	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
								infrastructure such as the Pumping Station. It will be difficult to deliver a comprehensive scheme unless this is achieved, and may frustrate the delivery of the site. We have made separate representations on the matter in relation to Policy 34.4 in the Schedule of Proposed Main Modifications.

## Appendix 4 – Save Habberley Green Belt Generic Responses

The Council received the following 8 objections from 556 individual respondents

Document	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)	Object	MM3.1	No	No	No	<b>ED57 Main Modifications Document</b>  MM3.1 – <i>Overall Sustainable Development Objectives: c) Environmental Role: ii) Improving biodiversity</i> – <b>It is noted in the sustainability report that development will have a significant negative impact on local biodiversity. The notion that development will improve biodiversity is plainly ridiculous.</b>
Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)	Object	MM3.3- 3.6 page 23	No	No	No	MM3.3 – 3.6 (p23) – <i>Plan Objectives “a necessary and justified level of strategic Green Belt release”. – to ensure that the level of development that is required within the District over the whole plan period can be achieved. – As per the Inspector’s comments in ED6, there is no justified evidence for the removal of the site, which has been consistently found to have a significant contribution to the Green Belt.</i>
Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)	Object	MM6.7 (page 37)	No	No	No	Policy 6B – <i>Locating New Development. The Spatial Development Strategy and the site allocations in this Plan (as described by Policies 6C – 6F) are based upon the following principles: vii) Protect from development areas that are sensitive because of their landscape, heritage assets or biodiversity. – This is a sensitive landscape with significant biodiversity, as found and established in the site assessments carried out on behalf of WFDC.</i>
Schedule of Proposed Main Modifications to the Wyre	Object	MM8.1	No	No	No	MM8.1 – (p57) <i>Kidderminster and Stourport-on-Severn provide a good range of jobs and services and the opportunities for accessing the public transport network within these urban areas are higher. The higher density levels indicated for these towns reflect their roles within the</i>

## Appendix 4 – Save Habberley Green Belt Generic Responses

Document	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
Forest Local Plan (2016 – 2036) (ED57)						<i>settlement hierarchy and will help to support existing public transport infrastructure into the future. – but it has been shown that this site is not sustainable in terms of access to local facilities or public transport (WFDC Officer views p26 sustainability report)</i>
Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)	Object	MM9.3	No	No	No	<p>MM9.3 – Policy 9 (p87) A) (Quote) <i>Development should help minimise negative health impacts and maximise opportunities to ensure that people in Wyre Forest District lead healthy, active lifestyles and experience a high quality of life by: i) Providing easy to maintain, safe and attractive public realm and green infrastructure including green spaces, footpaths, bridleways and cycle routes that encourage active travel opportunities. The proposed Low Habberley Site allocation conflicts with the policy requirement, given that it has been shown not to be sustainably located, and would result in the loss of agricultural land. The field at present does have a natural and well-trodden path around 3 sides out of four of its perimeter. This path is very frequently used for walking with or without dog. People choose to walk inside the hedge to give distance from the traffic noise and fumes. These paths have been in regular use for in excess of 40 years. Walking in natural environment has been shown to be very beneficial for physical and mental health and is far more likely to be sustained through life than gym membership. Development would have major negative impact on this criterion. Development would significantly mar the ability to enjoy walking. Development would have significant negative impact on physical and mental health of humans and their dogs alike!</i></p> <p>v) Encouraging opportunities for access to fresh food, for example through the provision of allotments, community orchards, fruit trees, local markets, and usable private amenity space — <b>shown not to be</b></p>

## Appendix 4 – Save Habberley Green Belt Generic Responses

Document	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
						sustainably located and would be a loss of agricultural (food producing) land that to date has the added benefit of irrigation.
Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)	Object	MM30.17	No	No	No	<p>P281 —4 . <i>The rear hedge-line should be strengthened to provide a new defensible boundary to the Green Belt. — The highway is the best defensible boundary as it is. Allocation of the site to housing will, and can only, weaken the defensible boundary to the Green Belt</i></p> <p>P281 - 6. <i>The impact of any development on the nearby Habberley Valley Nature Reserve and Local Wildlife Site should be balanced out through biodiversity net gain. Habberley Valley is a very special heathland and acid grassland environment and should be maintained as such. There is no justification to introduce new habitats to gain biodiversity as suggested. The present habitats are fragile and should be protected. The site already has significant biodiversity. It is not a dead and sterile environment. The hedges and field margins teem with life. Some of the hedges could be further improved but this does not need the building of houses to achieve. Butterflies, moths, birds and bats are currently present in abundance</i></p> <p>P281 - 7. <i>Proposals should specify how existing and surrounding habitats including Habberley Valley and Eastham's Coppice will be taken into consideration. Measures to protect and mitigate for bats and brown hare should also be considered —The inherent and identified harm the allocation of the proposed Low Habberley Site would cause significant harm to local biodiversity and thus significant mitigation work required in itself runs entirely contrary to the requirements of Policy 6B as set out in MM6.7</i></p>

## Appendix 4 – Save Habberley Green Belt Generic Responses

Document	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
						I, the undersigned, agree with and support the statements made within this section labelled Part B —Comments/Representations. I DO NOT support the development of WA/KF/3 —Land at Low Habberley or its removal from Green Belt and allocation for housing. For these reasons I do not consider that the main modifications proposed, particularly MM30.17 make the plan sound, and that instead draft policy 30.21 should be deleted in its entirety.
Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)	Object	MM30.17	No	No	No	(Quote) <i>The site is located on the NW edge of Kidderminster’s urban area, approximately 1.5km from the town centre. <b>THIS IS FACTUALLY INCORRECT.</b> The distance from the town centre is 2.6km from the shortest feasible route. Also (Quote)” The retention and enhancement of the western hedgerow boundary will allow for an improved residential edge to Habberley when seen from the north and provide a strong defensible Green Belt boundary”. Because of the almost triangular shape of the field, the suggestion of the benefit of forming an improved residential edge is false in that a development here would result in an incursion of at least 100 metres (over the length of a football field) further than the present edge of development the other side of Habberley Lane.</i>
Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (ED58)	Object	Page 10, 25 and 26	No	No	No	<u>Significant Information against which the sustainability assessment should be read.</u>  Topic Paper ED20 which was produced <u>AFTER</u> the site was selected for removal from Green Belt assessed the site to make Significant Contribution for (1) containing sprawl (2) preventing encroachment, and importantly in (3) Overall Contribution (three out of five). A review of

## Appendix 4 – Save Habberley Green Belt Generic Responses

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						<p>results of other sites shows that few if any make as much contribution to Green Belt as this site does.</p> <p><b>SUSTAINABILITY REPORT ED58</b></p> <p>Page 10, 25, 26 (Comments regarding the Sustainability Appraisal)</p> <ol style="list-style-type: none"> <li>1. Site area assessed is not specific to the site itself (92.8 hectares vs. 5.6 actual)</li> <li>2. The statement “Adjoining Built Area” is false and misleading. It is separated from the built area by highways and is only adjoining another agricultural field. The correct phasing is “adjacent to built up area</li> </ol> <p>Table 5 (p10) Sustainability impacts of the Wyre Forest District Local Plan site allocations WA/KF/3 – Land at Low Habberley: (KEY as in Sustainability report ED58): Red = Double Negative, Yellow = Negative, Blue = Neutral, Green = Positive, Dark Green = Double Positive</p> <ul style="list-style-type: none"> <li>• Local services – yellow (Poor access, as judged by the HELAA (Housing Economic Land Availability Assessment) form)).</li> <li>• Housing Double positive green (Housing site&gt;40ha) (<b>THIS IS FACTUALLY INCORRECT. Site is ONLY 5.6 Hectares) Hence should be only single positive (pale green)</b></li> <li>• Travel – yellow (Poor public transport access as judged by the HELAA form; with 200m of AQMA)</li> <li>• Soil and land – yellow (Greenfield grade 2 agricultural land; development could affect other soil/land)</li> </ul>

## Appendix 4 – Save Habberley Green Belt Generic Responses

Document	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
						<ul style="list-style-type: none"> <li>• Water and flooding – yellow (Partly in flood zone 2 or significant surface water flooding; in aquifer protection zone or similar)</li> <li>• Landscape – yellow (Some negative impact)</li> <li>• Biodiversity – red (Adjacent to or on designated conservation site; other significant cumulative impact on biodiversity) Double Negative</li> <li>• Employment = blue (No potential)</li> <li>• Historic – blue (No impact)</li> <li>• Green Belt – yellow (In Green Belt)</li> <li>• Community – Neutral</li> </ul> <p>The allocation has only one positive, that being the provision of housing. Any housing allocation would realise the same ‘positive’ <b>But NOT Double Positive as stated in the document. This field is far less than the 40 hectares definition ED58 for double positive. (FACTUALLY INCORRECT STATEMENT)</b>. Other than three neutral impacts, the proposed allocation is shown to have seven negative impacts out of the eleven. This includes six ‘minor negative’ impacts, and one ‘major negative’ impact, deemed as (Quote) <i>“problematic sustainability issues, mitigation difficult and/or expensive”</i>. What is startlingly apparent, which has been shown previously in every single analysis of the Low Habberley site, is the number of negatives and lack of positive impacts, particularly when compared to the other proposed allocations.</p> <p>It is also worthy to note and highlight that the ‘Green Belt’ criterion in the sustainability report is a simple ‘in or out’ assessment. However, as has been demonstrated in every Green Belt assessment undertaken for the Council (Amec Foster Wheeler – ‘Green Belt Review Strategic Analysis September 2016, and the Green Belt Topic Paper – Summary of</p>

## Appendix 4 – Save Habberley Green Belt Generic Responses

Document	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
						<p>Site Assessments October 2020) this site is highly important and makes a significant contribution to the Green Belt. <b>The findings of every assessment undertaken DO NOT support the release of this field from the Green Belt.</b></p> <p><b>It is considered that the Council acted prematurely in selecting this field for removal from the Green Belt before they had adequately considered the contribution that it made to Green Belt in topic paper ED20 which was produced <u>after</u> the site was selected. The site had not been adequately assessed before that and it should have been discounted when this assessment was produced. The Sustainability Appraisal confirms that the site is not particularly sustainable and that development would cause significant harm, particularly in biodiversity. It is therefore considered that the exceptional circumstances required to justify the removal of the site from Green Belt <u>DO NOT</u> exist.</b></p> <p>The examination Inspector has asked for evidence to justify the release of each proposed site from the Green Belt (document ED6). All assessments undertaken demonstrate that this site provides a significant <b>positive contribution to the Green Belt</b>, and therefore evidences that it should <u>remain</u> as Green Belt, and not be released for development. The Sustainability assessment of the Low Habberley site (p25) makes the following comments: <b>The site is ticked to be ‘adjoining built up area’.</b> <b><u>THIS IS FACTUALLY INCORRECT AND MISLEADING.</u></b> The site only ‘adjoins’ an open agricultural field. It is separated from the ‘built up area’ by highways to three sides. The correct phrasing would be that the site is ‘adjacent’ to a built up area.</p>

## Appendix 4 – Save Habberley Green Belt Generic Responses

Document	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
						<p>The sustainability assessment notes that: - The site has (Quote) ‘<i>Overall poor access to local facilities</i>’, as well as ‘<i>poor public transport access</i>’. – <b>The site is (Quote)</b> <i>Former open heath, and a ‘sensitive location what would impact on views to Habberley Valley Nature Reserve, Wassell Wood and receptors and Low Habberley and the northern boundary of Habberley Estate’</i>. – <i>The site is adjacent to the Habberley Valley Local Wildlife Site/Nature Reserve, and along boundary of Easthams Coppice. Protected trees on site, and BAP protected fauna, Pipistrelle bat and brown hare present.</i></p> <p><b>The only ‘reason for inclusion’ given is that it was a call for sites submission. Given the significant negative impacts, and the officer-assessed ‘poor’ access to local facilities and public transport, there is no reasonable justification for the allocation of this Green Belt land for building.</b></p>

## Appendix 5 – Generic Kidderminster Town Centre Responses by Save Habberley Green Belt Respondents

The Council received the following 4 objections from 238 individual respondents

Document	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)	Object	MM30.6	No	No	No	<p><b>Response re Kidderminster Town Centre</b></p> <p><b>Is Kidderminster on the Cusp of making a £20.5 million Mistake with Proposed Lion Fields Redevelopment?</b></p> <p>MM30.6 Policy 30.5 Land at Bromsgrove Street Lion Fields BH/2</p> <p>The Main Modification to proposed policy 30.5 would mean that it reads as follows:</p> <p>"This site is allocated for a mix of residential and commercial development which is expected to deliver the following:</p> <ol style="list-style-type: none"> <li>1. On the former Glades site a cinema and a leisure complex with ancillary food and drink together with car parking</li> <li>2. The former Magistrates' Court building and indoor market refurbishment and conversion to a Creative Hub for businesses in the digital and creative industries sectors</li> <li>3. Acquisition and demolition of properties at northern end of Worcester Street to improve connectivity from the town centre into Lion Fields</li> </ol>

## Appendix 5 – Generic Kidderminster Town Centre Responses by Save Habberley Green Belt Respondents

Document	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
						<p>4. Rationalisation of existing car parking on Bromsgrove Street to release land for mixed use development including residential (both C3 and C2)"</p> <p>The remaining bullet points relate to design etc.</p> <p>For the reasons set out below we object to Main Modification 30.6:</p> <p><b><u>Bullet Point 1: Former Glades Site Proposal to build cinema and new leisure centre</u></b></p> <p>Kidderminster already has a new Leisure Centre and we doubt that it needs a second one. Viewing of movies has very largely changed over the past five years and this change has been accelerated by the Covid crisis People have in large numbers made contracts with movie streaming companies and view movies in their own homes. This trend seems to us to be highly unlikely to be reversed. On the contrary, by the time any cinema were to be functioning, given that the project is only to start in 2026, audiences will have further evaporated. The Reel cinema closed in 2020 after struggling financially for some time. Our view is that the former Glades site should be developed forthwith into housing at a density appropriate to town centre living (minimum 70 per hectare). Dwellings in this central location would have the great advantage of proximity to existing infrastructure. That the former Health Centre is not proposed to be redeveloped as part of this plan is a major drawback. The building has little architectural merit, is energy inefficient and</p>

## Appendix 5 – Generic Kidderminster Town Centre Responses by Save Habberley Green Belt Respondents

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						<p>towards the end of its useful life (these problems identified in a report in 20122 and one of the justifications for relocation of GP services to the present new building). Current services could probably be relocated to the Bewdley Road Hospital site. We suggest that negotiations should be held with NHS Property Company. This would allow much more residential provision on this valuable site.</p> <p>The proposal to extend Lion Street across at the site of the former Woolworths building to Worcester Street seems to us superfluous. It is only a short walk around and the land would be better used for further dwellings.</p>
Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)	Object	30.6	No	No	No	<p><b><u>Bullet Point 2: Former Magistrates Court Building</u></b></p> <p>Prior to the Main Modification, the Magistrates Court building was to be considered for conversion for a mixed residential/commercial scheme. However, the Main Modification has deleted that and proposes its <i>"refurbishment and conversion into a creative hub for businesses in the digital and creative industries sectors."</i></p> <p>We do not consider that there is any evidence that this type of space is needed and will be used. Space for exhibitions is already available in the Carpet Museum. Kidderminster has plenty of empty offices. Digital industries now tend to work from home and surely if they need creative space are in a position to fund and build for themselves. Similarly, where is the evidence for "creative industries" wanting to relocate here (and</p>

## Appendix 5 – Generic Kidderminster Town Centre Responses by Save Habberley Green Belt Respondents

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						<p>pay rental)? The development that we know for sure is needed (evidenced by the Council's own housing needs analysis) is simply <u>housing</u>. A promotional video state the former manufacturing area to be half an acre.</p> <p>It has been shown that buildings on brownfield sites close to urban centres reduce distance travelled by up to 52% and fuel consumption and resulting environmental cost by 66%. We are, after all, in a declared climate emergency. Against this backdrop, the argument for provision of very significant provision of appropriate dwellings in the town centre becomes even more compelling.</p>
Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)	Object	30.6	No	No	No	<p><b><u>Bullet Point 4: the rationalisation of existing car parking on Bromsgrove Street to release land for mixed use development including residential (both C3 and C2)</u></b></p> <p>The area currently used as a surface car park in Bromsgrove Street was formerly tightly packed housing. We feel that most if not all of this area should be returned to residential use, and therefore consider that this part of the Main Modification to be sensible and appropriate.</p>
Schedule of Proposed Main Modifications to the Wyre Forest Local Plan (2016 – 2036) (ED57)	Object	30.7	No	No	No	<p><b>Policy 30.6 Timber Yard Park Lane</b></p> <p><i>The Main Modification means that this land is allocated for residential development of 100 dwellings to come forward between 2026 and 2031.</i></p>

## Appendix 5 – Generic Kidderminster Town Centre Responses by Save Habberley Green Belt Respondents

Document	Support/ Object/ Comment	Main Mod Reference	Legally compliant?	Sound?	Positively prepared?	Response
						<p>We totally agree that this site should be used for town centre housing at densities appropriate to town centre living. However, we see no reason why the site should not be allocated and available for development as soon as the plan is adopted, and not delayed until 2026. The Government's clear intention is for Brownfield First, that was evident in the Prime Minister's speech to the 2021 Conservative Party Conference, when he confirmed the Government's commitment to "<i>build the homes that young families need... not on green fields ... but beautiful homes on brownfield sites in places where homes make sense.</i>"</p> <p><b>I, the Undersigned, agree with and support the statements made within this section labelled "Response re Kidderminster Town Centre". I agree that priority should be given to housing in the Town Centre and that these Brownfield Developments should be prioritised.</b></p>

**Response to Consultation on  
Proposed Main Modifications to the  
Wyre Forest District Council  
Local Plan (2016-36)  
October 2021**



Response to be registered using on line portal :  
Wyre Forest District Council – Consultation Home ([objective.co.uk](http://objective.co.uk)) or  
by email to [LPR@wyreforestdc.gov.uk](mailto:LPR@wyreforestdc.gov.uk)  
Closing Date 26 November 2021.

**Section MM36.7 Policy 36.7 – Fold Lane, Chaddesley Corbett**

Chaddesley Corbett Parish Council note that the above site has been retained in the Local Plan, with capacity reduced from 6 to 4 dwellings and with added requirements that the properties should meet the needs of new households or older downsizers..

The Parish Council remains opposed to any development of this site. The site is in the Conservation Area of Chaddesley Corbett village, washed over by the Green Belt and is currently used for agriculture. The proposed access road is an unadopted single track 'footpath' used extensively by walkers to access Chaddesley Woods, children to the school, agricultural vehicles, users of the Allotment site and Orchard and other residential properties. It would be unsafe to extend the use of this access any further, as reflected in previous comments from Highways.

The review and update of our Neighbourhood Development Plan is well advanced, and identifies this site as an important Local Green Space. The revised NDP will also allocate a nearby site on Bromsgrove Road as a Rural Exception Site to meet the 2019 survey's identified local need for 10 affordable homes over the next 10 years. Retaining the Fold Lane site in the Local Plan would prejudice the development of the almost adjacent Bromsgrove Road site, putting this needed housing supply at risk.

Paragraph 8.15 of the draft Local Plan notes that affordability is a marked issue in the Parish, and "rental products are far more accessible to Parish residents." The proposed allocated capacity of the Fold Lane site is below the proposed threshold for affordable housing on sites in Rural Areas (Policy 8B), and would deliver only market housing for sale. Based on the outcome of the redevelopment of the former Village

school site, it is possible that some of this might become available for private rental (but unlikely to be at 'affordable' levels), or possibly short-term/holiday rental, and therefore will not address even a portion of the identified local need.

Policy 8c (reference MM8.4) of the draft Local Plan restates a previous commitment for the District Council to work closely with Parish Councils and Neighbourhood Planning Forums to identify appropriate sites for rural exception schemes. By definition, the allocation of any greenfield site in the Green Belt would be an Exception Site, but here there is a clear lack of 'close working'. There was a brief dialogue on the subject in January 2018, but nothing since.

In January 2018 the Parish Council was asked to respond to the possible allocation of one of three sites in the Local Plan. One was Fold Lane, one was the NDP's proposed Exception Site off Bromsgrove Road, and the third was the field between these two. There was inadequate time to consult with residents about these options, hence the Parish Council's decision not to support the allocation of any site in the Local Plan, but to address the question in the review of our NDP. After a rigorous call for sites exercise and site evaluation, the NDP's preference is for the site off the A448 Bromsgrove Road.

Our verbal evidence to the Local Plan's external examiner set out all of this background, and a recent draft of our emerging revised NDP has been shared with WFDC Planning Officers, which confirms the results of our site selection exercise during which, despite Covid, we were able to consult with our residents.

One of the prime aims of the introduction of Neighbourhood Planning in the 2011 Localism Act was to empower communities to shape development in their local area, to choose where they want new homes, and have their say on what those buildings should look like.

The Parish Council strongly objects to the allocation of the Fold Lane site for any scale or type of development in the District Council Local Plan. We would also urge the District Council to take account of representations from residents of Fold Lane.

|

We would refer you to the Planning Practice Guidance for Neighbourhood Planning, see link below:

<https://www.gov.uk/guidance/neighbourhood-planning--2#evidence-to-support-a-neighbourhood-plan> )

*“The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.*

*The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”*

### **Additional comments for LPMM3959 Churchill & Blakedown Parish Council**

**The evidence based is flawed** The statistics and growth forecasts adopted by SLC Rail have not been verified or tested Blakedown has a limited need for additional parking spaces by 2043. The evidence base in SLC Rail's Report pre-dates that used in Worcestershire County Council's LTP4 Report. It is contradictory and embellishes the need for further parking in Blakedown. The additional evidence produced by the Council contradicts that of Worcestershire County Council's LTP 4 and appears to be based on unsubstantiated evidence. The future need for spaces has been manufactured to justify the substantial urban extension at Lea Castle, which is clearly going to have significantly adverse impacts upon the surrounding infrastructure

**Effect of Covid Pandemic** Given commuter passenger numbers remain at 45% of pre-pandemic levels nationally (see BBC) and demand within Blakedown itself is negligible we would question whether the development is in fact required at all

#### **The treatment of Kidderminster and Blakedown Stations should not be interchangeable**

Kidderminster has more frequent and varied services, hence its greater use and popularity. Moving a perceived (and questioned) car parking requirement 3 miles along the road to meet WCC's plans will not solve the problem. The Council has failed to demonstrate the need for the very large number of spaces in this location proposed now and in future

**The identified housing sites in The Plan to the east of Kidderminster are not sustainable in transport terms.** The extension to the eastern side of Kidderminster and Lea Castle causes significant sustainability concerns in terms of the capacity for Kidderminster to support such growth from a transport point of view. The Council has pushed the additional growth and transport pressures from Kidderminster on to Blakedown. Using a small scale village to overcome the sustainability issues of a town fundamentally undermines the Plan's sustainability credentials of this Local Plan Review.

**This is a Major Development that has not received full and proper Consultation or proper consideration** The provision of 50 houses and reserved future car parking will result in a major development. This allocation proposes major development of a scale, which is completely out of character with the village of Blakedown. The density and massing of this allocation will be significant and will completely erode this important gateway site, encroaching significantly east along the Birmingham Road. The site will be clearly visible from surrounding areas and would not be physically or visually contained. Whilst no details are provided on the final design of the proposed allocation there are likely to be significant infrastructure works required to deliver the scheme. This will result in the site being more visible and prominent within the Green Belt. The surrounding openness would be severely harmed.

**It is unnecessary and is not supported by any robust or reliable evidence** WCC's LTP identifies a need for 79 parking spaces. These can be accommodated in WFR/CB/2, notwithstanding concerns over the reliability of evidence used to arrive at the future need for that site. There is no need for any further train station car parking within Blakedown that cannot already be met by the car park allocation at Station Yard (WFR/CB/2) under the lapsed planning permission. Flawed and unreliable evidence that WFDC appear to be relying upon to remove this allocation from the Green Belt and allocate it for a mixed use development but primarily for an additional 170 car parking spaces and 50

houses they have been unable to accommodate elsewhere in the District that have an identified need for housing that Blakedown does not.

**No “Exceptional Circumstances” have been evidenced or reasoned to justify the removal of this site from the Green Belt** The proposal allocation fails on all 5 purposes of the Green Belt – sprawl, merging, encroachment, character, urban regeneration

**Encroachment and Cooperation has not been properly considered** The proposed allocation encroaches further towards the town of Hagley, which will shortly be subject to significant areas of land being removed from the Green Belt to accommodate the significant growth required to meet the housing needs of Bromsgrove District and Birmingham under its own ongoing Green Belt Review. Concern that WFDC have not undertaken an appropriate Duty to Cooperate with adjoining authorities.

**The Housing Need in the proposed Plan is not needed in Blakedown** The Council are using the SLC Rail report to justify the provision of 50 dwellings in Blakedown. As part of the Neighbourhood Plan adoption, there was evidence of need for only 7 affordable houses and 18 market houses required over the plan period. The provision of 50 dwellings would go well beyond what Policy AM6B is seeking to achieve in village and rural settlements. This is not due to the village being the most appropriate location of new residential development in the District, but solely as a means to deliver the proposed train station parking area, the need for which is questioned. The Wyre Forest District Housing Need Study 2018 identified that there was only an annual affordable housing need within Churchill and Blakedown of 3 dwellings per annum.

**Blakedown is not as sustainable as the proposed Plan suggests** Blakedown has limited local services and should only be accommodating a level of growth commensurate to that of the other villages in the District. The station, bus route and limited local facilities might benefit the occupiers of any new homes, but the lack of employment/need to travel for services far outweighs these perceived advantages Blakedown lacks any significant employment opportunities For most facilities (including secondary schools, main retail provision and healthcare) residents have to travel to larger centres There are no reasons on housing supply grounds to represent the exceptional circumstances necessary to release the site from the Green Belt.

**Viability has not been demonstrated, save for a “Developer’s Option in SLC Rail’s Report, which has not been reviewed or analysed, which completely undermines the justification for the 50 houses and the future car parking spaces in Blakedown. The proposed 50 houses are unlikely to meet the identified local housing need** The Council’s reliance on the SLC Rail Report that a developer led scheme for 50 dwellings in Blakedown will deliver the train station parking area is misjudged. The Council has failed to provide any robust evidence to justify the provision of 50 dwellings in Blakedown and demonstrate how the future reserved parking will be funded 50 houses are not necessary according to all recent Housing Needs Surveys All recent Housing Needs Surveys have identified a need for small scale local housing – lower cost or affordable small dwellings for First Time Buyers, new families, and downsizing need for elderly residents which frees up the existing stock of larger houses for those established on the housing ladder A residential development of 50 dwellings, which needs to provide 25% affordable housing (in line with Policy 8B) and other tariff style contributions (i.e. highway improvements; open space; education; recycling etc) is very unlikely to be able to financially support the development of the car park.

The Council has not considered the viability implications of this allocation in terms of the delivery of the car park. This allocation places a significant financial burden on any future developer wishing to

build out the residential allocation if they are required to contribute towards a future car park. There is no detail as to the amount of affordable housing proposed, yet that is the sole reason for seeking to remove the site's Green Belt status.

**Road network in immediate vicinity of site is inappropriate for such an intensification of use** It is designed to primarily serve a small residential area. Station Drive and surrounding roads were not designed to cope with the additional vehicle movements per day associated with 50 houses and a large commuter car park. Lack of detail and consideration of highways issues, access and proximity to level crossing Junction layouts, in particular the proximity to A456 and the level crossing will cause significant access issues into and out of the site.

**Concern over suitability of wider local road network - use of unsuitable country lanes; already congested A and B road network to reach station and increased speeding:** The surrounding road network that would be used to bring traffic into Blakedown comprises narrow country lanes and already congested A and B roads. • From North West/Lea Castle - via Hurcott Lane, Perriford Lane, Waggon Lane, Churchill Lane, Stakenbridge Lane, Mill Lane • From North East/Hagley via A456 • From South/East via B4188 Belbroughton Road/junction with A456

**Over intensification of use of site and loss of amenity to neighbouring residents** Compromised Access Residents of Station Drive, Lynwood Drive and Mill Lane and surrounding areas will suffer from traffic intensification, light and noise pollution

**Safety of pedestrians and other road users** There are significant numbers of school children who utilise the train station to get to nearby secondary schools arriving at the station from all directions; and the proposed increase in traffic will bring additional safety risks for them. Additionally, there are significant numbers of school children and their families who walk to school using Churchill Lane, Mill Lane, Sculthorpe Crescent, Lynwood Drive and Station Drive to get to Blakedown Primary School with a considerable number of parents using Station Drive as a short term parking option for drop off and pick up of both primary and secondary school children. That has an implication both for the safety of pedestrians and the flow of traffic during the morning peak period in general and in particular for the junction of Churchill Lane and Mill Lane which narrows to single file and has no pavement for pedestrians from that junction up to the junction with Sculthorpe Crescent.

Additionally, there significant numbers of horse riders, dog walkers and ramblers who regularly use the surrounding country lanes and increased traffic will again create a safety issue for them.

Should the proposed development go ahead, careful consideration needs to be given to a number of safety concerns namely:

- the safety of the increased numbers of commuters moving between Station Drive, a poorly lit residential street, to the station itself;
- the impact of the increased pedestrian traffic over the level crossing to access Platform 2 (to Birmingham) which currently has quite a narrow space for pedestrians and the proximity of pedestrians to vehicles whilst on the level crossing;

**Station access for rail users** While the suggested inclusion of a pedestrian access to the station being incorporated are welcomed, there is no suggestion of a footbridge to reach Platform 2 – the busiest platform as it serves, Hagley, Stourbridge/Black Country and Birmingham

**Local Education and Healthcare Provision/Capacity** Blakedown's Primary School has already been extended to 2 form entry and is already at capacity following developments within the village and neighbouring Districts. What consideration has been given to the effects of a further 50 houses? The nearest Healthcare provision is at Hagley Surgery or Kidderminster Medical Centre (ignoring

Kidderminster Hospital's MIU) What consideration has been given to the effects of a further 50 houses?

**Planning precedent relating to compromised Access, over intensification of use of site and loss of amenity to neighbouring residents**

**19/0380/FULL**, relating to a proposed change of use for a residential home in Roxall Close (off Lynwood Drive) to be used for business purposes, the application was refused by WFDC on the grounds of dangerous vehicle movement on Lynwood Drive and Roxall Close not suitable for a solely residential area. The Council said *"the additional and frequent vehicular movements to and from the property are considered to be harmful to the amenities and ambience of this otherwise solely residential area"*.

Planning Inspector's Appeal Decision **APP/R1845/W/19/3234813** 18 Dec 2019 In particular paragraphs: 9 *To my mind and based on all that is in the evidence before me, the use generates a discernible level of activity over and above the activities associated with the predominantly residential uses on the street The regular comings and goings associated with the business activities are out of step with the quiet residential character of the area* 10. *For the foregoing reasons I conclude that the development unacceptably harms the character of the area*. That change of use application would have only added at the most 10 to 20 daily additional vehicle journeys to this residential neighbourhood not the potential for 174+ under the proposal for the car park.

**21/0030/FUL** - Stourport High School And Sixth Form Centre And Playing Fields Coniston Crescent Stourport On Severn Erection of 110 dwellings including 28 affordable units was refused on 18 November 2021 on the grounds of *1 The proposed would significantly increase traffic movements via single point of access onto Coniston Crescent which would result in an unacceptable impact on highway safety to all users of the highway network, including pedestrians, particularly at peak school drop off and pick up times, and that the residual cumulative impacts of vehicle movements on the surrounding road network would be severe. As such a safe and suitable access cannot be provided to the development as required by paragraphs 110 and 111 of the National Planning Policy Framework. Significant weight is given to Policy 33.16 of the Emerging Wyre Forest Local Plan, which states that access for this development site should be provided from Kingsway. To approve the development with the proposed access in these circumstances would be contrary to Policy CC1 of the Site Allocations and Policies Local Plan, Policies 13 and 33.16 of the Emerging Wyre Forest Local Plan and Government advice in the National Planning Policy Framework.*

# 4th March 2021 REPORT M20.128.R.001A HABBERLEY ROAD DEVELOPMENT ECOLOGICAL REVIEW

## Introduction

Pleydell Smithyman Limited were instructed by Mr Richard Merlyn Wilcox to assess the ecological value of the land off Habberley Road, Kidderminster following the proposals for the development of 130 residential properties at the site. The proposals have been put forward by Richborough Estates. Their proposals bring forward outline plans to develop the site to include the following: - 130 new homes, 25% being affordable; - A variety of house types to meet local needs; - Two points of vehicular access from Habberley Road, with six new points of pedestrian access; - Two pedestrian crossings and improvements to the footpath on Habberley Road along the frontage of the site; - Significant new planting and landscaping with a sensitive layout design to create a landscaped edge to Kidderminster; - Provision of 40% open green space, meeting local open space standards and delivering a net biodiversity gain for the site; - New footpath connections to existing public rights of way, improving connectivity to Habberley Valley Nature Reserve; and - A Sustainable Drainage System that creates an overall improvement to drainage of the site, and help protect the existing road network from flooding. This information has been taken from the website that has been created by Richborough Estates specifically to detail the proposals (<https://www.habberleyroad.co.uk/>). This website also provides a location plan for the site and an illustrative masterplan.

The site has been identified in Wyre Forest District Council's draft housing allocation within the emerging Local Plan. A site visit was conducted by Kelly Hopkins of Pleydell Smithyman Limited on 18th February 2021. The weather during the visit was mixed with light rain showers and sunny spells. The visit involved walking around the boundaries of the site and walking to and through Habberley Valley Nature Reserve to the west of the site. The purpose of the site visit and ecological review was to provide ecological information on the site in advance of any planning application that is submitted for the development of the site.

## Results

### Habitats

The site is largely dominated by arable land that is a monoculture and likely to have most recently been planted with barley, although this had been ploughed leaving a fairly short stubble. It is understood that this field and the adjacent two fields further west have a rotating crop with carrots, potatoes, barley and wheat being grown in different years/seasons.

Evidence of recent trial digging was present in the arable field. An existing oil pipeline is known to cross the field and an electricity pylon also crosses the site from east to west. The site slopes gently down to the north. The site is bounded by hedgerows.

The northern boundary is a closely flailed hedgerow with a number of gaps and a small number of scattered trees. Elm (*Ulmus* sp.) dominates the hedgerow. One mature oak (*Quercus robur*) tree is present towards the north-western corner of the site. Ivy (*Hedera helix*) is present along the stem of this oak tree. Further east a sycamore (*Acer pseudoplatanus*) and another oak are present. Ivy is present along the stem of this oak tree.

The eastern boundary is marked by a defunct hedgerow, comprising holly (*Ilex aquifolium*), oak, hawthorn (*Crataegus monogyna*), elder (*Sambucus nigra*) and ash (*Fraxinus excelsior*). Where large gaps between the sections of defunct hedgerow are present, scrub comprising bramble (*Rubus fruticosus* agg.), bracken (*Pteridium aquilinum* agg.) and willowherb

(*Epilobium* sp.) is present. A number of scattered trees are present at the northern and southern end of this boundary. Trees present include oak and hawthorn.

The southern boundary is marked by a belt of woodland that borders the road that leads to Hollyfields Care Home. Trees present in this woodland include holly, elm and sycamore. Ivy is frequent in this area, and nettle (*Urtica dioica*) and ivy form the understorey. A number of these trees have poor tree health and would benefit from management.

The western boundary comprises a defunct hedgerow of sycamore, holly and hazel (*Corylus avellana*) with frequent ivy and bramble. A number of scattered trees are present at the northern end. Whilst none of the habitats on the site are themselves of particularly high ecological importance, they provide vital resources for a wide range of protected species. A public footpath is present along the southern boundary of the site and leads from Habberley Road to Habberley Valley Nature Reserve further to the west. No other formal footpaths are present, however the eastern and northern boundaries of the site are frequently walked by local residents and dog walkers. Protected Species Bats A number of mature trees are present around the boundaries of the site. The tree likely of most importance for roosting bats is the mature oak in the north-western corner of the site. This tree has ivy present on the trunk and supports a number of other potential roosting features including holes and cracks in the limbs. Anecdotal evidence from Mr Wilcox reports that bats roost within this tree and are often seen foraging around the canopy. Other trees around the boundaries of the site offer different levels of bat roosting potential in the form of potential roosting features and ivy present.

All trees should be adequately assessed and surveyed where appropriate to fully understand the likely presence/absence of roosting bats. The boundaries of the site offer suitable foraging and commuting opportunities for bats. Any loss of foraging and commuting habitat will need to be adequately compensated through the creation of additional hedgerow or woodland.

Any lighting proposed for the scheme must be designed with sensitivity to nocturnal animals including bats.

The MAGIC website returned two European Protected Species Licences (EPSL) within a 2km radius of the site. These licences were from common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*) and brown long-eared (*Plecotus auritus*). The closest was approximately 300m to the east of the site.

Badger No evidence of badgers (*Meles meles*) or their setts was recorded during the site visit, however it is considered likely that the site is used by foraging and commuting badgers. It is understood that wildlife cameras that have been placed around the site by Mr Wilcox have recorded presence of badger. Adequate assessment must be included within any planning application that is submitted to take into account the loss of foraging habitat for badgers. Anecdotal evidence reports that a badger sett is present within Habberley Valley Nature Reserve to the west of the site.

Other mammals There are no watercourses on the site and therefore it is unlikely that otters (*Lutra lutra*) or water voles (*Arvicola amphibius*) would occur on the site. The hedgerows provide sub-optimal habitat for dormice (*Muscardinus avellanarius*) due to their frequent management and largely defunct nature. They do however provide connectivity to more suitable areas of habitat in the form of the woodland to the west of the site. Adequate assessment to determine their presence/absence must be included in any planning application. Frequent evidence of rabbits (*Oryctolagus cuniculus*) was recorded around the site during the

visit and foxes (*Vulpes vulpes*) have been recorded on the wildlife cameras placed on the site by Mr Wilcox.

**Amphibians** The hedgerows provide suitable terrestrial habitat for amphibians. There are no ponds on the site and the closest pond appears to be over 500m from the site. Any ponds (including ephemeral ponds) within 500m of the site must be adequately assessed for their presence of amphibians, particularly great crested newts (*Triturus cristatus*).

**Reptiles** The hedgerows provide suitable habitat for foraging and commuting reptiles. It has been reported that adders (*Vipera berus*), grass snakes (*Natrix helvetica*) and slow-worms (*Anguis fragilis*) have been recorded in nearby locations. Appropriate surveys for reptiles should be included within any submitted planning application information.

**Birds** The site offers suitable habitat for breeding and wintering birds in the form of arable land and hedgerows. During the survey skylarks (*Alauda arvensis*) were recorded on the arable field and woodpigeon (*Columba palumbus*), great tit (*Parus major*) and jackdaws (*Corvus monedula*) were recorded on or flying over the site. It is reported that skylark and lapwing (*Vanellus vanellus*) have been recorded on the arable field frequently, and therefore the site is likely to form an important part of this resource for these species.

The site could also offer suitable habitat for foraging barn owls (*Tyto alba*). There are a number of mature trees in close proximity to the site that could offer nesting and roosting potential for barn owls. It is reported that tawny owls (*Strix aluco*) and raptors have been seen on or flying over the site.

An extensive list of bird species have been recorded on the site between 1999 and 2020 by local keen birdwatcher Chris Rudge. Regularly occurring species include woodpigeon, collared dove (*Streptopelia decaocto*), red-legged partridge (*Alectoris rufa*), goldfinch (*Carduelis carduelis*), linnet (*Carduelis cannabina*), chaffinch (*Fringilla coelebs*), greenfinch (*Carduelis chloris*), redpoll (*Carduelis* sp.), meadow pipit (*Anthus pratensis*), house sparrow (*Passer domesticus*), starling (*Sturnus vulgaris*), corvids (*Corvus* sp.), redwing (*Turdus iliacus*), fieldfare (*Turdus pilaris*) and skylark. Species recorded frequently within the hedgerows include yellowhammer (*Emberiza citrinella*), blue tit (*Cyanistes caeruleus*), great tit, long-tailed tit (*Aegithalos caudatus*), blackcap (*Sylvia atricapilla*), chiffchaff (*Phylloscopus collybita*), song thrush (*Turdus philomelos*), blackbird (*Turdus merula*), dunnock (*Prunella modularis*), wren (*Troglodytes troglodytes*), goldcrest (*Regulus regulus*) and robin (*Erithacus rubecula*). Nests of linnet, greenfinch, wren and dunnock have been recorded. More occasionally occurring species include pied wagtail (*Motacilla alba*), grey wagtail (*Motacilla cinerea*), wheatear (*Oenanthe oenanthe*), curlew (*Numenius arquata*), lapwing, buzzard (*Buteo buteo*), siskin (*Carduelis spinus*), brambling (*Fringilla montifringilla*), yellowhammer and wheatear. Raptors recorded include regular kestrel (*Falco tinnunculus*), sparrowhawk (*Accipiter nisus*) and tawny owls. A buzzard has been reported nesting in the opposite field. Barn owls have been seen hunting field mice (*Apodemus sylvaticus*) and hobbies (*Falco subbuteo*) have bred in an ash tree bordering Habberley Valley Nature Reserve approximately 8 years ago. Quail (*Coturnix coturnix*) have also been heard and seen rising vertically out of the crop in various years. It is understood that the only other sighting of quail in Worcestershire has been on Callows Farm, Broome. Grey partridge (*Perdix perdix*) has also been seen once or twice. The belt of trees at the southern end of the site is reported to support an extensive jackdaw and rook (*Corvus frugilegus*) roost. Great spotted woodpecker (*Dendrocopos major*) and green woodpecker (*Picus viridis*) are also seen

here, as well as the occasional tree creeper (*Certhia familiaris*), nuthatch (*Sitta europaea*) and jay (*Garrulus glandarius*). Invertebrates The site is considered likely to support many common and widespread invertebrates, with the hedgerows of most importance. It is understood that approximately 280m to the west of the site, an area of the arable field is left uncropped and planted with wildflowers to provide habitat for invertebrates. A large range of butterflies and moths are often recorded here.

### **Designated Sites**

The MAGIC website shows four designated sites within 2km of the site. This includes **Habberley Valley Local Nature Reserve (LNR)** approximately 300m to the west; **Blakemarsh LNR** approximately 220m to the north-east; **Devils' Spittleful Site of Special Scientific Interest (SSSI)** approximately 1.2km to the south and **Puxton Marshes SSSI** approximately 1.4km to the east.

In addition, the site is covered by a SSSI Impact Risk Zone. The citation for this Impact Risk Zone does not require the local planning authority to contact Natural England regarding residential development, however it does highlight the importance of the SSSI's within the surrounding areas.

The site is also covered by Birmingham Green Belt. This designation is in place to protect the natural environment that surrounds the built up areas of Kidderminster and Birmingham. It is possible that further county level designated sites could occur within proximity to the site. Information on all statutory and non-statutory designated sites will need to be included within any submitted planning application.

**Habberley Valley Nature Reserve** has direct connectivity to the site. During the survey, parts of the Nature Reserve were walked to understand the importance of the LNR. The LNR comprises scrub, heathland and acid grassland and dense mature broad-leaved woodland with frequent standing dead wood. The LNR is considered to provide suitable habitat for a range of protected species including badgers, bats, birds, invertebrates, amphibians and reptiles. The LNR is already subject to frequent human disturbance, which is considered likely to have increased significantly in the last 12 months as a result of the Covid-19 outbreak, which has encouraged people to stay locally and get outdoors more. Whilst the LNR is an excellent resource for local people, it needs to be protected to minimise further damage to the habitats present and the species that rely on these habitats.

**Blakemarsh LNR** is a marshland with a rare flora including southern marsh orchid (*Dactylorhiza praetermissa*), with woodland surrounding the marshland. The site is important for environmental education due to its proximity to 5 schools.

**Devil's Spittleful SSSI** comprises one of the largest remnants of lowland heathland in Worcestershire. Small areas of unimproved acidic grassland are also present. The site supports a wide range of breeding birds and invertebrates.

**Puxton Marshes SSSI** comprises a large area of unimproved marshy grassland with associated damp woodland and open water. It is one of the largest and most important areas of marshland remaining in the county. The site attracts many birds and is particularly important for breeding snipe (*Gallinago gallinago*). Other important species present include willow tit (*Parus montanus*) and reed bunting (*Emberiza schoeniclus*).

The MAGIC website returned a large number of areas of priority habitat from within 2km of the site, including: coastal and floodplain grazing marsh; lowland dry acid grassland; lowland

meadows; lowland heathland; lowland fens; ancient woodland; deciduous woodland; traditional orchard; and woodpasture and parkland. The closest of these was deciduous woodland located approximately 100m to the south of the site.

### **Legislation and Policy**

There is a wide range of legislation pertaining to habitats and protected species which all developments must take account of. Legislation of particular relevance includes: - Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019; - Wildlife and Countryside Act 1981 (as amended); and - Natural Environment and Rural Communities Act, 2006. The National Planning Policy Framework (NPPF) updated in February 2019, must also be taken into account. The policies in paragraphs 7 to 217, taken as a whole, constitute the government's view of what sustainable development in England means in practice for the planning system. The following paragraphs of the NPPF are of particular relevance: •

With regard to paragraph 170, planning policies and decisions should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

• With regard to paragraph 174, to protect and enhance biodiversity and geodiversity, plans should:

- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

With reference to paragraph 175, when determining planning applications, local planning authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- development on land within or outside a Site of Special Scientific Interest (SSSI), and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged; especially where this can secure measurable net gains for biodiversity.

Paragraph 176 states that the following should be given the same protection as habitats sites:

- potential Special Protection Areas (SPA) and possible Special Areas of Conservation (SAC);
- listed or proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential SPA, possible SAC, and listed or proposed Ramsar sites. Section 14 discusses the need for meeting the challenge of climate change, flooding and coastal change.

**Paragraph 148 is of particular relevance** and states that: - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

### **Section 13 discusses the importance of protecting green belt land.**

**Paragraph 136** is of particular relevance to this project, and states that:

- Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans. Wyre Forest District Council's Emerging Local Plan considers a range of factors and those of most importance in relation to ecology are included within Policy 11D – Protecting and Enhancing Biodiversity. This policy states the requirement for developments to deliver measurable net gains in biodiversity; and for developments to not compromise the favourable condition of habitats of principal importance recognised in the Worcestershire Biodiversity Action Plan (BAP). The policy also highlights the importance of a number of designated sites in Worcestershire, including the four designated sites within 2km of the site: Habberley Valley LNR, Blakemarth LNR, Devil's Spittleful SSSI and Puxton Marshes SSSI.

Worcestershire has its own Habitat and Species BAPs. Those of relevance to the site and proposals include arable farmland, hedgerows, scrub, woodland, dormouse, bats, adder, slow-worm and farmland birds. It will be necessary to ensure that all of these habitats and species/species groups are adequately considered in line with the BAPs produced for them.

### **Conclusions and Recommendations**

The site offers suitable habitat for a wide range of protected species including badgers, bats, reptiles, birds and invertebrates. Any development should consider the potential for impacts to occur on all protected species on and surrounding the site. Adequate desk study and survey effort should be included to substantiate all impact assessments.

Impacts upon all designated sites within proximity to the site must be considered as a result of the proposed development, and where development is allowed to occur, adequate measures must be installed to mitigate for any additional impacts as a result of increased human pressure, particularly on Habberley Valley Nature Reserve.

It will be vital to adequately justify the need of the development, particularly with regards to the location being within a designated Green Belt.

All other possibilities should be explored before development is allowed to occur within designated Green Belt. Other disciplines to consider in relation to the proposed development at this location include landscape and visual; traffic; noise; air quality and flood risk.

**END of Ecology Report**

**Planware Ltd on behalf of McDonald's Restaurants Ltd****Objection Response to Wye Forest Local Plan Main Modifications****Policy 22G – Main Mod MM22.11**

## 1 Introduction

- 1.1 We have considered proposed Policy 22G – with regard to the principles set out within the Framework. We fully support the policy's aim of promoting healthier living and tackling obesity. However, the proposed policy approach is unsound and fails to provide an evidence-based way of achieving the policy's objective. It has also been found unsound by several planning inspectors. It is too restrictive and prevents local planning authorities from pursuing more positive policy approaches. The London Borough of Waltham Forest has had such a policy in place for over a decade and its application has proven ineffective in tackling obesity to date.
- 1.2 Within these broad points we have the following policy objections to draft Policy 22G:
  - A. The 400m exclusion zone is inconsistent with national planning policy
  - B. The policy is inconsistent, discriminatory and disproportionate.
  - C. Examination of other plans have found similar policy approaches to be unsound.
  - D. There needs to be further exploration into policies that are more positive, have a reputable evidence base and that comply with the Framework.
- 1.3 In summary, Planware Ltd consider there is no sound justification for a policy such as Policy 22G, which imposes a blanket ban on restaurants that include an element of hot food takeaway *"within 400m the boundary of a school."* This is unsound and it should be deleted from the plan.
- 1.4 However, as stated in the opening paragraph, Planware Ltd supports the aim of promoting healthier living and tackling the obesity crisis. We acknowledge that planning can have a role in furthering these objectives. We would therefore welcome and support any studies between obesity and their relationship with development proposals, including examination of how new development can best support healthier lifestyles and tackling the obesity crisis. When a cogent evidence base has been assembled, this can then inform an any appropriate policy response. This has still not emerged.
- 1.5 Given the lack of any clear agreement between experts on the indices of obesity or poor health, analysing the evidence is a necessary part of this objection by way of background. This will all be highlighted in the below text.

## 2 Contribution of McDonald's UK to the United Kingdom

- 2.1 This section of the objection sets out some background context relating to McDonald's own business, its contribution to United Kingdom, and information on the nutritional value and healthy options of the food that it offers in its restaurants. This evidence is relevant to understanding the adverse and unjustified impacts of the blanket ban approach proposed under draft Policy 22G.

***Economic and Environmental Benefits***

- 2.2 The first store in the United Kingdom was first opened in 1974 in Woolwich, London. The store is still opened and was interestingly the 3,000<sup>th</sup> store across the world.
- 2.3 With over 36,000 McDonald's worldwide, it operates in over 100 countries and territories. Approximately 120,000 people are employed by McDonald's UK, compared to just over 1 million employees worldwide.
- 2.4 McDonald's and its franchisees have become important members of communities in the United Kingdom: investing in skills and developing our people, supporting local causes and getting kids into football.
- 2.5 Nationally, the company operates from over 1,300 restaurants in the UK. Over 80% of restaurants are operated as local businesses by franchisees, that's around 1,100 franchised restaurants.
- 2.6 McDonald's is one of few global businesses that continues to anchor itself in high streets and town centres across the United Kingdom. Not just serving the general public but creating jobs and seeking to improve the communities around them.
- 2.7 All McDonald's restaurants conduct litter picks covering an area of at least 100 metres around the site, at least three times a day, picking up all litter, not just McDonald's packaging.
- 2.8 McDonald's is a founding member of the anti-littering campaign, Love Where You Live. As part of this, our restaurants regularly organise local community litter picks. The campaign has grown and in 2017, 430 events took place across the UK with around 10,000 volunteers involved. Since the campaign started, 2,600 events have taken place with around 80,000 volunteers involved.
- 2.9 McDonald's restaurants are operated sustainably. For example, their non-franchised restaurants use 100% renewable energy, combining wind and solar and use 100% LED lighting which means we use 50% less energy than fluorescent lighting. All of their used cooking oil is converted into biodiesel for use by delivery lorries. Their entire fleet of lorries runs on biodiesel, 40% of which comes from McDonald's cooking oil. This creates over 7,500 tonnes fewer CO2 emissions than ultra-low sulphur diesel.
- 2.10 All new McDonald's restaurants in the United Kingdom are fully accessible and we are working toward delivering this same standard for all existing restaurants.
- 2.11 McDonald's restaurants provide a safe, warm and brightly lit space for people, especially those who may feel vulnerable or threatened waiting for a taxi or outside.
- 2.12 Many of their toilets are open to all members of the public. They are one of few night time premises that offer this service and given the fact restaurants are located in some of the busiest parts of the country, McDonald's are helping to keep the United Kingdom cleaner.

### ***Nutritional Value of Food and Healthy Options***

- 2.13 McDonald's offers a wide range of different food at its restaurants.
- 2.14 Nutritional information is easy to access and made available online, and at the point of sale on advertising boards, as well as in tray inserts. Information is given on calorie content and key nutritional aspects such as salt, fat and sugar content. This enables an individual is able to

identify and purchase food items and combinations that fit in with their individualised calorie or nutritional requirements.

- 2.15 The menu offer includes a range of lower calorie options, some of which are set out in the on the next page.
- 2.16 The restaurants now suggest meal bundles to assist customers in making informed, healthier choices. McDonald's have suggested "favourites" meal bundles, across the breakfast and main menu that enable the choice of low-calorie options to be made even more easily. These 3-piece meal combinations will all be under 400kcal on the breakfast menu, and all under 600kcal on the main menu (with many options under 400kcal on the main menu also), and all individual items on these menu bundles will be either green (low) or amber (medium) on the Food Standards Agency traffic light system for food labelling.
- 2.17 Examples of low calorie (less than 400kcal) breakfast options (where no single item is red for FSA) include any combination of the following:
- Egg & Cheese McMuffin / Egg & cheese snack wrap / bagel with Philadelphia / porridge; with fruit bag; and a medium black coffee, or espresso or regular tea or water.
- 2.18 Examples of low calorie (less than 600kcal) main menu options (where no single item is red for FSA) are included in the table below. Some 90% of our standard menu is under 500 calories.

Main	Side Options	Drinks Options	Total Calories *varies depending on side & drink choice
The Garlic Mayo Chicken One – grilled wrap	Fruit Bag – Pineapple Stick  Carrot Sticks  Side Salad with Fajita Dressing	Diet Drink  Water  Medium Black Coffee  Regular Tea	Between  379-390kcal
The Sweet Chilli Chicken One – grilled wrap	Fruit Bag – Pineapple Stick  Carrot Sticks  Side Salad with Fajita Dressing	Diet Drink  Water  Regular Tea  Medium Black Coffee	Between  374-383kcal
Grilled Chicken & Bacon Salad with Fajita Dressing	Fruit Bag – Pineapple Stick  Carrot Sticks	Diet Drink  Water  Regular Tea  Medium Black Coffee	Between  238-247kcal

- 2.19 Those specifically wanting a meal low in either fat, salt, or sugar, can tailor their choices accordingly. Any combination of menu items sold at McDonald's can be eaten as part of a calorie controlled nutritionally balanced diet. Customers alternatively eat anything from the menu allowing for this within their overall daily, or weekly nutritional requirements.

#### ***Quality of Ingredients and Cooking Methods***

- 2.20 McDonald's are always transparent about both their ingredients and their processes and strive to achieve quality. Their chicken nuggets are made from 100% chicken breast meat, burgers are made from whole cuts of British and Irish beef. Coffee is fair trade and their milk is organic. McDonald's want their customers to be assured about what they are consuming. The 'Good to Know' section on our website - <https://www.mcdonalds.com/gb/en-gb/good-to-know/about-our-food.html> - provides a range of information about their processes and where produce is sourced from.

***Menu Improvement and Reformulation***

- 2.21 McDonald's is actively and continuously engaged in menu reformulation to give customers a range of healthier options. Louise Hickmott, Head of Nutrition, at McDonald's UK, has provided a letter giving examples of the steps that have been taken in recent years. The information is summarised below.
- 2.22 In recent years McDonald's has made great efforts to reduce fat, salt and sugar content across their menu.
- 89% of their core food and drink menu now contains less than 500 kcals.
  - Supersize options were removed from their menu in 2004;
  - 72% of the Happy Meal menus are classified as not high in fat, salt or sugar according to the Government's nutrient profile model;
  - Since October 2015, 50% of the options on the drinks fountain have been no added sugar (Diet Coke, Coke Zero and Sprite Z);
  - Recent years have seen the introduction of new items, offering more choice that has included porridge, salads, grilled chicken wraps, carrot sticks, fruit bags including apple and grape, pineapple sticks, and melon chunks, as well as orange juice, mineral water and organic semi-skimmed milk;
  - Customers can swap fries for fruit bags, carrot sticks or shake salad on the main menu, or the hashbrown for a fruit bag or carrot sticks on the breakfast menu, at no additional cost;
  - In 2014, McDonald's introduced "Free Fruit Fridays" resulting in 3.7 million portions of fruit being handed out. Since then, discounted fruit is now available with every Happy Meal.

***Fat***

- 2.23 A recent meta-analysis and systematic review of 72 studies (45 cohort studies and 27 controlled trials) demonstrated that with the exception of Trans Fatty Acids (TFA), which are associated with increased coronary disease risk, there was no evidence to suggest that saturated fat increases the risk of coronary disease, or that polyunsaturated fats have a cardio-protective effect, which is in contrast to current dietary recommendations (Chowdrey et al, 2014).
- 2.24 However, UK guidelines currently remain unchanged; men should consume no more than 30g of saturated fat per day, and women no more than 20g per day (NHS Choices, 2013). It should be remembered that all fats are calorie dense (9kcal/g) and that eating too much of it will increase the likelihood of weight gain and therefore obesity, indirectly increasing the risk of coronary heart disease, among other co-morbidities.
- 2.25 What have McDonald's done?
- Reduced the saturated fat content of the cooking oil by 83%;
  - Signed up to the Trans Fats pledge as part of the Government's "Responsibility Deal";
  - The cooking oil has been formulated to form a blend of rapeseed and sunflower oils to reduce levels of TFA to the lowest level possible;
  - They have completely removed hydrogenated fats from the vegetable oils;
  - Reduced the total fat in the milkshakes by 32% per serving since 2010;
  - Organic semi-skimmed milk is used in tea/coffee beverages and in Happy Meal milk bottles, with lower saturated fat levels compared with full fat variants.

***Sugar***

- 2.26 Dietary carbohydrates include sugars, starches and fibre, and each has approximately 4kcal/g.
- 2.27 The Scientific Advisory Commission on Nutrition (SACN) currently recommends that approximately 50% of total dietary energy intake should be from carbohydrates (SACN Report, 2015). In 2015 SACN recommended that the dietary reference value for fibre intake in adults be increased to 30g/day (proportionally lower in children) and that the average intake of “free sugars” (what used to be referred to as non-milk extrinsic sugars) should not exceed 5% of total dietary energy, which was in keeping with the World Health Organisation (WHO) recommendations.
- 2.28 Current average intake of free sugars far exceeds current recommendations, and excess intake is associated with dental issues and excess calorie intake which can lead to weight gain and obesity.
- 2.29 Over the last 10 years our reformulation work has resulted in 787 tonnes less sugar across our menu in 2017 versus 2007. What have McDonald's done?
- Reducing the sugar in our promotional buns, this removed 0.6 tonnes of sugar
  - Their Sweet Chilli Sauce has been reformulated to reduce sugar by 14% this equates to 155 tonnes of sugar removed
  - Their Festive Dip has removed 4 tonnes of sugar
  - Their famous McChicken Sandwich Sauce has reduced in sugar 45%
  - Their Tomato Ketchup has reduced in sugar by 20% which equates to 544 tonnes of sugar removed from the system
  - Their Chucky Salsa has reduced in sugar by 28%
  - Since 2016 they have reduced the sugar content of Fanta by 54%
  - The Toffee Syrup in their Toffee Latte has been reformulated to remove 20% of the sugar
  - McDonald's have also reformulated their Frozen Strawberry Lemonade this has led to 8% sugar reduction per drink

***Salt***

- 2.30 A number of health-related conditions are caused by, or exacerbated by, a high salt diet. The strongest evidence links high salt intake to hypertension, stroke and heart disease, although it is also linked with kidney disease, obesity and stomach cancer (Action on Salt website).
- 2.31 Salt is often added to food for either taste or as a preservative, and in small quantities it can be useful. Adults in the UK are advised not to exceed 6g of salt per day, but the average intake at a population level is consistently higher than this.
- 2.32 Salt does not directly lead to obesity; however, it does lead to increased thirst, and not everyone drinks water or calorie-free “diet” beverages. If our thirst increases and leads to increased consumption of calories from extra fluid intake, then this may lead to increased weight and obesity. 31% of fluid drunk by 4-18-year-old children is sugary soft drinks (He FJ et al, 2008), which has been shown to be related to childhood obesity (Ludwig DS et al, 2001).

## 2.33 What have McDonald's done?

- The salt content across the UK menu has been reduced by nearly 35% since 2005;
- Customers can ask for their fries to be unsalted;
- The salt added to a medium portion of fries has been reduced by 17% since 2003;
- The average Happy Meal now contains 19% less salt than in 2006
- Chicken McNuggets contain 52% less salt than in 2003.

## 2.34 The process continues. McDonald's have recently made the following changes to further improve their menu

- Making water the default drink in the Happy Meals;
- Making it easier for people to understand the existence of a wide range of under 400 and 600 calorie meal options that are available.

***Third Party Opinions of McDonald's***

## 2.35 McDonald's regularly receive supportive comments from independent third parties.

## 2.36 Professor Chris Elliott, of the Department for Environment, Food &amp; Rural Affairs' independent Elliott Review into the integrity and assurance of food supply networks: interim report, December 2013:

*"Each supply chain is unique, showing that there is no single approach to assuring supply chain integrity. The review has seen many examples of good industry practice that give cause for optimism. There is not space within this final report to reference all the good industry practices but those that have stood out include McDonald's and Morrisons."*

## 2.37 Jamie Oliver, the TV chef, food writer and campaigner speaking in January 2016 at the Andre Simon Food &amp; Drink Book Awards to the Press Association:

*"Everyone always liked to poke at McDonald's. McDonald's has been doing more than most mid and small-sized businesses for the last 10 years. Fact. But no one wants to talk about it. And I don't work for them. I'm just saying they've been doing it - 100% organic milk, free range eggs, looking at their British and Irish beef."*

## 2.38 Raymond Blanc, the TV chef and food writer, speaking in 2014, after having presented McDonald's UK with the Sustainable Restaurant Association's Sustainability Hero award:

*"I was amazed. All their eggs are free-range; all their pork is free-range; all their beef is free-range."*

*"[They show that] the fast-food business could change for the better. They're supporting thousands of British farms and saving energy and waste by doing so."*

*"I was as excited as if you had told me there were 20 new three-star Michelin restaurants in London or Manchester."*

## 2.39 Marco Pierre White, TV chef and food writer, speaking in 2007:

*"McDonald's offers better food than most restaurants and the general criticism of the company is very unfair."*

*"Their eggs are free range and the beef is from Ireland, but you never hear about that. You have to look at whether restaurants offer value for money, and they offer excellent value."*

These comments below represent independent opinions

***Supporting Active and Healthy Lifestyles among Employees and Local Communities***

- 2.40 McDonald's is focused on its people and is proud to have been recognised for being a great employer. For example:

Great Place to Work 2017 'Best Workplaces' – McDonald's are ranked 4th on the Great Place to Work 2017 'Best Workplaces' list (large organisation). This is our 11th year on the list.

- The Sunday Times Best Company to Work for List 2017 - we have made The Sunday Times 30 Best Big Companies to Work for list for the seventh consecutive year, achieving 6th position.
- Workingmums.co.uk Employer Awards 2017- Innovation in Flexible Working - in November 2017, we were awarded the Top Employer for Innovation in Flexible Working by workingmums.co.uk. The judges specifically recognised our approach to Guaranteed Hours contracts.
- The Times Top 100 Graduate Employers - the Times Top 100 Graduate Employers is the definitive annual guide to Britain's most sought after employers of graduates.
- Investors in People Gold - Investors in People accreditation means we join a community of over 15,000 organisations across 75 countries worldwide and it is recognised as the sign of a great employer.
- School leavers Top 100 Employees - McDonald's UK has been certified as one of Britain's most popular employers for school leavers in 2017, for the third consecutive year. An award voted for by 15-18 year olds in the UK.

- 2.41 In April 2017, McDonald's began to offer employees the choice between flexible or fixed contracts with minimum guaranteed hours. This followed trials in 23 restaurants across the country in a combination of company owned and franchised restaurants. All of their employees have been offered this choice and around 80% have selected to stay on flexible contracts.

- 2.42 Over the past 15 years, McDonald's has been proud partners with the four UK football associations: The English Football Association; The Scottish Football Association; The Football Association of Wales; and The Irish Football Association.

- 2.43 This partnership has seen them support over one million players and volunteers. In London since 2014, more than 1,000 people have attended their Community Football Days and have distributed 3,328 kits to accredited teams in the Capital. Of the 171 McDonald's restaurants within the M25, approximately 88 are twinned and actively supporting a local football club. This serves as an example of the company's willingness to confront the obesity crisis by a multitude of different approaches.

- 2.44 McDonald's do this work because increasing standards will ultimately create a better experience for young footballers, leading to increased participation and retention of children and young people in sport.

- 2.45 Their Community Football programme helps to increase participation at all levels. McDonald's remain absolutely committed to it and are in the final stages of planning a new programme for future years.

***Marketing***

- 2.46 As a business, McDonald's are committed to ensuring their marketing will continue to be responsible and will be used as a positive influence to help our customers make more informed choices.
- 2.47 McDonald's recognise that marketing has a part to play in influencing customers' choices. They comply, and go beyond, the UK's stringent regulations on marketing to children and use their marketing to help families understand more about the range of food options they have to offer.
- 2.48 McDonald's never market products classified as high in fat, salt or sugar to children in any media channel, at any time of the day. They are committed to ensuring that marketing is always responsible as well as informative, and that it reinforces positive food messages.
- 2.49 In addition, they go beyond the regulations in a lot of cases. For example, when advertising a Happy Meal, they only ever do so with items such as carrot sticks, a fruit bag, milk or water to ensure McDonald's are not marketing HFSS food to children. This has been done voluntarily since 2007.

***Summary***

- 2.50 In the light of the above it is clear that McDonald's restaurants offer the district considerable and substantial economic benefits, are supportive of active and healthy lifestyles. They also enable customers to make informed, healthy decisions from the wide-ranging menu options available. It is important that this is acknowledged, given the assumption in proposed Policy 22G, that all hot food takeaways uses should fall under a blanket ban if within 400m of the boundary from any school. Given the policy aim – which McDonald's supports – of promoting healthier lifestyles and tackling obesity, other alternatives would be more effective than allowing blanket bans in school areas, which in turn will have negative land use consequences.
- 2.51 We turn now to the main points of the objection.

### 3 The 400m Exclusion Zone is Inconsistent with National Policy

#### ***Introduction***

- 3.1 This section of the objection considers the proposed policy against national policy. The lack of evidence to support the policy is also discussed in the next section.
- 3.2 National policy contains no support for a policy approach containing a blanket ban or exclusion zone for hot food takeaways (or indeed any other) uses. Such an approach conflicts sharply with central planks of Government policy such as the need to plan positively and support economic development..
- 3.3 Planware Ltd feel that restricting hot food takeaways within 400m of the boundary from any school is in direct conflict with the framework as the approach is not positive, justified, effective or consistent.

#### ***Practical Impacts***

- 3.4 The practical impacts on a 400m exclusion zone around schools would have unacceptable negative land use consequences.
- 3.5 Consideration should be given to school rules in terms of allowing children outside of the school grounds at lunch times. This is overly restrictive on secondary schools and colleges, where a some of pupils will be legally classed as an adult. Additionally, some college and sixth form pupils will have access to a car, making such a restriction unsound. Primary school pupils are unlikely to be unaccompanied by a responsible adult.
- 3.6 No consideration is given to how the 400m is measured from the access point. Guidance should be provided as to whether this is a straight line or walking distance, as this can vary greatly.
- 3.7 The Framework does not support the use of planning as a tool to limit people's dietary choices. In addition to this, other E class uses can provide unhealthy products, therefore, there is limited justification for the proposed Policy 22G to focus exclusively upon hot food takeaways.

#### ***Conflict with National Policy***

- 3.8 The local policy team do not appear to have fully assessed the potential impact of the policy. It essentially creates a moratorium against hot food takeaways uses leaving limited reasonable space for them to locate.
- 3.9 Restricting the location of new hot food takeaway proposals through a 400m exclusion zone around a school is not a positive approach to planning, thus failing to comply with the Framework.
- 3.10 The suggested restriction within proposed Policy 22G, takes an ambiguous view of hot food takeaways in relation to the proximity to all schools. The policy would apply an over-generic approach to restrict hot food takeaway development with little sound planning reasoning or planning justification. This is contrary to paragraph 11 of the Framework that advises authorities to positively seek opportunities to meet development needs of their area.
- 3.11 Thus, is consistent with paragraph 81-82 of the Framework.
- 3.12 Para 81 states:

*“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”*

3.13 Para 82 states:

*Planning policies should:*

*“a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*

*b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*

*c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and*

*d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”*

3.14 As explained in this objection, there is a lack of evidence to demonstrate the link between fast food, school proximity and obesity. The need for evidence is emphasised in paragraph 31 of the Framework that states that each local plan should be based on adequate, up-to-date and relevant evidence. Neither the policy nor the supporting text address this point. Policy needs to be based on evidence and the lack of evidence should highlight a red flag concerning the draft policy.

3.15 The policy is likely to be damaging to the district's economy due to the fact that it is restricting hot food takeaways to an unprecedented level without regard to the local area or the economy.

3.16 The Framework cannot be interpreted to provide generic restrictions on a particular use class. There is no basis for such a blanket ban approach in the Framework or Planning Practice Guidance. In fact, the Planning Practice Guidance emphasises that planning authorities should look at the specifics of a particular proposal and seek to promote opportunity rather than impose blanket restrictions on particular kinds of development. In the section on “Health and Wellbeing”:

3.17 Paragraph: 002 (Reference ID: 53-002-20140306) states that in making plans local planning authorities should ensure that:

*“opportunities for healthy lifestyles have been considered (eg. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces, green infrastructure and opportunities for play, sport and recreation);”*

3.18 Paragraph: 006 (Reference ID: 53-006-20170728) says that a range of criteria should be considered, including not just proximity to schools but also wider impacts. It does not support a blanket exclusion zone. Importantly, the criteria listed are introduced by the earlier text which states:

*“Local planning authorities can have a role in enabling a healthier environment by supporting opportunities for communities to access a wide range of healthier food production and consumption choices.”*

- 3.19 The above guidance serves to emphasise why it is important to look at particular proposals as a whole, rather than adopting a blunt approach that treats all proposals that include a Sui Generis use as being identical.

## 4 The Policy is Inconsistent, Discriminatory and Disproportionate

- 4.1 The policy aims to address obesity and unhealthy eating but instead simply restricts new development that comprises an element of Sui Generis use. Yet Class E retail outlets and food and drink uses can also sell food that is high in calories, fat, salt and sugar, and low in fibre, fruit and vegetables, and hot food from a restaurant unit can be delivered to a wide range of locations, including schools. This means that the policy takes an inconsistent approach towards new development that sells food and discriminates against operations with an Sui Generis use. It also means that the policy has a disproportionate effect on operations with an Sui Generis use.
- 4.2 The test of soundness requires that the policy approach is “justified”, which in turn means that it should be the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence (paragraph 35 of the Framework).
- 4.3 Given the objectives of the policy, it ought to apply equally to all relevant food retailers. It is unclear how the policy would be implemented and work in a real life scenario.
- 4.4 The table below shows the kind of high calorie, low nutritional value food that can be purchased from a typical A1 high street retailer at relatively low cost. It is contrasted with the kind of purchase that could be made at a McDonald's. The evidence provided at **Appendix 1** confirms that 70% of purchases by students in the school fringe were not purchased in a hot food takeaway.<sup>1</sup>

Company	Snack or meal	Salt (g)	Fat (g)	Calories (kcal)	Price (£)
McDonald's	Apple and Grape fruit bag	0.0	0.1	46	49p
McDonald's	Garlic Mayo chicken wrap	1.3	11.0	345	2.99
Greggs	Sausage roll	1.6	22.0	317	90p
Greggs	Cheese and Onion bake	1.6	30.0	436	1.35
Costa Coffee	Nutty flapjack	0.1	23.2	425	1.70
Costa Coffee	Ham and Cheese panini	2.5	13.5	427	3.95

- 4.5 If the policy is to be based on Use Classes, then the proposed policy should place restrictions on other use classes in addition to hot food takeaways. In fact, by restricting hot food takeaway uses only, the policy would encourage food purchases at other locations and allows for the overarching objectives to be compromised.
- 4.6 Finally, it is important that for the majority of days in the year (weekends and school holidays combined) schools are not open at all. Research by Professor Peter Dolton of Royal Holloway College states that “At least 50% of the days in a year kids don't go to school if we count weekends and holidays and absence. They are only there for 6 hours and all but 1 are lessons. So only around 2-3% of the time can [children] get fast food at school.”<sup>2</sup>

<sup>1</sup> The School Fringe: What Pupils Buy and Eat From Shops Surrounding Secondary Schools, July 2008, Sarah Sinclair and Professor J T Winkler, Nutrition Policy Unit of London Metropolitan University.

<sup>2</sup> Peter Dolton, Royal Holloway College, University of London & Centre for Economic Performance, London School of Economics, Childhood Obesity in the UK: Is Fast Food a Factor? [http://www.made.org.uk/images/uploads/2\\_Prof\\_P\\_Dolton\\_presentation.ppt](http://www.made.org.uk/images/uploads/2_Prof_P_Dolton_presentation.ppt)

- 4.7 For the minority of the year when schools are open, it is important to recognise that many schools have rules preventing children from leaving the school grounds during the school day, and in any event proximity to schools has no conceivable relevance outside of the particular times when children are travelling to or from school in circumstances where their route takes them past the development proposal.
- 4.8 The policy's blanket approach fails to acknowledge that the opportunity for children to access hot food takeaways, as part of a school day, is extremely limited. The complete ban is wholly disproportionate to the circumstances when the concern underlying the policy might become a more prominent matter. Only limited purchases of food are made at hot food takeaways on journeys to and from school. Further details are set out in **Appendix 2**.

## 5 The Policy is not Justified because of a Lack of an Evidence Base

- 5.1 The test of soundness requires policy to be evidence based. There is no evidence of any causal link between the presence of hot food takeaways within 400m of a school. Also, with no basis to indicate over-concentrated areas gives rise to obesity or poor health outcomes, justification is evidently incomplete. In fact, the studies that have considered whether such a causal connection exists [between proximity of a hot food takeaway and poor health outcomes], have found none.
- 5.2 Public Health England (PHE), which is part of the Department of Health and Social Care, expressly accept that the argument for the value of restricting the growth in fast food outlets is only “theoretical” based on the “unavoidable lack of evidence that can demonstrate a causal link between actions and outcomes.”<sup>3</sup>
- 5.3 A systematic review of the existing evidence base by Oxford University (December 2013), funded by the NHS and the British Heart Foundation ‘did not find strong evidence at this time to justify policies related to regulating the food environments around schools.’ It instead highlighted the need to ‘develop a higher quality evidence base’.<sup>4</sup>
- 5.4 The range of US and UK studies used to support many beliefs about obesity, including the belief that the availability of fast food outlets increased obesity, was comprehensively reviewed in papers co-written by 19 leading scientists in the field of nutrition, public health, obesity and medicine. Their paper “Weighing the Evidence of Common Beliefs in Obesity Research” (published in the Critical Review of Food, Science and Nutrition (Crit Rev Food Sci Nutr. 2015 December 6; 55(14) 2014-2053) found that the current scientific evidence did not support the contention that the lack of fresh food outlets or the increased number of takeaway outlets caused increase obesity (see pp16-17 of the report).
- 5.5 There appears to have been no critical assessment of whether the underlying evidence supports the proposed policy approach.
- 5.6 In this context, it is important to consider the evidence from the Borough of Waltham Forest, which introduced a school proximity policy in 2008 – about a decade ago. Over that period, the Public Health England data for the borough shows that there has been no discernible impact on childhood obesity rates – with these worsening in recent years. The borough’s Health Profile for 2017 records childhood obesity (year 6) at 26.1% up from 20.3% in 2012, the year London hosted the Olympic Games.
- 5.7 While it is accepted that the causes of obesity are complex, it is clear that the school exclusion zone policy had no discernible effect in Waltham Forest. More research and investigation is needed before such a policy approach can be justified by evidence.

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<sup>3</sup> Public Health England & LGA, Healthy people, healthy places briefing: Obesity and the environment: regulating the growth of fast food outlets, page 5, November 2013

<sup>4</sup> J Williams, P Scarborough, A Matthews, G Cowburn, C Foster, N Roberts and M Rayner, Nuffield Department of Population Health, University of Oxford, page 13, 11th December 2013. A systematic review of the influence of the retail food environment around schools on obesity-related outcomes.

## 6 Similar Policies Have Been Found Unsound When Promoted in Other Plans

- 6.1 The lack of evidence between proximity of takeaways to local schools and its impact on obesity has been confirmed in a number of planning decisions.
- 6.2 In South Ribble the Planning Inspectorate raised concerns about a similar 400m school proximity restriction on fast food, stating 'the evidence base does not adequately justify the need for such a policy', and due to the lack of information, it is impossible to 'assess their likely impact on the town, district or local centres'.<sup>5</sup>
- 6.3 Similarly, research by Brighton & Hove concluded that 'the greatest influence over whether students choose to access unhealthy food is the policy of the individual schools regarding allowing students to leave school premises during the day'.<sup>6</sup>
- 6.4 The recent Inspectors response to the London Borough of Croydon (January 2018) regarding a similar prohibition on hot food takeaways, (where a similar campaign to persuade takeaway proprietors to adopt healthy food options existed) confirmed that the councils own 'healthy' plans would be stymied by the proposed policy, as would purveyors of less healthy food. The policy failed to distinguish between healthy and unhealthy takeaway food, and "confounds its own efforts to improve healthiness of the food provided by takeaway outlets" and failed to "address the demand for the provision of convenience food". The Inspector concluded that because the reasons for the policy do not withstand scrutiny, they must be regarded as unsound.
- 6.5 The inspector at Nottingham City Council stated *"There is insufficient evidence to support the link between childhood obesity and the concentration or siting of A3, A4 and A5 uses within 400m of a secondary school to justify the criterion of policy LS1 that proposals for A3, A4 and A5 uses will not be supported outside established centres if they are located within 400m of a secondary school unless it can be clearly demonstrated that the proposal will not have a negative impact on health and well-being the criterion and justification should therefore be deleted/amended"*.
- 6.6 The inspector at Rotherham stated *"Policy SP25 sets out various criteria against which proposals for hot food takeaways will be assessed. One of the criteria is designed to prevent hot food takeaways within 800 metres of a primary school, secondary school or college when the proposed site is outside a defined town, district or local centres. Having carefully considered the material before me and the discussion at the Hearing I do not consider there is sufficient local evidence to demonstrate a causal link between the proximity of hot food takeaways to schools and colleges and levels of childhood obesity. Although I accept that levels of childhood obesity need to be tackled by both local and national initiatives I do not consider there are sufficient grounds at the present time to include this particular aspect of land use policy in the RSPP"*.
- 6.7 In Guildford, the inspector stated *"Finally, the submitted Plan contains a requirement common to Policy E7 Guildford town centre, E8 District Centres and E9 Local Centres and isolated retail units that resists proposals for new hot food takeaways within 500 metres of schools. However, the evidence indicates that childhood obesity in Guildford is lower than the average for England. Childhood obesity may be a product of a number of factors, not necessarily attributable to*

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<sup>5</sup> Letter to South Ribble Borough Council, 29th April 2013, from Susan Heywood, Senior Housing & Planning Inspector, The Planning Inspectorate.

<sup>6</sup> Brighton & Hove City Council & NHS Sussex, Hot-food takeaways near schools; An impact study on takeaways near secondary schools in Brighton and Hove, page 30, September 2011

*takeaway food; takeaways often sell salads as well as nutritious foods; not all kinds of takeaway food are bought by children; children have traditionally resorted to shops selling sweets and fizzy drinks, which would be untouched by the policy; and the policy would have no bearing on the many existing takeaways. In this context there is no evidence that the requirement would be effective in safeguarding or improving childhood health. It would be an inappropriate interference in the market without any supporting evidence and would therefore be unsound".*

6.8The proposed approach is in direct conflict with the Framework. As mentioned in the above text, there is enough reputable information to demonstrate a current evidence base that fails to demonstrate the link between fast food and school proximity. There is also a clear absence of evidence to suggest restricting hot food takeaway use in 'over-concentrated' outside of town and district centres will lead to healthier lifestyles or influence an individual's dietary choice.

## 7 Alternative Approaches

- 7.1 Planware Ltd considers there is no sound justification for proposed Policy 22G which imposes commercial restrictions on restaurants that include an element of hot food takeaways within a 400m of a school. Points A)ii should therefore be removed to provide consistency and to abide by the Framework.
- 7.2 Planware Ltd would welcome and support proposals for a wider study of the causes of obesity and their relationship with development proposals, including examination of how new development can best support healthy lifestyles and the tackling of obesity. When a cogent evidence base has been assembled, this can then inform an appropriate policy response. That time has not yet been reached.
- 7.3 It is considered until such a time has been reached, point A)ii should be removed.

## 8 Conclusion

- 8.1 McDonald's supports the policy objective of promoting healthier lifestyles and tackling obesity. It does not consider that the proposed Policy 22G is a sound way of achieving those objectives. The underlying assumption in the policy is that all hot food takeaways (and any restaurants with an element of takeaway use) are inherently harmful to health. In fact, this is not supported by evidence. McDonald's own business is an example of a restaurant operation which includes takeaway but which offers healthy meal options, transparent nutritional information to allow healthy choices, and quality food and food preparation. The business itself supports healthy life styles through the support given to its staff and support given to football in the communities which the restaurants serve.
- 8.2 In addition, the policy fails to acknowledge the wider benefits that restaurants can have, including benefits relevant to community health and wellbeing. McDonald's own business is an example of a restaurant operation that supports sustainable development through the use of renewable energy, the promotion of recycling, the use of energy and water saving devices. The economic benefits of its restaurants in supporting town centres and providing employment opportunities and training are substantial, and important given that improved economic circumstances can support improved health.
- 8.3 The policy fails to acknowledge that food choices which are high in calories and low in nutritional value are made at premises trading with Class E consents and can be delivered from the latter. The policy makes no attempt to control these uses.
- 8.4 For the reasons given in this objection the proposed policy is very clearly inconsistent with government policy on positive planning, on supporting economic development and the needs of businesses. There is no justification in national policy for such restrictions to be applied to hot food takeaways. The effect of the policy had it existed in the past would have been to exclude restaurants such as McDonald's from major commercial and tourist areas.
- 8.5 For the reasons given in this objection the proposed policy lacks a credible evidence base, and similar policies have been found to be unsound by inspectors who have examined other plans. In the one London Borough that has had a similar policy, concerning a school exclusion zone, for around a decade (LB Waltham Forest). It has had no discernible effect on obesity levels, which have in fact increased since its introduction.
- 8.6 Given the overall objective of improving lifestyles and lowering obesity levels, restrictive policy regarding hot food takeaway development is a narrow-sighted approach. There is no mention of other possible reasons behind the national high levels of obesity. To discriminate against hot food takeaways alone is worrying and using the planning system to influence people's daily lifestyle choices is not acceptable.

## Appendix 1 – Food in the School Fringe Tends to be Purchased in Non-Hot Food Takeaway Properties

1. Research by Professor Jack Winkler (London Metropolitan University) into the 'school fringe' – found just 3/10 purchases by students in a 400m school fringe were made in A5 properties.<sup>7</sup>
2. 70% of purchases in the school fringe were made in non-fast food outlets, and the same research concluded 'the most popular shop near Urban was the supermarket, with more visits than all takeaways put together'.
3. Professor Winkler's findings are not an isolated case. A report by Public Health England and the LGA states that fast food school proximity restrictions do 'not address sweets and other high-calorie food that children can buy in shops near schools.'<sup>8</sup>
4. Research by Brighton and Hove found that 'Newsagents were the most popular premises [in the school fringe], with more pupils visiting newsagents than any A5 premises'.<sup>9</sup>
5. Likewise, research for the Food Standards Agency on purchasing habits in Scotland found that 'Supermarkets were the place that children reported they most frequently bought food or drinks from at lunchtime'.<sup>10</sup>
6. Indeed, there are several more researchers who have found no evidence to support the hypothesis that less exposure to fast food, or better access to supermarkets are related to higher diet quality or lower BMI in children. <sup>111213</sup>

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<sup>7</sup> The School Fringe: What Pupils Buy and Eat From Shops Surrounding Secondary Schools, July 2008, Sarah Sinclair and Professor J T Winkler, Nutrition Policy Unit of London Metropolitan University

<sup>8</sup> Public Health England & LGA, Healthy people, healthy places briefing: Obesity and the environment: regulating the growth of fast food outlets, page 5, November 2013

<sup>9</sup> Brighton & Hove City Council & NHS Sussex, Hot-food takeaways near schools; An impact study on takeaways near secondary schools in Brighton and Hove, page 28, September 2011

<sup>10</sup> Jennie Macdiarmid et al. Food Standards Agency. Survey of Diet Among Children in Scotland (2010) - [http://www.esds.ac.uk/doc/7200/mrdoc/pdf/7200\\_final\\_report\\_part\\_2.pdf](http://www.esds.ac.uk/doc/7200/mrdoc/pdf/7200_final_report_part_2.pdf)

<sup>11</sup> Forsyth, A., et al., Do adolescents who live or go to school near fast-food restaurants eat more frequently from fast-food restaurants? Health and Place,, 2012. 18(6): p. 1261-9.

<sup>12</sup> An, R. and R. Sturm, School and residential neighborhood food environment and diet among California youth. American Journal of Preventative Medicine, 2012. 42(2): p. 129-35.

<sup>13</sup> Timperio, A.F., et al., Children's takeaway and fast-food intakes: associations with the neighbourhood food environment. Public Health Nutrition,, 2009. 12(10): p. 1960-4.

## Appendix 2 – Food Purchases made on School Journeys

**Only a limited number of journeys to and from school involve a purchase at a food outlet.**

1. This has been confirmed in research by the Children's Food Trust, which found that only 8% of all journeys to and from school included a purchasing visit to a food outlet.<sup>14</sup>

		Number of journeys to school	Number of journeys from school	Total number of journeys	Percentage (%) of all journeys
	<i>n</i>	86	87	173	
Journeys including a visit to a food outlet		11	6	17	10
Journeys including a purchase from a food outlet		8	6	14	8

2. Of the food purchases made on school journeys, confectionary was the most popular item sold – which McDonald's does not offer on its menu.

3. Likewise, research by Ashelsha Datar concluded that children 'may not purchase significant amounts of junk food in school' – partly due to 'fewer discretionary resources to purchase them'.<sup>15</sup>

4. Indeed, even where purchases were made, 'children may not change their overall consumption of junk food because junk food purchased in school simply substitutes for junk food brought from home.'

5. Similarly, research by Fleischhacker highlighted the need for future school-based studies to 'gather information on whether or not the students attending the studied schools actually eat at the restaurants near their schools.'<sup>16</sup>

6. This was also highlighted in the systematic review by Oxford University, which states 'future work should also incorporate a child's usual mode of travel to and from school into decisions about appropriate buffer distances.' The review added that age should also be taken into consideration, as this can impact on travel time and the availability of pocket change.<sup>17</sup>

<sup>14</sup> Children's Food Trust – November 2011, page 1 [http://www.childrensfoodtrust.org.uk/assets/research-reports/journey\\_to\\_school\\_final\\_findings.pdf](http://www.childrensfoodtrust.org.uk/assets/research-reports/journey_to_school_final_findings.pdf)

<sup>15</sup> Ashelsha Datar & Nancy Nicosia, Junk Food in Schools and Childhood Obesity, page 12, May 2013

<sup>16</sup> S Fleischhacker et al. A systematic review of fast food access studies, page 9, 17th December 2009

<sup>17</sup> J Williams, P Scarborough, A Matthews, G Cowburn, C Foster, N Roberts and M Rayner, Nuffield Department of Population Health, University of Oxford, page 13-14, 11th December 2013. A systematic review of the influence of the retail food environment around schools on obesity-related outcomes.

**WYRE FOREST DISTRICT COUNCIL****PLANNING COMMITTEE****16 November 2021****PART A**

<b>Application Reference:</b>	<b>21/0030/FUL</b>	<b>Date Received:</b>	<b>13.01.2021</b>
<b>Ord Sheet:</b>	<b>380938 272564</b>	<b>Expiry Date:</b>	<b>21.05.2021</b>
<b>Case Officer</b>	<b>Helen Hawkes</b>	<b>Ward:</b>	<b>Mitton</b>

**Proposal:**            **Erection of 110 dwellings including 18 affordable units, together with associated infrastructure, access and public open space and demolition of caretaker's dwellinghouse and garage**

**Site Address:**      **Stourport High School and Sixth Form Centre, And Playing Fields, Coniston Crescent, Stourport On Severn, Worcestershire, DY13 8JU,**

**Applicant:**          **Taylor Wimpey and SAET**

<b>Summary of Policy</b>	DS01, DS03, DS04, CP01, CP02, CP03, CP04, CP05, CP07, CP11, CP12, CP13, CP14 (AWFCS) DPL1, DPL2, CC1, CC2, CC6, CC7, UP1, UP4, UP5, UP7, UP9 (SAAPLP) 6B, 6E, 7A, 8A, 8B, 9, 11A, 11C, 11D, 14, 15A, 15B, 15C, 15D, 16A, 16C, 18A, 20B, 20C, 24B, 25, 27A, 27C, 33.16 (EWFLP) Design Guidance SPD National Planning Policy Framework Planning Practice Guidance National Design Guide
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b>
<b>Reason for Referral</b>	<b>'Major' Planning Application</b>

**1.0 Planning History**

21/0030/FUL            Erection of 110 dwellings including 18 affordable units, together with associated infrastructure, access and public open space and demolition of caretaker's dwellinghouse and garage

21/0694/FUL            Demolition of former caretakers house

21/0030/FUL

19/2027/CR	Condition 4 of Planning Permission 18/0577/FULL
18/0577/FULL	Erection of two storey Science Block
18/0424/FULL	Single storey extension to dining hall
15/7180/PAE	Extensions and alterations including demolition to Sixth Form Block and extension of car park
14/0456/WCCR	Proposed maintenance access gate to external fencing due to be installed as part of Planning Approval Ref: 13/000047/REG3(13/0468/WCCR)
WF289/92	Town and Country Planning Act 1990. Town and Country Planning General Regulations 1992. WF289/92 dated 13th August 1982 Provision of Garage and P.E. Store at Bullish Middle School Coniston Crescent Stourport on Severn
WF532/81	Town and Country Planning Act 1971 WF532/81 dated 9th June 1981 Entrance lobby to changing rooms at Burlish Middle School Coniston Crescent Stourport on Severn

## 2.0 Consultations and Representations

- 2.1 Stourport-on-Severn Town Council – Recommend refusal. It is advised that the Town Council is not against this development, however will not approve the access off Coniston Crescent, in terms of safety. The local plan states the access should be off The Kingsway and this is where it needs to be. Also has allotment access been taken into account?

[Officer comment – The reference to the Local Plan refers to the emerging Local Plan that is currently being examined. Details of the emerging policy requirements are discussed under the Officer Comments section. Discussions have taken place with the allotment manager and the proposals have been amended to retain the existing gated access into the allotment from the site]

- 2.2 Highway Authority - No objection subject to conditions and financial obligations. The Highway Authority undertook a detailed review of the submitted documents and, on 26 February 2021, recommended that determination of the application be deferred pending receipt of further information to address the Authority's concerns. Since then, discussions have been held with the applicant and their transport consultants. And a revised layout has been submitted which forms the basis of this response.

The application site, which is currently vacant, is a broadly rectangular parcel of land extending to approximately 4.1 hectares. It is located approximately 1.5km northwest of Stourport-on-Severn town centre and is part brownfield, consisting of the site of a former sixth form centre, now demolished, and a former caretaker's house. Both are situated to the north east of Coniston Crescent. The remainder was formerly used as school sports pitches.

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In the draft Wyre Forest District Council Local Plan, the Proposed Revised Policy AM33 – ‘Stourport-on-Severn Site Allocations’, identifies various allocations in Stourport, needed to meet the emerging Plan's housing requirement. The application site is identified as allocation MI/38 – School Site Coniston Crescent. It is suggested that the site has the capacity to deliver 115 dwellings. The policy also confirms that the site is to be removed from the Green Belt.

The applicant seeks full planning permission for 110 residential dwellings, the demolition of the former caretaker's house, a new vehicular access, green infrastructure, and associated works. Access to the site is currently via a gated access from Coniston Crescent, that used to serve the sixth form block. The Highway Authority has been clear that vehicular access from Kingsway would be preferred to serve the current proposal.

#### Access

The Applicant has submitted Drawing No. A928-01/I ‘Planning Layout’ showing access via the currently redundant access to the site which is situated alongside the unoccupied former caretaker's house on the north east side of Coniston Crescent. This would be upgraded to adoptable standard comprising a 5.5m wide road with 6m junction radii at its junction with Coniston Crescent and 2.0m footways on both sides of the carriageway. This complies with the WCC Streetscape Design Guide (Supplementary Design Guide - SDG). Dropped kerbs and tactile paving should be provided at the mouth of the junction for pedestrians, also in accordance with the SDG. This should be secured by condition requiring their inclusion under the terms of the proposed S38 adoption agreement.

The drawing shows visibility splays of 2.4m by 24m and 30m based on the 85th percentile approach speeds of vehicles and complies with current standards.

A section of footway is proposed to be constructed along Coniston Crescent, in front of the existing car park. This would provide pedestrian access to the adjacent primary school, as well as a safer link to existing footways to the east of the access. As this is an alteration to the existing public highway, it will require the applicant to secure a S278 Agreement with the Highway Authority.

#### Internal Layout

##### Car Parking

The proposed quantum of parking spaces is acceptable. Submission of details showing that their dimensions comply with the SDG and that spaces to the rear of footways or carriageways are sufficiently long to prevent overhang onto public space should be secured by condition and checked as part of the S38 process.

The SDG strongly encourages all properties to be equipped with Ultra Low Emission Vehicle (ULEV) charging points, including provision where communal parking is provided. This is supported by the National Planning Policy Framework (NPPF). The Highway Authority request confirmation that ULEV charging facilities will be provided for each dwelling. This can be covered by a suitable condition, should planning consent be granted.

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At the beginning and end of the school day, Coniston Crescent is used by parents and carers as a location to park due to its proximity to the western gate to Burlish Park primary school. Coniston Crescent is also used informally as a one-way route from west to east by parents, at the request of the school.

The location of the proposed site access will result in the loss of 5-6 informal car parking spaces on Coniston Crescent and an inevitable displacement of parking. To mitigate this and provide a betterment to the current situation, the development will provide a 6-space parking area to the north of the access junction, for use at school pick up and drop off time. This proposed arrangement is acceptable to the Highway Authority.

In addition, a financial contribution is to be provided to the Highway Authority to formally line the current car parking area, helping formalise the parking arrangements and making best use of the available space. This would be secured through a suitable legal agreement, should planning consent be granted.

To discourage vehicles parking close to the proposed site and to ensure appropriate junction visibility waiting restrictions, in the form of double yellow lines, should be provided. The Applicant will be expected to fund the cost of processing the associated Traffic Regulation Order (TRO), as well as laying of the road markings. The cost of processing the TRO is estimated at approximately £4,500 and would be secured through a suitable legal agreement.

#### Cycle Parking

The Design and Access Statement advises that cycle parking will be provided within garages or where garages are unavailable, sheds will be provided within the rear gardens. Dwg. No. A928/01/G shows sheds provided for those plots that do not have garages. This is acceptable to the Highway Authority.

#### Walking and Cycling

To encourage more active travel from the development and increase the safety and accessibility of the proposed development for pedestrians and cyclists, the Highway Authority initially requested a contribution towards a new Toucan crossing at the A451/Kingsway junction, given that no controlled crossing facilities are currently provided. However, subsequent discussions have focused on a contribution towards a new active travel corridor, proposed to run from Burlish Top (along Kingsway) to Stourport Road. This would have wider benefits to the development and the local community. It would be subject to a suitable legal agreement, should planning consent be granted.

#### Highway Impact

The Trip Rate Information Computer System (TRICS) database has been used to generate vehicle trip rates for the proposed development. The resulting trip rates have been based on a total of 118 dwellings which are forecast to generate 53 two-way trips during the AM peak and 53 two-way trips during the PM peak. In addition, person trip rates and the 2011 Census has been used to provide a comparison to the TRICS database. The results show a total of 92 two-way vehicle trips during the AM peak and 70 two-way vehicle trips during the PM peak. In order to provide a robust assessment, the higher trip rates have been used for junction assessment purposes.

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The forecast residential traffic generation has been distributed onto the surrounding highway network using 2011 Census Journey to Work data. The Highway Authority considers this acceptable.

Traffic counts were undertaken in September 2017, during school term times but, due to Covid restrictions, no further counts have been possible. The 2017 traffic counts have been factored up to a new base year of 2021 and a future year of 2026, using local TEMPRO growth factors, which include all known committed development not captured by the traffic count data. This is an acceptable method of analysis.

The impact of the development has subsequently been assessed on the following junctions:

- Windermere Way/A451 Minster Road priority junction; and
- Burlish Crossing/Bewdley Road/Lickhill Road signalised crossroads.

The results of the junction modelling show that, in all future year scenarios, the operation of both junctions, in terms of development impact, is generally acceptable and do not justify any proposed mitigation measures or give grounds for refusal of the application.

Other local junctions, including the new site access, are considered to have relatively low background traffic flows and will continue to operate within theoretical capacity with the addition of the development traffic. No further assessment is, therefore, considered necessary.

It is acknowledged use of Coniston Crescent is likely to generate objections from existing residents and the local community. Whilst Coniston Crescent will experience an increase in traffic flows, the highway is of an appropriate standard to accommodate the increased traffic during school drop off and pick up periods. Motorists will be expected to exercise due care and attention at all times.

[Officer Comment - As a result of the anticipated concerns the Council has commissioned its own report to validate or otherwise the County Council's recommendations which are set out in the Officer Comments section of this report.

**2.3 Worcestershire Regulatory Services (Air Quality) – No objections subject to conditions.**

The assessment is appropriate and WRS agree with the methodology and conclusions, therefore WRS have no adverse comments to make for air quality for this development. Given the size of the proposed development air quality mitigation measures are required to be conditioned including, cycle parking, electric vehicle charging points and low NOx boilers.

**2.4 Worcestershire Regulatory Services (Noise and Nuisance) – No objection to the application subject to a condition to require replacement luminaires to the floodlights adjacent to Plots 80 and 81 are implemented prior to the occupation of these dwellings and that the replacement luminaires comply with Institute of Lighting Engineers Guidance. The submitted odour assessment concludes that odour from the school kitchen should not adversely impact future residents. Therefore, I have no objection to the application in terms of odour, noise and nuisance.**

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- 2.5 Design Out of Crime Officer - No objection to this application. My only area of concern is the two footpaths that join existing paths down the side of the allotments and onto Kingsway. We have had issues with shed burglaries and theft on the allotments. My fear is that these paths will be used as an escape route off the estate for criminals. I therefore question if they are really required, if not can they be blocked off?  
[Officer comments – Following a meeting with the Allotment Manager it was requested that the development retains the two paths and gates for pedestrian access, which serve existing allotment holders who walk to the site from Burlish housing estate]
- 2.6 Housing Enabling Officer – No objection to the application and happy to make the shared ownership 10 units rather than 9 but would prefer 6 x 2 bed and 4 x 3 bed and for social rent units to comprise 4 x 1 bed, 8 x 2 bed, 4 x 3 bed and 2 x 4 bed.
- 2.7 Planning Policy – No objection. It is advised that this site is within the WFDC submitted Local Plan as site allocation MI/38.

The site includes both Greenfield and Brownfield land. This means that the 40% Green Infrastructure (GI) should only be applied to the greenfield area of the site. For the brownfield area of the site, Policy 14 does not specify a specific GI figure, but brownfield developments are expected to include GI features such as SuDs, green roofs, green walls and biodiversity measures that will be deliverable wherever possible. Policy 14 also states that this requirement is subject to viability requirements which does build in some flexibility to GI requirements for new developments where viability issues have been evidenced.

The council contacted the School who confirmed in August 2019 that site MI/38 had not been used or maintained for playing pitch purposes for a significant period of time, and that the council's Playing Pitch Strategy was inaccurate in identifying it as such. This is evidenced in the Statement of Common Ground between WFDC and Sport England. The Council's Playing Pitch Strategy has been updated accordingly. It will be prohibitively expensive for the school to maintain, and that monies raised from the development will fund the construction of one 3G pitch and essential repairs.

The contribution to a 3G pitch provision must therefore be included. This will be required to be consistent with NPPF paragraph 97. This has been confirmed by the Department of Education, May 2020, within Appendix 2 of the full planning statement by the applicant. The access to the site should also be strongly encouraged from the Kingsway and not Coniston Crescent. If these conditions are met the application on balance should be supported.

- 2.8 WCC Children First – No objection subject to a planning obligation to secure £837,861 towards Primary, Secondary and SEND infrastructure.
- 2.9 Worcestershire Regulatory Services (Potential Contaminated Land Team) – No objection subject to a condition to require adequate site investigations for potential contaminated land and to include proposals for any mitigation including land remediation. It is advised that WRS have read the Site Investigation Report ref 20088 (prepared by Travis Baker Geo Environmental for Taylor Wimpey West Midlands) and with reference to the contaminated soil removal and subsequent clean cover (minimum 600mm with hard / no dig barrier), WRS are in agreement with the report's

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methodology and outcomes. However, the gas monitoring has produced four results over a one month period and while some gas protection methods have been referred to, WRS would ideally like to see further gas monitoring (also referred to in the report) in line with BS8485. Given the above, WRS recommend a condition is applied to the application, should any permission be granted to the development, to ensure PCL issues on site are appropriately addressed.

- 2.10 WCC Sustainability Officer – There is very little information included within the application documents detailing how this will be a ‘sustainable’ development. [Officer Comments – additional details have been submitted that include 10% photovoltaics across the development].
- 2.11 Natural England – No objection and advise that based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 2.12 Arboricultural Officer - No objection subject to conditions to secure implementation of the submitted Tree Protection Plan and a Landscape Management Plan. It is advised that the important arboricultural features within this application are suitably protected and will enhance the development without becoming a nuisance to the new home owners. Furthermore, that the new arboricultural features proposed around the site. The Hornbeam hedge around the perimeter of the site along with suitable tree planting within the development, will ensure the development will add to the urban forest of Stourport.
- 2.13 Sport England – Objects to the planning application. It is advised that the site contains a large area of playing field and the slab of the former sixth form block and an associated caretakers house. The 6th form was re-built on another part of the school playing field. The relevant planning consent (15/0583/OUTL) requires the old 6th form block to be demolished and the area laid out to provide a replacement area of playing field. Subsequently, a Section 73 application (18/0352/S73) was submitted to vary the planning conditions, for which Sport England have objected. This application is presently still to be determined. The school have implemented the 6th form development and are therefore currently in breach of the conditions contained within the outline planning consent.

The proposed loss of playing field equates to an area of 3.4 hectares or thereabouts, being capable of providing two football or rugby pitches. I have previously explained in response to pre-application enquiries that there has previously been two cricket pitches at the school playing fields, including one of the pitches in the area of playing field loss and so this also needs to be taken into account.

There have been two football pitches and a cricket pitch in the central part of the playing field in the past, however this area has since been sub-divided by a fence to enclose part of the playing field area within the curtilage of Burlish Park Primary School. This means that the cricket pitch can no longer be used and also affects the size of football pitches that can be accommodated in this part of the site. Nonetheless, the school site has previously been laid out to provide a total of 4 football/rugby pitches and two cricket pitches.

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The application documents include an assessment of the works required to improve the quality of the school buildings and a letter from Secretary of State for Education in relation to the intended disposal of the site. This sets out the terms for the Secretary of State to agree the disposal of the site, including a condition to mitigate the loss of the playing field by building a full size hybrid all-weather pitch within 3 years and to a specification relevant for its main use as a rugby pitch. A sum of £926,000 has been identified by the applicant as being reserved to cover the cost of constructing this pitch. At this stage, no details of the siting and design proposed pitch have been provided, though I expect this would be sited on an existing area of grass playing field, if so would then mean a further loss of grass pitches and loss of capacity to provide a range of winter and summer sports.

Other considerations to highlight include the need for appropriate changing room provision, car parking, storage and access. We are aware that the current changing rooms at the school are of a poor condition. Ideally changing provision should be located as close as possible to the 3G. To meet the needs of football, we would require the following:

- Changing room toilets – A minimum of two w.c toilets, self-contained, per changing room.
- Spectator toilets / disabled toilets – should be separate from player toilets.
- Showers – A minimum of four shower heads plus a dry-off area of 8m<sup>2</sup>.
- Officials - officials' accommodation x 2 should be separate and self-contained with a shower and toilet facility of a minimum of 6m<sup>2</sup>.
- Changing room size – changing rooms should be a minimum of 16 m<sup>2</sup> (for grassroots football) and 18 m<sup>2</sup> (for football in the National League System) of usable changing space (not including toilets and showers). We would need to understand the proposed football club use here to align to the requirements.

- 2.14 WCC Archaeologist – No objection to the application and it is advised that due to the 20th century ground disturbance on the site it is felt that there is low potential for any archaeological remains to survive and therefore there are no archaeological concerns or issues with this application.
- 2.15 North Worcestershire Water Management Officer – No Objections subject to conditions. It is acknowledged this site is not at risk of flooding from any source. Based upon the further information submitted (emails 30 September and 5 October 2021), I believe that there would no longer be a reason to withhold approval of this application on flood risk grounds.
- 2.16 Countryside and Parks Manager – No Objections, suitable survey work has been undertaken. Suitable conditions are required to ensure no protected species are impacted and that identified mitigation/enhancement works are provided.
- 2.17 Severn Trent Water – No objection subject to conditions

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2.18 Neighbour/Site Notice Representations

61 letters of objection received from nearby occupiers, and all comments have been fully taken into account in the consideration of this application and have been summarised as follows:

- Land should be developed for leisure facility not more housing
- Lack of road infrastructure
- Loss of parking and the proposal to provide 6 spaces would not have a significant effect.
- Construction vehicles will harm pedestrian and vehicular safety.
- Unsafe pedestrian routes for school children due to increased traffic
- Traffic congestion, Coniston Crescent certainly cannot take this extra traffic despite what the Transport Plan in the application says
- Impact on Highway Safety, as access would be close to two schools putting children, parents and residents at risk with increased traffic volume.
- Coniston Crescent is often gridlocked and there are times when emergency services would not be able to get through.
- Access should be from Kingsway to make it a completely separate new estate with no access to the Burlish Park Estate.
- Conflict with local plan as the local plan requires access is required to be from Kingsway.- Footpaths are so congested it is impossible to maintain Covid 19 social distancing and therefore it is sensible to access the development from Kingsway to take some pressure off Windermere Way and also it would be sensible to provide a new footpath to the Athletics Club.
- Increase of pollution.
- Noise nuisance.
- General dislike of proposal
- Lack of school places already in the area
- More open space needed on development
- Over development
- Out of keeping with character of area
- Strain on existing facilities
- Loss of privacy and light
- Inadequate public transport provision
- Affect ecology
- Close to adjoining properties and will impact residential amenity
- Development too high
- Increase danger of flooding
- Developer should have included in their costings for the site sufficient funding for the provision of an access road from the Kingsway (about 100m) as per the Local Plan. This is part of the financial viability assessment for building the site. Don't let them get away with it.
- Loss of a perfectly good house (caretaker's house)
- Ruin the nice community feel of the area and result in loss of the very little green land left in the area.
- Development should provide self build homes and homes for Military Veteran families and disabled Veterans with ground floor living accommodation.
- Development should provide open space for picnics and a play area for older children.

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- The proposed development on Pearl Lane is a far better location for new housing not this site.
- As more houses are being built in the area we need additional surgeries, schools, swimming facilities, hospitals, recycling centres to accommodate the exploding population in Wyre Forest.
- The land should have been converted to playing fields following the demolition of the Sixth Form College but the conditions have been ignored by the school.
- The school should have generated the monies elsewhere to repair the school buildings and why has the school built three brand new buildings if they didn't have the funding. Also, there is no guarantee that the money generated from the sale will be used for the designated purpose.
- The school would have no remaining land for future expansion.
- Once again we see land from a school site being sold off to help fund maintenance and development at the school. This should be coming from central government, not from the loss of school amenities.
- The school field once had 4 football pitches and 1 rugby pitch. If it loses this land it will be reduced to just 2 grass pitches - 1 for football and 1 to be redeveloped as an artificial grass rugby pitch. This means that the school could not host 2 home football fixtures on the same day. As a school which fields at least one football team from each year group this would seriously impact on its capabilities to offer sport on the same level as it has in the past. It is my understanding that, despite intending to sell this land for several years now, the Severn Academies Educational Trust still does not have a detailed plan for how it will maintain the school's sports provisions through this loss of land. Once land like this has been lost it will never be recovered.
- There is plenty of land around Stourport upon which housing could be built, but only one sports field for the school

24 letters of support received during the public consultation period, and it was expressed in the letters that this development would provide much needed housing for the community, the area and for our children.

70 letters of objection received following re-consultation of the planning application in June 2021, in relation to revised internal layout which included minor changes to the house types, landscaping provision and siting of buildings. The objections that have been received in this consultation mostly repeat the objections that have already been received.

### **3.0 Site Location and Description**

- 3.1 The application site extends to 4.1 hectares and comprises a rectangular shaped parcel of land with access off Coniston Crescent. It is relatively flat in ground levels and includes a row of trees within the site and around the periphery. The site is part brownfield having been previously developed for the former Sixth Form Centre, which has now been demolished to slab level and also includes the vacant caretaker's house that fronts onto Coniston Crescent. The remaining part of the site is greenfield, which comprises unused school playing fields owned by Stourport High School and Wyre Forest District Council owned land that previously formed part of the Burlish Golf

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Course, which has now ceased. The site is located within the Green Belt and is also entirely within Flood Zone 1. The site has one Tree Preservation Order (no. 441), which covers a group of trees fronting Coniston Crescent and 5 individual trees to the north western boundary, all which are to be retained.

- 3.2 The site lies adjacent to the urban edge of Stourport-on-Severn and approximately 4 miles south of Kidderminster. It is adjoined to the northeast by Kingsway allotments, with the Stourport Sports Club located beyond on the opposite side of the Kingsway. To the southeast of the site lies the existing playing fields and netball/hockey courts to the school. To the northwest of the site is the former Burlish Golf course and there is a public footpath that runs the length of the northern boundary of the site and provides access to the Kingsway Allotments. To the southwest, the site is adjoined by Burlish Park Primary School and to the west by Coniston Crescent, which includes a small number of detached dormer bungalows and two-storey dwellings. Coniston Crescent joins Windermere Way and heading east, links with the A451 Minster Road. The A451 is the main route from the north into the town centre of Stourport and south into Kidderminster. The Kingsway also provides access to the A451 Minster Road and to Burlish Crossing, where it meets Bewdley Road North and Lickhill Road North.
- 3.3 The site has been identified as a site allocation for up to 110 dwellings under draft Policy 33.16 of the Emerging Local Plan, which if adopted, would remove the site from the Green Belt.
- 3.4 The application seeks full planning permission for the erection of 110 dwellings, the demolition of the former caretaker's house, a new vehicular access, children's play area and associated works.
- 3.5 The site has been specifically promoted by the Severn Academy Education Trust in order to fund essential maintenance works to Stourport High School and fund the delivery of an all-weather playing pitch.
- 3.6 The application has been supported with a Design and Access Statement, Tree Survey Plan and Report, Tree Retention and Removal Plan, Arboricultural Impact Assessment, Tree Protection Plan, Drainage Strategy, Preliminary Ecological Assessment, Condition Report, Planning Statement, Financial Viability Assessment, Transport Assessment and Travel Plan, Site Investigation Report for Potential Contaminated Land, Lighting Assessment, Odour Assessment, Landscape Proposals, Sustainability Statement and a Flood Risk Assessment.

#### **4.0 Officer Comments**

##### **THE NEED FOR THE DEVELOPMENT**

- 4.1 It is important to set out at this stage, the Trust's principle purpose and need for promoting the development. This will assist in the consideration in respect of planning obligations and the planning balance.
- 4.2 A large proportion of the Stourport High School buildings date back to the 1950s. It was the intention for the school to be demolished and replaced on the same site

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during the mid-2000s, prior to the last recession. However, following the cancellation of the Building Schools for the Future Programme as part of the austerity measures, this opportunity was lost. There is now no prospect of the Trust receiving funding for a replacement school. They are having to make best use of the buildings that they have and undertake repair work as necessary. The Trust have commissioned a series of condition surveys of Stourport High School. The most recent of which was produced in October 2020 and forms an application document. This report confirms that approximately £4.9m needs to be spent on the school buildings. In addition, the school should budget for approximately £926,000 for the development of a synthetic all weather playing pitch, as required by the Secretary of State. As detailed in the condition survey, a series of work items have been identified that are of 'significant concern' that could cause full or partial closure of significant parts of the school unless urgent works are programmed.

- 4.3 As detailed in the Condition Survey the above work all needs to be undertaken in the short-term, i.e. within five-years, with the majority of the work needing to be undertaken within two-years of date of the survey. The Trust has explored a variety of different options to fund this work. Whilst the Trust has been successful in obtaining grant funding in the past it no longer qualifies for further funding. Multi-academy trusts, such as Severn Academies Trust, receive a School Condition Allocation ("SCA") and Developed Formula Capital ("DFC") payment to deploy strategically across their estate to address priority maintenance needs. The Trust cannot apply for Condition Improvement Funding as it receives SCA funding. The amount of money received from SCA and DFC is primarily based on the numbers of pupils in the trust. It takes no account of the condition of the buildings under the care of the Trust. Under this system each year the Trust receives a set SCA payment of approximately £770,000 and a DFC payment of approximately £74,000. This money has to support all seven schools within the Trust and is required for routine maintenance.
- 4.4 The Trust are, therefore, in a position whereby the only way they can raise the significant capital funds required for the essential repair works is to sell the surplus land for a higher value use, i.e. residential.
- 4.5 Given this position, the Trust has agreed with the Secretary of State that it is appropriate for the application site to be sold for residential development. The Secretary of State endorses the sale of this parcel of land with the following stipulations:
- The Trust must achieve a minimum sale value of £4m and the sale cannot be subject to overage.
  - To mitigate the loss of playing field land the Trust are required to provide a full size hybrid all-weather pitch within three-years, to a specification relevant to its main use as a rugby pitch.
  - All other proceeds will be spent on urgent condition work to the school, as identified by a works schedule and prioritised by an independent surveyor.
  - To commence works to the school buildings by 31<sup>st</sup> May 2022.
  - The Trust is required to provide the Department for Education ('DfE') with an update on the progress of the above actions every six-months from the date of its letter.

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- 4.6 These considerations are highly material in the consideration of the application and the financial contributions to be sought through the planning obligations. It is evidently clear from the documentation received that the proposal under consideration is the only realistic way of the Trust generating the funds required to deliver the essential repair works to the school. Due to the tight deadlines set by the Department of Education there is no opportunity for the Trust to wait for the adoption of the Local Plan.

#### POLICY CONTEXT

- 4.7 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.8 The development plan for Wyre Forest District comprises the Adopted Core Strategy (2010), the Adopted Site Allocations and Policies Local Plan (2013), the Adopted Policies Map (2013), Adopted Planning Obligations SPD, Adopted Affordable Housing SPD, Adopted Design Guidance SPD and WFDC Playing Pitch Strategy.
- 4.9 The National Planning Policy Framework (the 'Framework') is a material consideration in the decision making of this application and was revised in July 2021. It sets out the Government's planning policies for England and how these should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development, which means that the planning system has three overarching objectives (economic, environmental and social) which are interdependent and need to be pursued in mutually supportive ways. The Framework emphasises that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 4.10 The Framework seeks to support the Government's objective in promoting sustainable patterns of development across the country and this includes: the need to significantly boost the supply of homes; providing sufficient social and recreational facilities to meet community needs; protecting and minimising the impacts on the natural environment; and seeking to mitigate the impacts of climate change.
- 4.11 The Emerging Local Plan is a material consideration. Paragraph 48 of the Framework advises that Local Planning Authorities can give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*  
*the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*  
*and the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*
- 4.12 The Emerging Local Plan underwent public examination in January/February this year by the Planning Inspector appointed by the Secretary of State and public consultation

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is currently being held on the Inspector's main modifications. The Emerging Local Plan is very close to an advanced stage in its preparation and its policies, which are considered relevant to this application, are consistent with the revised Framework 2021.

- 4.13 The Emerging Local Plan sets out a site-specific allocation policy (33.16) for this site for residential development, with a suggested capacity of 110 dwellings. The draft policy advises that the site would be removed from the Green Belt and that the policy requirements for development on this site would include:
1. Vehicular access should be taken from the Kingsway adjacent to the allotments;
  2. The existing trees on the site should be supplemented enhanced to develop a buffer between the existing dwellings on Coniston Crescent and the new development; and
  3. An ecological appraisal should be submitted as part of any future planning application and measures for the protection and enhancement of ecological interests should be incorporated in the development
- 4.14 Whilst no objection has been received in relation to the allocation of the site for housing in principle and the release of the land from the Green Belt, the Council have received two objections to draft policy 33.16: these being from Taylor Wimpey, the applicant for this application, and Sport England. The objection received from Taylor Wimpey relates to the access from the Kingsway and they have suggested to the Planning Inspector that '... part 1 of the policy should be amended to introduce additional flexibility. It should advise that vehicular access to the site can be taken from The Kingsway, or Coniston Crescent'. The Sport England objection is consistent with their objection to this application as outlined above.
- 4.15 I consider that the unresolved Taylor Wimpey objection relates wholly to the access requirements of the site and do not go to the heart of the allocation. Following the hearing sessions, the Inspector's main modifications to Policy 33.16 have introduced the wording 'should' as set out above. The change to this this wording of the policy is intended to give the flexibility to provide access off Kingsway or an alternative access from Coniston Crescent following evidence at the Local Plan Hearing Sessions. Members, will appreciate that the phrase 'should' does not set a definitive requirement but sets the desire of the Council. As the part of the policy is still to be resolved, the access requirement in the policy can only been given limited weight even though the main allocation can be given greater weight. Given that the County Council have found that access from Coniston Crescent has been proven to be technically acceptable, the Council could not maintain a policy position whereby access could only be gained from The Kingsway.
- 4.16 Sport England have expressed an objection concerning the loss of playing field provision as a result of housing development on this site and the absence of any requirement for compensation or mitigation for this loss in the draft site allocation policy. The Council have taken a different view, agreeing with Stourport High School and the decision made by the Secretary of State to dispose of the school land, on grounds that the playing field provision is surplus to requirements. Whilst this is an

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unresolved objection, the Inspector has fully considered Sport England's objection at the hearing sessions and has not suggested any further modifications to the allocation policy. The objection does relate to the wider principle of allocation but does not dilute the weight that can be afforded to the policy, particularly as the compensatory sports provision is considered as part of this detailed application. Given that the Inspector has considered this matter at the hearing stage of the Examination of the emerging Local Plan and has not indicated support for the Sport England objections, the officer view is that they should not therefore be relied upon as a reason for refusing this application.

- 4.17 The site is situated within the Green Belt, which is a significant and weighty factor to be considered in the context of this application. Whilst consideration is being given to removing this site from the Green Belt as part of the emerging Local Plan, this has not occurred at the point of consideration of this planning application. As such whilst weight can be given to emerging policies as a material consideration, it is Officers view that the adopted policy framework should be the primary consideration factor in the determination of this application.
- 4.18 The planning application is therefore to be primarily considered in the context of the current development plan and the draft policies contained within the Emerging Plan which have not received significant unresolved objections. As such, the proposals relate to a major housing development within the Green Belt and includes the loss of playing fields.

#### WHETHER INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

- 4.19 The site lies within the Green Belt and according to Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan and draft policy 25 of the Emerging Local Plan new developments within the Green Belt will only be permitted if very special circumstances exist unless the development meets one of the limited exceptions. Policy SAL.UP1 and 25 are consistent with Paragraphs 149 and 150 of the Framework which also contains a presumption against inappropriate development in the Green Belt and states that the construction of new buildings will be inappropriate unless the development meets a similar list of exceptions. The proposed development for 110 dwellings on land that is mostly unused playing field and a small area of previously developed land, would not fall within any of the exceptions listed and therefore would amount to inappropriate development. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further states in paragraph 148 that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.20 The principle of development is therefore unacceptable due to the inappropriateness of the development in the Green Belt. This report focuses on whether there is any other harm resulting from the proposal and whether very special circumstances exist to outweigh the harm.

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#### IMPACT ON LANDSCAPE CHARACTER

- 4.21 The application site falls within the Worcestershire County Council's Landscape Character Type 'Sandstone Estatelands'. In this part of the district, the 'Sandstone Estatelands' landscape type extends from the Staffordshire and Worcestershire Canal and covers the Green Belt area between the urban edge of Stourport-on-Severn and the urban edge of Kidderminster and includes the application site. The advice sheet for Sandstone Estatelands makes a number of recommendations to enhance the unique character of the landscape and advises that there is capacity to accommodate considerable areas of new woodland planting and scope for improving wildlife habitats and corridors, particularly the development of wide field margins.
- 4.22 I note that the site is allocated for Education use on the Adopted Policies Map and therefore its present land use does not reflect the typical primary land use of this landscape which comprises mainly arable land and woodland. However, due to its location between existing open playing fields and the former golf course, the site does make a positive contribution in terms of providing a strong sense of visual unity with the wider landscape. However, I consider that the degree of harm to the landscape character and viewpoints will be adequately mitigated due to the location of the site being directly adjacent to the urban edge of Stourport, which will allow the development to appear as a logical urban expansion to Stourport and the proposed density and spatial composition of the development will reflect the existing housing development in Buttermere Road which also abuts the boundary to the former Burlish Golf Course, which is also proposed to be removed from the Green Belt for residential development as part of the emerging Local Plan.
- 4.23 Also, the design and layout of the proposed housing has resulted in development being set back from the northern boundary to provide green infrastructure adjacent to the former golf course and would include new public open space within a central reserve, a formal play area and new tree planting to enhance the existing group of trees adjacent to Coniston Crescent in order to create a woodland with longevity. The proposed open space along the northern boundary would also act as a dark corridor for wildlife, in particular protected bat species and would contain the proposed housing development within the current application site, to prevent encroachment into the wider Green Belt, that is not allocated for housing in the Emerging Local Plan.
- 4.24 Overall, the proposals would inevitably bring about change to viewpoints in the surrounding area, however, I am of the view that the impact on landscape character would be minimal due to the location of the site being well related to the existing urban edge and the new improved public open space provision and the woodland planting would help to retain a sense of unity with the wider landscape. I therefore consider that the proposed development would accord with Policy CP12 of the Adopted Core Strategy and draft Policy 11C of the Emerging Local Plan which both seek to ensure new developments protect and where possible enhance the unique character of the landscape.

#### LOSS OF PLAYING FIELD

- 4.25 The application site includes unused playing fields which previously formed part of the existing playing fields to Stourport High School and Sixth Form Centre. The unused playing fields within the application site have now been fenced off from the school grounds and are now only used by the general public for recreational use, dog walking

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and to access the adjoining allotments. The site also comprises land that was previously occupied by the former Sixth Form Centre which has been replaced by a new building that was sited in a different location to be closer to the main high school buildings but on former playing field. As part of the Outline Consent for the new Sixth Form Centre, a planning condition was imposed on the decision notice (application reference 15/0583/OUTL) to require the land of the former Sixth Form Centre to be restored to playing fields to offset the loss of playing field as a result of the new Sixth Form Centre development and to provide a betterment to the quality of play provision as it created a more useable and larger playing area. The restoration has not occurred and an application is pending to vary this condition. The Trust have not carried out the work due to the discussions with the Department of Education in respect of the disposal of the land. The consideration of this application therefore needs to take account of the loss playing fields as though it had been restored.

- 4.26 Policy SAL.UP4 refers to Open Space and Play Provision advises that sites identified in the Wyre Forest District Open Space, Sport and Recreation Assessment (October 2018) and the Wyre Forest District Playing Pitch Strategy (2012) as indicated on the Policies Map will be safeguarded from development unless it meets specific criteria.
- 4.27 Whilst the application site consists partly of unused playing field, it has only been identified as Green Belt and not as Play Provision on the Adopted Policies Map (2013) and has been identified as being surplus to requirements in the addendum to the Playing Pitch Strategy. Furthermore, it has not been made available for use by the community by the school and there are no planning conditions that require the school playing fields to be used by the community. As such, apart from the playing field currently being used for recreational use by the public for walking, dog-walking and to access the adjoining allotments, it provides no other community benefit apart from being part of the school playing fields. I also note that there is no requirement within the draft site allocation policy or the main modifications of the Emerging Local Plan to provide compensation or mitigation for the loss of playing field.
- 4.28 The applicant has advised that in order for the Trust to be able to dispose of the site for residential development they have had to demonstrate to the satisfaction of the Secretary of State for Education that the site is surplus to all educational requirements, including playing pitch provision.
- 4.29 Sport England have raised an objection on the grounds of loss of playing field, contrary to Paragraph 99 of the Framework (previously paragraph 97). Policy 99 of the Framework advises that existing playing fields should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

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- 4.30 In my view, the land is currently playing field although it is not, and is unlikely to be, made available for community use in the future. I also agree with the applicant that this part of the existing school's playing field is surplus to requirements in accordance with Paragraph 99(a) of the Framework.
- 4.31 Paragraph 98 of the Framework also advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Policy CP07 of the Adopted Core Strategy and draft Policies 9 and 20C of the Emerging Local Plan seek to ensure that new developments provide opportunities for formal and informal physical activity, exercise, recreation and play spaces that support healthy living environments. The supporting text under draft Policy 20C also states that the Council will require major developments to provide and contribute to the provision of multifunction open space which serves and meets the needs of the development as well as local needs. It also states in paragraph 20.18 that the Playing Pitch Strategy requires the District to provide two additional 3G pitches in the plan period.
- 4.32 As part of the agreement with the Secretary of State for the disposal of the school land, the school will use part of the capital receipt from the land sale to provide a new 3G rugby pitch on the remaining playing field. The school are legally bound to provide this within 3 years (unless that date is extended by the Secretary of State).
- 4.33 Whilst a planning application would need to be submitted for the 3G pitch, the applicant has submitted an indicative layout to show that the remaining playing field could accommodate a 3G pitch and that any associated floodlighting would not result in unacceptable light pollution for the future residents of the proposed development. In addition, and in anticipation of the school gaining planning permission for the 3G pitch, an acoustic fence is shown to be erected to safeguard future residents from any noise nuisance.
- 4.34 I note the comments received from Sport England about the indicative layout of the 3G pitch not entirely providing sufficient run-off areas around the pitch, however, I consider that there is scope to make amendments to the siting of the 3G pitch to rectify the size of the pitch and to ensure an appropriate rugby pitch is provided that is available to the community. This will be dealt with as part of the necessary application for this provision.
- 4.35 I note that Sport England are also concerned that the provision of a 3G rugby pitch would result in the loss of further playing field that is currently being used for grass sports such as rounders and cricket and that this would lead to an increase in the use of the existing all weather hockey pitch for school sporting provision. However, it is clear from the evidence provided by the school that the existing all weather hockey pitch is already well used especially during the winter months, and that there is unlikely to be any additional wear and tear on the existing all weather pitches. It is noted that Cricket games take place at Stourport Sports Club where the school have a long standing agreement to use their facilities. I therefore agree with the school that the provision of a 3G rugby pitch on the remaining playing field would not result in any loss of sporting provision for the school and instead would enhance their existing

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sporting provision especially during the winter months when the grass playing field cannot be played on.

- 4.36 Overall, I consider that the provision to provide a 3G pitch at the school would help to meet the additional sporting demand generated by the new residents of this proposed development and would cater for the needs of the local community.

#### DESIGN AND LAYOUT

- 4.37 A sensitive approach has been taken for the design and appearance of the proposed dwellings to ensure they reflect the housing styles within the local area and early discussions have been made with officers to ensure the external materials are in keeping with the local vernacular. The siting of the buildings and arrangement of plots would create a coherent building line and all roads, parking areas, public open spaces and the children's play area would be well overlooked. The site layout has been designed to ensure rear gardens are enclosed or have solid boundary walls for additional security.
- 4.38 I note that there are areas within the site that would have frontages dominated by parked cars, and whilst this is often unavoidable across all of the site due to development constraints, the applicant has made amendments to the proposals to include: front projecting gables to some of the house types where frontage parking is an issue; repositioned the houses in the southeast corner; and introduced block paving in order to reduce the visual impact of parked cars on the street scene.
- 4.39 Initially, the proposals sought to retain one existing access route to the allotments and provide a new one in the southeast corner of the site. However, following concerns raised by the allotment holders about the loss of the second access, the applicant has responded and amended the layout to retain both access routes to the existing gates within the west boundary of the allotments and to omit the one in the southeast corner. Whilst this has satisfied the allotment holders, I note that concern has been raised by the Designing Out of Crime Officer as one of the retained access routes would be between two gardens, which could potentially increase the potential of burglary of these properties. However, the access route is short and would be overlooked by the proposed dwellings on the opposite side of the road, along the boundary treatment to the gardens of these two properties which will be reinforced with boundary walls with trellis above to deter people from climbing over these boundaries. With these matters in place, I am satisfied that this is a suitable arrangement under these circumstances.
- 4.40 The proposals would provide 20% green infrastructure which is considered to be appropriate for this site and will ensure the development remains viable, in accordance with draft Policy 14 of the Emerging Local Plan. The proposed landscaping scheme for the housing plots and within the public open space have been carefully considered and amendments have been sought to ensure a robust and good quality landscaping scheme is delivered. In addition, the applicant has sought the advice of officers in relation to the type of play equipment that is envisaged for the children's play area and officers are satisfied that multi-functional equipment will be provided to stimulate play and provide variety and interest for young children.
- 4.41 I consider that the layout of the site is acceptable and that the development would integrate well with the adjoining housing estate and that the provision of good quality public open space and play area would help to create a distinctive housing

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development that would enhance the overall built environment in the area. The development is therefore in accordance with Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan, draft Policy 27A of the Emerging Local Plan and the Framework.

#### RESIDENTIAL AMENITY

- 4.42 I note the concerns expressed in the objection letters to the proposal relating to noise, disturbance and light pollution. The application site was previously occupied by the Sixth Form College which would have been open to the public during the week and would have generated pedestrian and vehicular movements to and from the site via Coniston Crescent. No doubt the proposed development to construct 110 dwellings would result in an increase in activity over a greater period seven days a week compared to the previous use of the site. However, I am satisfied that there will be no adverse impact on amenity as a result of noise arising from the residential properties. Construction noise and disturbance is temporary and can be dealt with through a suitably worded condition.
- 4.43 The submitted noise assessment indicates that average (Leq) noise levels, in the rear gardens of the nearest dwellings to the existing, fall below the Sport England guidance levels with the proposed acoustic fencing in place. However, this does not mean noise from the AGP would be inaudible in these areas especially maximum noise levels due to the noisiest of activities (whistle blowing, loud voices etc.). WRS originally expressed concerns that this would reduce amenity for future residents and could lead to complaints of noise nuisance being made. In response to these comments, the applicant has advised the following:

*As WRS confirm, the noise assessment indicates that AGP noise levels, in terms of the relevant LAeq index, will meet Sport England guidance levels with the proposed acoustic screening in place. WRS note that this doesn't necessarily mean that the AGP noise will be inaudible at all times. We agree: some noise may be audible at times, however based on the Sport England guidance (which draws on relevant WHO and BS guidelines), with the recommended acoustic screening in place, this will be within appropriate thresholds of noise. In other words, the noise will be consistent with what would normally be taken as being acceptable in a community environment where housing is in proximity of sporting facilities. WRS reference in particular the 'maximum' noise levels due to the noisiest components (whistle blowing, loud voices etc.) This alludes to the highest transient noise levels, normally measured using the LAmax index. However, there is no guideline in the Sport England guidance in this regard; indeed, there are no recommendations in any of the wider documentation in respect of daytime noise in terms of LAmax. Guideline thresholds of LAmax are conventionally applied only to night-time scenarios, and hence do not apply here. Moreover, where there is a proliferation of notable peaks of noise, in terms of LAmax, this will in turn result in higher 'average' noise levels in terms of LAeq. Therefore, as the LAeq noise levels will meet the appropriate threshold with the recommended acoustic screening in place, this effectively also indicates that peaks of noise will be adequately controlled.*

- 4.44 The applicant would provide an acoustic fence along the boundary that adjoins the remaining school playing fields, and further consideration will need to be made when the planning application is submitted for the AGP in terms of the impact on the amenity

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of occupants of the proposed residences. Subject to this being fully provided, it is considered that the proposed residential properties will not be adversely impacted by the replacement 3G pitch.

- 4.45 On this basis, and in consideration of paragraph 185 of the Framework, along with the Noise Policy Statement for England, it is concluded that the development will not result in any adverse impacts to existing or future residents.

#### HIGHWAY CONSIDERATIONS

- 4.46 As a result of the consultation process, highway matters are key in the concerns expressed by residents and the Town Council. In particular, the focus of concern surrounds the use of Coniston Crescent as the main access point for the development.
- 4.47 As noted above the Emerging Plan, as now proposed to be amended through the Main Modifications, sets an aspiration that the access 'should' be provided via Kingsway. This is subject to a unresolved objection and as such this aspect of the policy can only be given minimal weight. However, the applicant has been willing to negotiate and has spent a significant amount of time throughout the life of this application to explore the extent and possibility of an access onto Kingsway. These investigations have result in a better understanding of the impact of such a proposal financially and in physical terms. Any access from the Kingsway would need to be over land in the ownership of the District Council and whilst discussions have been ongoing with the Council's Estates Officer as to how this could be satisfactorily achieved, the works required to upgrade The Kingsway and the provision of new access requirements, along with the acquisition of, or agreement to use land from both the District Council and Stourport Sports Club would render the development unviable. It would also lead the loss of important biodiversity habitat which would require significant mitigation. Taking all matters into account the Applicant has chosen to revert to the access arrangements off Coniston Crescent.
- 4.48 The access arrangements will provide a simple 'T' junction onto Coniston Crescent. As part of the proposal 6 car parking spaces will be provided to off-set any loss of on street parking for visitors or school pick-up and drop-off. The footway will be provided from the site through to Windermere Way and additional improvements made to the pedestrian routes surrounding the site.
- 4.49 Members are aware that the Framework at paragraph 111 states that "[d]evelopment should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 4.50 As part of the submission a full Transport Assessment (TA) has been undertaken by David Tucker Associates. This has assessed the impact of proposed development and its access on the surrounding highway network and key junctions. Traffic counts and surveys have been undertaken at peak times, including during school drop-off and pick-up, along with the general characteristics of traffic at normal times.
- 4.51 The TA seeks to provide a robust analysis of the highway impact and assessed the number of trips based on 118 dwellings (Members will note the application seeks a lesser 110 dwellings) and has taken data from the TRICS database based on per

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dwelling and per person data. This results in a trip generation between 53 and 90 trips during morning peak hours (0800 - 0900) and between 53 and 72 during evening peak (1700 -1800). The higher figure has been used in respect of analysis of the capacity of the network and functionality of junctions. The TA specifically considers the new access, the junction of Windermere Way/Minster Road and crossroad junction of Burlish Crossing/Bewdley Road North/Lickhill Road North.

- 4.52 The submitted TA concludes a safe access can be provided to Coniston Crescent with appropriate visibility splays. That the existing junctions at Windermere Way and Burlish Crossing have the capacity to accommodate the traffic generated from the site without result in adverse harm. Vehicle speeds in the vicinity of the site are low due to the nature of the area and the design of the carriageway. It is therefore concluded "...the additional traffic would not have a material impact on the safety or operation on the local road network and it can clearly be concluded that the impact of the development will not be "severe" and overall there are no reasons for refusal on highway grounds."
- 4.53 The Highway Authority has fully and robustly examined the TA and the internal road layout of the development. This has been subject to a number of amendments and points of clarification. The comments of the Highway Authority are set out at paragraph 2.2. Whilst recognising the policy desire, it is accepted that an access onto Coniston Crescent is appropriate means of accessing the site and that the surrounding network can accommodate the trip generation that is proposed in respect of the 110 dwellings. The TA is considered to be based on a worst case scenario and that its analysis provides a robust position of the highway impact. The Highway Authority agree with the conclusions reached and consider that no adverse impact will arise from this development and that there are no technical aspects that would allow a refusal reason to be tabled. Additional works are proposed in respect of footway improvements, TROs and lining on street parking bays in order to improve access arrangements, which have been agreed to by the Applicant.
- 4.54 It is understood that the access arrangements are controversial and have generated a high level of concern. From a technical perspective the submitted TA has been assessed by the Highway Authority and their consultants (Jacobs) concluding that it is technically sound. Whilst the technical views of the Highway Authority are considered to be sound and both officers and Members rely on their expertise, under the circumstances, anticipating that this matter is expected to be the more controversial aspect of the determination of the application, officers commissioned an independent review of the highways situation and the County Council's recommendations would be appropriate to provide Members and the public with confidence in the officer's recommendation to approve the application.
- 4.55 Highway consultants Hub Transport Planning (HTP) were commissioned by the District Council to undertake a review of the submitted TA, provide an assessment of the proposals and review the Highway Authority comments. In addition, their views were sought on the capacity Coniston Crescent/Windermere Way at peak times. Their assessment involved survey work during school drop-off and pick-up times in September and October 2021.

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- 4.56 In consideration of the existing network, HTP state that “[i]n respect of the traffic flows and observations of the highway network operation, other than the school traffic itself, there are very few traffic movements along Coniston Crescent during the peak hours; this includes the evening peak hour when there is no (or very limited) primary school traffic. The junction of Coniston Crescent with Windermere Way was observed to operate well within capacity at all times, with only occasional delays observed during the school drop-off and school pick-up times of up to 20 or 30 seconds for some vehicles at the give-way line. However, the vast majority of the traffic using Coniston Crescent does so with negligible delay. In respect of Coniston Crescent itself, delays to vehicles travelling along the road are also generally very limited as the majority of drivers observe the informal one-way operation; or, where two vehicles do meet, there are gaps in the parked vehicles where one vehicle can wait whilst the other passes.”
- 4.57 Upon consideration of the proposed access point HTP note “[t]he proposed site access is appropriate to serve the proposed residential development, both in terms of geometry and capacity; with suitable visibility splays that are provided in line with the observed speeds. Pedestrian access is appropriate and the provision of the separate footway to the primary school is a positive proposal.”
- 4.58 Trip generation is critical to allow consideration and provide an understanding of the way a development will impact on a highway network. HTP’s considerations conclude that “...the DTA TA report has assessed this in two different ways and then utilised the higher of the two sets of trip rates to derive the traffic flows for the proposed development. The resulting forecast traffic generation provided by DTA presents a very robust assessment of the traffic generation; the reality is more likely to be closer to the lower traffic generation, or at worst, somewhere in between the two sets of results. Therefore, the assessment of the development traffic impact is also very robust and is more likely to be lower than the junction assessment results suggest...In terms of how this relates to the traffic generation of the site, given the distances/time travelled to reach the destinations indicated (during peak hours), it is likely that at least 50% of the development traffic will have left the new residential estate prior to any traffic relating to the school drop-off period arriving at Coniston Crescent in the morning peak hour, i.e. before 8.30am. As such, there would only likely be 25 or so traffic movements associated with the development during the school drop-off times... Having visited the site and observed the traffic conditions during all peak periods (the school and highway network peaks), whilst standard practice would be to include a site access junction assessment using the relevant software (in this case TRL Junctions software), the qualitative assessment undertaken by DTA is understandable given the very low traffic flows along Coniston Drive and lack of issues observed at the junction with Windermere Way, save for the occasional vehicle waiting for 20 or 30 seconds at the give-way line. The additional development traffic would not materially impact this junction in capacity or safety terms and the site access junction would, as DTA state, operate well within capacity at all times.”
- 4.59 HTP conclude “...the proposed development accords with the NPPF. It would not have an unacceptable impact on highway safety, nor would the traffic have a “severe” impact on the operation of the local highway network. Therefore, we would consider that the proposed development is acceptable in highways terms.”

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- 4.60 This additional independent report provides a very robust position for consideration of highway matters. It provides officers and Members with the confidence that in technical terms there are no aspects of the access arrangements that can be technically proven to be unacceptable. I agree the conclusions of the author of the audit from HTP who states "...[w]ilst it is understandable that there will be local concern with respect to the proposed development, and particularly from parents of children attending the local schools, the site is providing a separate pedestrian access to the primary school (reducing the impact on those walking along Coniston Crescent), and will take access from a part of the highway network that does not exhibit any significant issues in highways terms (either operationally or with respect to safety). Much of the development traffic will have left the area by the time the school traffic starts to arrive in the morning peak hour, and those parents from the development will walk their children so will not add to the parking issues in the vicinity of the school. Essentially, aside from about 20 minutes or so in the morning and 30 minutes in the afternoon when there is some minor delay, it is an exceptionally quiet access road and will remain so with the proposed development in place."
- 4.61 I feel that having taken account of the submitted TA, the assessment from the Highway Authority by Jacobs and the independently commissioned audit by Hub Transport Planning, that there are no unacceptable elements in respect of the access arrangements or network capacity that can be levelled at the application. The proposals are wholly acceptable and would not lead to any adverse impact, and certainly would not reach the bar of 'severe' as required by the Framework. Any objections or suggestions of refusal on highway technical grounds in respect of the access and network capacity are considered not be defensible.
- 4.62 In respect of the internal arrangements, the design provides an attractive layout with suitable roadways that lead to cul-de-sacs or private driveways. Adequate parking is providing through driveways and garage provision. Where garages are not provided secure cycle parking is provided through the provision of sheds in rear gardens. Parking levels are at a suitable level and are wholly in accordance with the adopted County standards.
- 4.63 It is considered that the technical aspects of the highway proposals are wholly and robustly sound, being verified by independent assessment. The emerging policy as now proposed to be modified states that 'access **should** be from Kingsway'. Whilst this is in an attempt to resolve the objection to the access part of the policy it is a fact that it remains unresolved until the Inspectors final report and therefore can only be limited weight. In addition, the phrase 'should' is not dictatorial but is for guidance, showing a preference. As such there are no justifiable grounds to oppose the access from Coniston Crescent.

#### OTHER MATTERS

- 4.64 Paragraph 163 of the Framework requires local planning authorities to ensure that flood risk is not increased elsewhere and that all new major developments incorporate sustainable drainage systems unless it can be demonstrated that this would be inappropriate for example due to specific site constraints. This is reiterated in Policy CP02 of the Adopted Core Strategy, Policy SAL.CC7 of the Adopted Site Allocations and Policies Local Plan and draft Policy 15B, 15C and 15D of the Emerging Local Plan. Discussions have taken place in respect of the drainage for the site, which

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involve the provision of mains drainage connection for foul sewage and large scale soakaways for surface water. The site is not at risk of flooding, but is a greenfield site. The drainage arrangements as proposed will result in all drainage requirements being dealt with wholly within the site without result in any flooding or drainage issues to surrounding properties or land.

- 4.65 The purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the Framework sets out the three overarching objectives and states within the environmental objective, that developments should seek to mitigate against and adapt to climate change. Policy CP01 of the Adopted Core Strategy required new developments to incorporate measures to help reduce energy consumption. In respect of sustainability, the Applicant has provided 10% of the properties with photovoltaics, which will be suitability conditioned, along with electric vehicle charging points being required by way of a condition. Such measures are importing in bringing forward sustainable development to the District.

#### S106 PLANNING OBLIGATIONS INCLUDING AFFORDABLE HOUSING

- 4.66 Policy CP04 of the Adopted Core Strategy sets out a requirement of 30% affordable housing provision to be provided on developments of 10 or more units. The draft Policy 8B of the Emerging Local Plan has reviewed this requirement and has set this at 25% for all major housing developments. As moderate weight can now be applied to the Emerging Local Plan and the site is included as one of the draft site allocations for housing, I consider that 25% should be sought in this instance.
- 4.67 The Council's Cabinet report, dated 16th September 2020, sets out the priorities for Section 106 planning obligations for sites where there is a shortfall in meeting the costs of all obligations following a viability assessment. It was agreed that the Council will prioritise in the following order:
1. On and/or off site infrastructure necessary to make the development acceptable
  2. Affordable housing
  3. Open space and recreation
  4. Education
  5. Other stakeholder contribution requests such as infrastructure costs associated with health provision or the police
- 4.68 Also, the legal tests for when a s106 obligation can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended and Paragraph 56 of the Framework. The tests are that an obligation must be:
- necessary to make the development acceptable in planning terms
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development
- 4.69 The applicants have submitted a viability assessment to support the application. The financial viability assessment has been reviewed by the Council's independent Evaluation Officer ('Cushman & Wakefield') and in their final report they have concluded that the development would remain viable if it were to deliver 25% (28)

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affordable housing provision, comprising 9 units which are rent and 19 shared ownership, the provision of a on site play area and financial contributions of £91,500 to be spent on other planning obligations in order to make the development acceptable in planning terms. A planning obligation that seeks a higher contribution would make the development unviable.

- 4.70 The Highway Authority have advised that in order to make the development acceptable in planning terms, a contribution exceeding £183,500 would be required to address all necessary off-site highway improvements. This includes provision of a TRO on Conniston Crescent, the lining of parking bays in proximity to the school and contributions to a active travel corridor to link Burlish Top and Stourport Road.
- 4.75 The provision of natural play space is included within the development which will include 5 areas of play which links with the wider footpath network into the site. The obligations within the agreement will ensure the provision of area and equipment (to a minimum value of £40,335) along with future maintenance.
- 4.76 I therefore consider that a Section 106 Agreement to secure 25% affordable housing provision, play area provision and a total contribution of £91,500 towards highway improvements would meet the test set out in Regulation 122 and 123 of The Community Infrastructure Levy Regulations 2010 (as amended), and that a robust review of the viability of the development has been undertaken to evident that no other stakeholder contributions can be secured without making the development unviable. I do appreciate the request for education contributions, but it is considered that any additional costs will make the scheme unviable. In any event the proceeds of the sale of the land will directly be utilised for education purposes, far in excess of the requested amount.

#### PLANNING BALANCE

- 4.77 The purpose of the application is to generate funding that will be used to undertake essential maintenance work at Stourport High School and to provide a new 3G pitch. It is clear that this highly important funding to secure the future of the school cannot be sought from any other source.
- 4.78 The consideration of the development has highlighted that the scheme would represent inappropriate development of the Green Belt. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight is given to any harm to the Green Belt. Additional harm is noted in respect of loss of openness, although this is considered to be moderate due to the association of the land in the context of educational facilities in which it sits. There is finally harm through the site being contrary to the adopted Local Plan, although such harm is limited and will be weighed against the emerging allocation.
- 4.79 All other aspects of the development have been found to acceptable in detailed and technical matters. Having identified the harm through inappropriateness and 'other harm' it falls to consider the material circumstances in favour of the development. The Applicant has set out a number of considerations which are set out below;

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- The development is essential to fund repair works to Stourport High School. The Scheme represents the only realistic way of delivering this work and protecting the only secondary school in Stourport on Severn.
- The Secretary of State for Education has declared the site surplus to requirement and advised that he will support the release of the site for redevelopment, on the basis that it will fund repair work to the school and provide a 3G pitch, which is required as part of Playing Field Strategy.
- WFDC have decided to allocate the site for residential development in the emerging Local Plan. The Plan is in the latter stages of the examination process and is currently the subject of examination.
- Paragraph 95 of the Framework advises that “great weight” should be placed on the need to create and expand schools through the determination of planning applications.
- The development will assist in creating economic growth by creating jobs through the construction of houses and in the repair of the school buildings. Residents of the development will increase footfall in local shops, services and facilities supporting their viability.
- The Application Site forms a component part of the Council’s five year housing land supply. The Council’s most recent Five Year Housing Land Supply report advises that the entirety of the site is expected to be delivered within the five year period, with initial completions taking place in 2021/2022 monitoring year.
- New open space will be created on site to the benefits of all. This is a benefit of the development.
- Provision of 25% Affordable Housing

4.80 I consider that the requirement to provide funding to the High School to provide essential repair works is a unique situation. These circumstances have been well documented and are fully accepted. It is acknowledged that the need to retain the High School in accommodation that is fit for purpose is a fundamental consideration not just for the direct community but has wider implications for Stourport and the District as a whole. This cannot be underestimated and as such I attribute significant weight this. When added to the great weight that can be applied under paragraph 95 of the Framework, it is my consideration that this amounts to substantial weight in favour.

4.81 Other weight in favour can be directed to the economic, social and environment benefits that the scheme will deliver as set out above. In addition, it is accepted that the allocation of the school site for development as part of the emerging plan, which is an integral part of the Council’s five year land supply. These considerations individually provide additional weight and when taken together it is my view that these amount to providing great weight in favour of the scheme.

4.82 It is clear in my view that the specific case being made for the essential repairs to the school and the other benefits of the proposal result in a clear balance in favour of the development. The Framework further states in paragraph 148 that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly

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outweighed by other considerations. The considerations that have been provided do provide a unique and special set of circumstances that do clearly outweigh the harm that has been identified and as such very special circumstances exist.

#### CONSULTATION WITH THE SECRETARY OF STATE

- 4.83 Under S.77 of the Town and Country Planning Act, the Secretary of State has set out types of application that a local authority must consult following a resolution to grant planning permission. For this application the criteria and arrangements are set out in circular 02/99. As this application is a major development in the Green Belt and that there are unresolved objections from Sport England, if the Committee are minded to support the recommendation set out in paragraph 5.2 then the application will be referred to give the Secretary of State the opportunity to consider using the power to call in an application.

### 5.0 Conclusion and Recommendations

- 5.1 The proposed development is on a site allocated with the emerging Local Plan for residential development being released from the Green Belt. Due to the urgent need to carry out essential repairs to the school, this application needs to be considered in advance of adoption. The scheme has been fully considered and is found to be sustainable development creating an attractive development that is commensurate with the surrounding area. Highways access and network capacity have been robustly scrutinised and found to wholly acceptable in technical detail, and will not result in any adverse impact on the surrounding network. The scheme will provide affordable housing and play space within the development and support highway infrastructure to improve connectivity and enhance transport opportunities. The proposal would be, at this stage of consideration, inappropriate development in the Green Belt, impacting on openness and contrary to the adopted plan. However, the specific unique circumstances of this application alongside other material benefits clearly outweigh the harm that has been established and in my view the test for 'very special circumstances' to allow the development to proceed have been met. It is an enabling development that will help ensure that Stourport High School can continue to function and provide the best possible educational environment to its pupils.

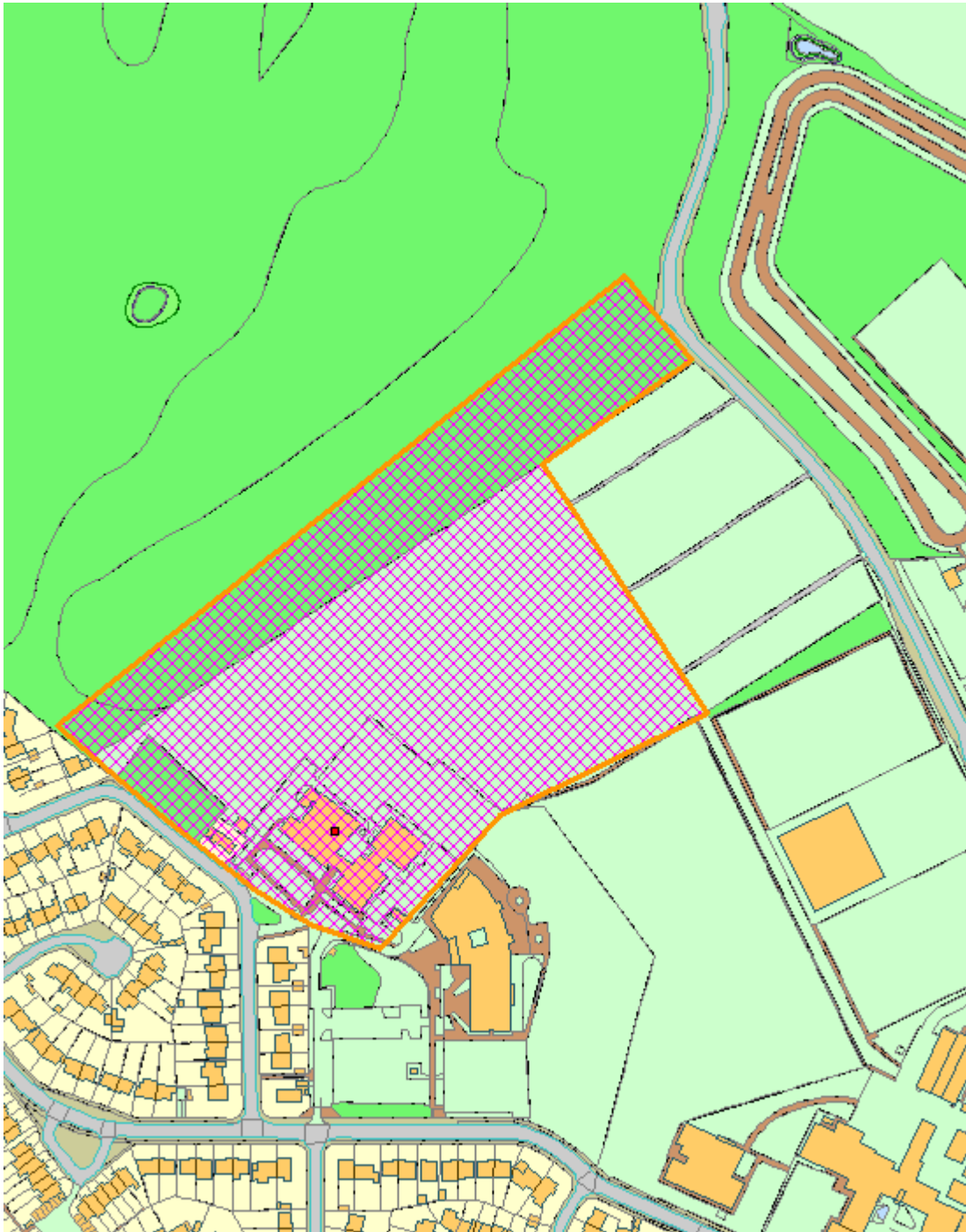
- 5.2 I therefore recommend **delegated APPROVAL** subject to;

- a) Referral to the Secretary of State and notification being received that a decision has been made not to call in the application;
- b) Signing of S.106 to secure affordable housing, play area on site and highway contributions; and
- c) The following conditions
  - 1. A6 (Standard Time)
  - 2. B1 (External Materials)
  - 3. Boundary Treatment
  - 4. Site and Finished Floor Levels
  - 5. Retention of all identified retained trees
  - 6. Retention of all identified Allotment gates

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7. Implementation of Arboricultural Method Statement and Tree Protection Plan
8. Arboricultural Pre-Start Meeting
9. Implementation of Landscaping Scheme
10. Landscape and Open Space Management Plan
11. Play Provision Implementation and Management/Maintenance Plan
12. Replacement luminaires to the floodlights adjacent to plots 80 and 81 to comply with ILE Guidance and be replaced prior to the first occupation of these plots.
13. Implementation of the acoustic screening prior to first occupation.
14. Implementation of the mitigation measures for Air Quality.
15. Electric Vehicle Charging Provision
16. Cycle Storage Facilities
17. Low Emission Boilers
18. Provision PV Panels
19. A reptile method statement
20. A walkover badger survey
21. An emergence survey of building 1 (caretaker's house), in line with the recommendations of the ecological report
22. A management plan to protect nesting birds and itinerant animals including hedgehog
23. To secure recommended Ecological Mitigation and Enhancement Measures and to require a letter of compliance from a suitably qualified ecologist.
24. External lighting scheme including letter from a suitably qualified ecologist to demonstrate that the proposed lighting scheme will create dark corridors (pre-commencement)
25. Foul Drainage
26. Surface Water Drainage
27. Require details of Defibrillator
28. Access and parking arrangements
29. Visibility Splays
30. EV Charging Points
31. Travel Plan
32. CEMP

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Economic Prosperity and Place Directorate

Stourport High School And Sixth Form Centre And Playing Fields  
Coniston Crescent Stourport  
On Severn Worcestershire DY13 8JU

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## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/T3725/W/21/3270663

**Appeal Decision:** Allowed – 12 August 2021

**Planning Inspector:** Harold Stephens BA MPhil Dip TP MRTPI FRSA

**Appellants:** A. C. Lloyd (Homes) Ltd

**Land south of Chesterton Gardens, Leamington Spa**

**The development proposed is an outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space (all matters reserved apart from access).**

**Application:** W/20/0617 – Warwick District Council

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53. *The s106 Agreement is between (1) AC Lloyd Homes Limited (2) Ann Richardson, Janet Stallard & Robert McGregor (3) Warwick District Council and (4) Warwickshire County Council. The proposed planning obligations within the s106 Agreement are as follows...*
- *Police Contribution: £33,645 towards the recruitment and equipping of police staff, the provision of police vehicles and the provision of police office accommodation...*
54. *The tables in section 6 of the CIL Compliance Statement explain how the above planning obligations comply with the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulation 2010 (as amended) and paragraph 57 of the NPPF.*
56. *In my view, all of the obligations in the s106 Agreement are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests within Regulation 122 (2) of the CIL Regulations and should be taken into account in the decision. The development makes adequate provision for any additional infrastructure and services that are necessary, including affordable housing, arising from the development.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/W3710/W/20/3251042**

**Appeal Decision: Allowed – 09 November 2020**

**Planning Inspector: JP Sargent BA(Hons) MA MRTPI**

**Appellants: North Warwickshire & South Leicestershire College**

**North Warwickshire & South Leicestershire College, Hinckley Road, Nuneaton, CV11 6LS**

**The development proposed is the development of up to 195 dwellings together with the provision of a 3G sports pitch, associated public open space, and other green infrastructure, and landscaping.**

**Application: 036050 – Nuneaton & Bedworth Borough Council**

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40. *I have considered the legal agreement against advice in the Framework and the tests in Regulation 122 of The Community Infrastructure Levy Regulations 2010, as well as the requirements of the development plan.*
41. *In the light of Borough Plan Policies H1, H2, HS1 and HS5, and having regard to the evidence before me, I have no grounds to find the intended affordable housing, and contributions to education, healthcare, primary care and policing would not be necessary, related to the development or proportionate. Using the agreement to secure the provision and management of the sustainable drainage scheme and the public open space is also appropriate.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/Y0435/W/20/3251121

**Appeal Decision:** Allowed – 14 October 2020

**Planning Inspector:** David Prentis BA BPI MRTPI

**Appellants:** HB (South Caldecotte) Ltd

**Land at** Brickhill Street, South Caldecotte, Milton Keynes, MK17 9FE

The development proposed is the development of the site for employment uses, comprising of warehousing and distribution (Class B8) floorspace (including mezzanine floors) with ancillary Class E office space, a small standalone office (Class E) and small café (Class E) to serve the development; car and HGV parking areas, with earthworks, drainage and attenuation features and other associated infrastructure, a new primary access of Brickhill Street, alterations to Brickhill Street and provision of Grid Road reserve to Brickhill Street.

**Application:** 19/01818/OUT – Milton Keynes Council

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13. *A draft s106 Agreement was discussed at the inquiry. As changes were made to the draft at a late stage, I allowed some time after the Inquiry for it to be signed. The signed version subsequently received was consistent with the final draft. The Agreement would provide for...*
  - *schedule 7 – a public art strategy; an emergency services contributions; a public art contribution and a community facilities contributions...*
41. *The Council submitted a statement of compliance with the Community Infrastructure Levy Regulations (CIL Regulations) which set out the justification for the above obligations, including identification of relevant policies in Plan:MK (the adopted Local Plan). With the exception of the matters referred to below, the need for these obligations was agreed between the Council and the appellant and was not disputed by any other party. I see no reason to differ and have taken the obligations into account accordingly.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/W3710/W/20/3251042**

**Appeal Decision: Allowed – 09 November 2020**

**Planning Inspector: JP Sargent BA(Hons) MA MRTPI**

**Appellants: North Warwickshire & South Leicestershire College**

**North Warwickshire & South Leicestershire College, Hinckley Road, Nuneaton, CV11 6LS**

**The development proposed is the development of up to 195 dwellings together with the provision of a 3G sports pitch, associated public open space, and other green infrastructure, and landscaping.**

**Application: 036050 – Nuneaton & Bedworth Borough Council**

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40. *I have considered the legal agreement against advice in the Framework and the tests in Regulation 122 of The Community Infrastructure Levy Regulations 2010, as well as the requirements of the development plan.*
41. *In the light of Borough Plan Policies H1, H2, HS1 and HS5, and having regard to the evidence before me, I have no grounds to find the intended affordable housing, and contributions to education, healthcare, primary care and policing would not be necessary, related to the development or proportionate. Using the agreement to secure the provision and management of the sustainable drainage scheme and the public open space is also appropriate.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/R3705/W/19/3234056

**Appeal Decision:** Dismissed – 30 April 2020

**Planning Inspector:** S J Lee BA(Hons) MA MRTPI

**Appellants:** Summix IFW Developments Ltd

**Land** East of Islington Farm, Tamworth Road, Wood End, Warwickshire

**The development proposed is residential development (Class C3) with associated access, landscaping, open space and drainage infrastructure, with all matters reserved save access.**

**Application:** PAP/2018/0762 – North Warwickshire Borough Council

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3. *A signed and dated S106 agreement was produced at the hearing. This includes an obligation to provide up to 50% affordable housing. It also requires the developer to make financial contributions towards the provision of sustainable travel packs, improvements to public rights of way and a bus stop, police services, youth provision, off-site leisure and healthcare. I shall return to this matter below.*
37. *I have considered the S106 Agreement in line with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework. These state that planning obligations must only be sought where they are necessary to make development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.*
39. *Detailed correspondence outlining the requirements from the increased population for healthcare and policing was submitted by the relevant bodies in relation to the original application...*
42. *I conclude that the terms of the S106 agreement meet the tests set out above and thus I will take them all into account as material considerations. Nevertheless, all obligations other than that relating to affordable housing provide mitigation for the impacts of development, rather than any specific benefits.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/R3705/W/18/3196890**

**Appeal Decision: Dismissed – 01 April 2019**

**Planning Inspector: Brendan Lyons BArch MA MRTPI IHBC**

**Appellants: Taylor Wimpey UK Ltd**

**Land to the south of Tamworth Road and to the west of the M42, Tamworth, B78 1HU**

**The development proposed is described as residential development of up to 150 dwellings, open space, landscaping, drainage features and associated infrastructure, with full approval of the principal means of access and all other matters reserved.**

**Application: PAP/2017/0602 – North Warwickshire Borough Council**

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46. *I also accept that the other obligations of that UU, involving financial contributions to mitigate impacts on hospital, healthcare and police services would be policy and legally compliant.*
48. *I conclude that with the exception of the proposed biodiversity offsetting obligation, the proposal would provide adequate justified mitigation for the effects of development on local infrastructure.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/C3810/W/17/3187601**

**Appeal Decision: Allowed – 28 September 2018**

**Planning Inspector: Matthew C J Nunn BA BPL LLB LLM BCL MRTPI**

**Appellants: Mulgrave Properties LLP**

**Land west of Church Lane and south of Horsemere Green Lane, Climping, West Sussex, BN17 5RY**

The development is described on the application form as “outline application for the erection of up to 300 dwellings and ancillary development comprising open space, a building within use class D1 of up to 875 sqm (net), a building for A1 use having a floor area of up to 530 sqm (net), together with open space and ancillary work, including car parking and drainage arrangements, with appearance, landscaping, layout and scale wholly reserved for subsequent approval; the access detail, showing the points of access to the development, and indicated on Bellamy Roberts drawings numbered 4724/004 and 4724/005 are access proposals to be determined at this stage of the application; for the avoidance of doubt all other detail within the site is to be determined as a reserved matter at a later stage.”

**Application: CM/1/17/OUT – Arun District Council**

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28. *A planning obligation was completed on 3 September 2018. The obligation secures the provision of affordable housing at a rate of 30%. It also secures the following for the Council: an NHS contribution; a police contribution; sports facilities contributions (including towards sports pitches, sports hall and swimming pool). It also secures a community building and the provision of public open space (including play areas), and a travel welcome pack to occupiers of the dwellings on first occupation (to include a cycle voucher or bus travel season ticket). In terms of provisions in favour of WSCC, the obligation safeguards land for future highway works, as well as contributions to highway improvement works. It also secures the provision of fire hydrants, and suitable access for fire brigade vehicles and equipment, contributions to fire and rescue services, library facilities, and education (primary, secondary and sixth form).*
29. *I have no reason to believe that the formulae and charges used by the Council and WSCC to calculate the various contributions are other than soundly based. Both the Council and WSCC have produced Compliance Statements which demonstrate how the obligations meet various Council policies and the Community Infrastructure Levy Regulations. The development would enlarge the local population with a consequent effect on local services and facilities. I am satisfied that the provisions of the obligation are necessary to make the development acceptable in planning terms, that they directly relate in scale and kind to the development, thereby meeting the relevant tests in the Revised Framework and the Community Infrastructure Levy Regulations.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/R3650/V/17/3171287**

**Secretary of State Decision: Allowed – 29 March 2018**

**Planning Inspector: Philip Major BA(Hons) DipTP MRTPI**

**Appellants: Dunsfold Airport Limited (DAL) and Rutland (DAL) Limited**

**Dunsfold Park, Stovolds Hill, Cranleigh, Surrey, GU6 8TB**

The development proposed is a hybrid planning application; part Outline proposal for a new settlement with a residential development comprising 1800 units (Use Class C3), plus 7500sqm care accommodation (Use Class C2), a local centre to comprise retail, financial and professional, cafes/restaurant/takeaway and/or public house up to a total of 2150sqm (Use Classes A1, A2, A3, A4, A5); new business uses including offices, and research and development industry (Use Class B1a and B1b) up to a maximum of 3700sqm; storage and distribution (Use Class B8) up to a maximum of 11000sqm; a further 9966sqm of flexible commercial space (B1(b), B1(c), B2 and/or B8); non-residential institutions including health centre, relocation of existing Jigsaw School into new premises and provision of new community centre (Use Class D1) up to a maximum of 9750sqm; a two form entry primary school; open space including water bodies, outdoor sports, recreational facilities, canal basin and nature conservation areas; public transport routes, footpaths and cycleways; landscaping; the removal of three runways; all related infrastructure including roads, car and cycle parking, energy plant and associated equipment, water supply, telecommunications, drainage systems and waste water treatment facilities; and part Full application for the demolition of 8029sqm of existing buildings and the retention of 36692sqm of existing buildings, for their future use for a specified purpose as defined by the Use Classes as specified in the schedule of buildings and their use; and the temporary use of Building 132 for a construction headquarters.

**Application: W/2015/2395 - Waverley Borough Council**

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33. *Having had regard to the Inspector's analysis at IR308-316, the planning obligation dated 1 August 2017, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR317 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework.*
263. *The development would place undue pressure on existing infrastructure. This includes schools, health facilities and sewerage. The Fire Service has been known to 'run out' of appliances and there are plans to close existing stations. In addition the service has lost many firefighter posts since 2010. Waverley is one of the worst areas for ambulance services and beds in hospitals are scarce. This proposal would also add to the burden upon the police.*
312. *A number of contributions are included in the Obligation. These are for such matters as the Cranleigh Leisure Centre replacement, provision for Surrey premises on site, and police equipment, as well as contributions to the improvements in public rights of way nearby, education facilities, and transport improvements. Given the increase in local population which would result from this development all of these facilities and services would be put under increased pressure and would need to provide extra and improved services. The development is*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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*directly related to them, and the contributions are reasonable in scale and kind and where necessary would provide mitigation for the impacts of the development. There are no contributions which would fall foul of pooling restrictions and they therefore meet the tests of the CIL Regulations.*

317. *Taken overall I am satisfied that the S106 Agreement meets the tests of the CIL Regulations and PPG and can be taken into account in determining this application.*

**Appeal Ref:** APP/R1845/W/17/3173741

**Appeal Decision:** Dismissed – 14 March 2018

**Planning Inspector:** Matthew C J Nunn BA BPL LLB LLM BCL MRTPI

**Appellant:** Gladman Developments Limited

**Land off The Lakes Road, Bewdley, Worcestershire, DY12 2BP**

The development is described as “outline planning permission for up to 195 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space, and children’s play area, surface water flood mitigation and attenuation, vehicular access point from The Lakes Road and associated ancillary works. All matters to be reserved with the exception of the main site access off The Lakes Road”

**Application:** 16/0550/OUTL – Wyre Forest District Council

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63. *I have no reason to believe that the formulae and charges used by the Council to calculate the various contributions are other than soundly based. In this regard, the Council has produced a detailed Compliance Statement which demonstrates how the obligations meet the relevant tests in the Framework and the Community Infrastructure Levy Regulations... It also explains the necessity for the police contribution and how monies would be spent...*
64. *The development would enlarge the local population with a consequent effect on local services and facilities. I am satisfied that the provisions of both the obligations... are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework and the Community Infrastructure Regulations... Overall, I am satisfied that the planning obligations... accord with the Framework and relevant regulations, and I have taken them into account in my deliberations.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/C3105/W/17/3172731

**Appeal Decision:** Allowed - 20 December 2017

**Planning Inspector:** Karen L Baker DipTP MA DipMP MRTPI

**Appellant:** Gladman Developments Limited

**White Post Road, Banbury (Grid Ref. Easting: 445726 and Grid Ref. Northing: 238365)**

The development proposed is 'up to 280 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from White Post Road and associated ancillary works.'

**Application:** 15/01326/OUT – Cherwell District Council

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54. *Policing: Thames Valley Police is seeking a financial contribution, based on a formulaic approach, towards the provision of additional resources to mitigate the impact of the proposed development. The Unilateral Undertaking includes a financial contribution of £40,303 towards the infrastructure of Thames Valley Police, including ANPR cameras, new premises, patrol vehicles and staff set up costs. Given the scale and nature of the proposed development, I am satisfied that the increase in population would lead to an increase in demand on police resources. As such, I am satisfied that this obligation would pass the statutory tests.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/C3105/W/16/3163551

**Appeal Decision:** Allowed - 28 November 2017

**Planning Inspector:** P W Clark MA MRTPI MCMI

**Appellant:** Albion Land Ltd

**Land off Howes Lane and Middleton Stoney Road, Bicester, Oxfordshire**

The development proposed is the erection of up to 53,000sq.m of floor space to be for B1, B2 and B8 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (GI); provisions of sustainable urban systems (SUDS) incorporating landscaped areas with balancing ponds and swales; associated utilities and infrastructure.

**Application:** 14/01675/OUT – Cherwell District Council

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9. *The proposal is accompanied by a signed and dated Unilateral Undertaking. In addition to the usual procedural, administrative and interpretative matters, the Unilateral Undertaking provides for...*
- *A Police contribution of £151.30 per dwelling up to a maximum of £22,693.96 paid in two instalments towards the increase in capital costs of providing neighbourhood policing...*
38. *...The appellant believes that a test of these obligations against the CIL regulations would reduce the burden. To put this concern into context, the total financial contributions for a typical 3-bedroomed house may be summed as follows...*
- *Police           £151.30*
44. *Thames Valley Police has assessed that the development of the North-West Bicester eco-town, of which the development is part will generate: (i) a requirement for 15 new members of staff to police the additional population generated by the development; (ii) to be accommodated by an extension to and adaption of the existing Bicester Police Station; (iii) a control room/police network database at their Kidlington district headquarters; (iv) 4.5 additional patrol vehicles, 4.5 PCSO vehicles and 6 bicycles; (v) two additional Automatic Number Plate Recognition cameras; (iv) mobile IT kit for each police officer; and (vii) an increase in radio coverage.*
45. *Proposals are included in the Council's Infrastructure Delivery Plan. Each element would be delivered in phases. The first phase of additional personnel would be delivered by the 2000<sup>th</sup> dwelling (probably around the year 2028 according to the trajectory described in the Council's Infrastructure Delivery Plan), the second phase by the 3,500<sup>th</sup> dwelling (circa 2033) and the third phase by the 5,500<sup>th</sup> (out of 6,000) dwellings (circa 2043).*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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46. *I am not convinced that the revenue costs of paying the salaries of the additional staff required is a cost attributable to the development, since the residents of the development will be paying in the usual way towards the funding of police salaries. To make a contribution through a planning obligation charged to the capital costs of buying their homes would be paying twice over and is not necessary. To that extent I do not regard the obligation contained in Schedule 2 of the Unilateral Undertaking as complying with the CIL Regulations. But the other elements represent capital costs which can be said to be attributable to the development.*
47. *The accommodation would be provided towards the end of the eco-town's build-out period (design work on Bicester Police Station to commence by the 4,900<sup>th</sup> dwelling, circa 2039). The building work would be started by the time of the 5,260<sup>th</sup> dwelling (circa 2042) and be completed by the time of the 5,500<sup>th</sup> dwelling (circa 2043).*
48. *The first phase of the control room would be rolled out by the 2,500<sup>th</sup> dwelling (circa 2029), the second phase circa 2043 by the time of the 5,500<sup>th</sup> dwelling. Phase 1 of the vehicle fleet would be delivered by the time of the 2,000<sup>th</sup> dwelling (circa 2028), the second phase by about the 3,500<sup>th</sup> dwelling (circa 2033) and the final phase by the 5,500<sup>th</sup> dwelling (circa 2043).*
49. *The two ANPR cameras would be installed by the time of the 2,000<sup>th</sup> dwelling (circa 2028). Phase 1 of the mobile IT equipment roll-out would be completed at the same time, Phase 2 by the 3,500<sup>th</sup> dwelling (circa 2033) and Phase 3 by the 5,500<sup>th</sup> dwelling (circa 2043). Phase 1 of the increased radio coverage would be completed by the 2,500<sup>th</sup> dwelling (circa 2029) and the second phase by the time of the 5,500<sup>th</sup> dwelling (circa 2043).*
50. *Because the obligation contained in Schedule 2 of the Unilateral Undertaking includes a payback requirement if the contribution is not spent or committed with 15 years of the final payment of the contribution (probably circa 2035), it is likely that the obligation would in fact only contribute to the ANPR cameras, the first phase of the control room, the first two phases of the IT equipment roll-out and the first phase of the increased radio coverage. In so far as that would be fairly and reasonably related in scale and kind to the development and is directly related to the development, I accept that the obligation contained in Schedule 2 of the Unilateral Undertaking complies with the CIL regulations and I have taken it into account in making my decision.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/C3810/V/16/3143095**

**Secretary of State Decision: Allowed - 13 July 2017**

**Planning Inspector: S R G Baird BA (Hons) MRTPI**

**Appellants: Fontwell Estates Limited & Global Technology Racing**

**Land east of Fontwell Avenue, Fontwell, West Sussex, BN18 0SB**

**The development proposed is up to 400 new dwellings, up to 500sq.m of non-residential floor space (A1, A2, A3, D1 and/or D2), 5,000sq.m of light industrial floorspace (B1 (b)/(c) and associated works including access, an internal road network, highway works, landscaping, selected tree removal, informal and formal open space and play areas, pedestrian and cyclist infrastructure, utilities, drainage infrastructure, car and cycle parking and waste storage.**

**Application: WA/22/15/OUT – Arun District Council**

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42. *Having had regard to the Inspector's analysis at IR10.8-10.15 and IR11.61, the planning obligation dated 2 December 2016, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR11.61 that all the obligations, bar the NHS contribution which has not been substantiated and fails the CIL tests, comply with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.*
43. *The Secretary of State has taken into account the number of planning obligations which have been entered into on or after 6 April 2010 which provide for the funding or provision of a project or type of infrastructure for which an obligation has been proposed in relation to the application (IR10.8-10.15 and IR11.61). The Secretary of State concludes that the obligations are compliant with Regulations 123(3), as amended.*
- 1.4 *The local planning authority (lpa) considered the application on the 25 November 2015 and resolved to grant planning permission subject to conditions and a S106 Agreement (CD 24). The applicants submit an engrossed S106 Agreement dealing with the provision of financial contributions relating to education; libraries; the fire service; highways and transport; police infrastructure; primary healthcare facilities; leisure facilities and the provision of affordable housing and public open space (CD 37). The applicants, the lpa and West Sussex County Council (WSCC) submitted notes on CIL R122 compliance (CDs 49, 55 & 52).*
- 9.23 *...Other responses included... Sussex Police – sought financial contribution towards the provision, maintenance and operation of Police infrastructure.*
- 10.15 *The payment of:*
- *£70,000 towards the provision of mobile IT kit, speed awareness kits and towards the re-provision of Littlehampton Police Station. CD 55 Appendix A1.7 provides a detailed*

*justification by Sussex Police for the principal of the contribution. Whilst the Sussex Police request was originally for £109,714 the sum subsequently agreed is £70,000 (LPA 3);*

*11.61 All the obligations, bar the NHS contribution which has not been substantiated and fails the CIL tests, are necessary to make the development acceptable in planning terms, directly related to the development and fair and reasonably related in scale and kind to the development. Accordingly, the S106 Agreement is consistent with the guidance at Framework paragraph 204 and Regulations 122/123 of the CIL Regulations and where appropriate, I have attached weight to it in coming to my conclusion.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/E3715/W/16/3147448**

**Secretary of State Decision: Allowed - 10 July 2017**

**Planning Inspector: Martin Whitehead LLB BSc(Hons) CEng MICE**

**Appellants: David Wilson Homes (East Midlands) and Gallagher Estates Ltd**

**Land at Ashlawn Road West, Rugby, Warwickshire, CV22 5RZ**

**The development proposed is the demolition of existing buildings, erection of up to 860 dwellings, land for potential primary school, two vehicular accesses from Ashlawn Road and the provision of a bus link control feature to Norton Leys, open space, green infrastructure, landscaping and associated infrastructure, including sustainable urban drainage works.**

**Application: R13/2102 - Rugby Borough Council**

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30. *Having had regard to the Inspector's analysis at IR158-166, the planning obligation dated 17 February 2017, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010 as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR166 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.*
156. *Warwickshire Police (WP) requested a sum of £185,278 towards police infrastructure that would mitigate the impact of the proposed development. This contribution has not been disputed and should be secured in a S106 planning obligation. It reflects the precise need that would arise from the development of up to 860 new homes on the appeal site based on WP's experience policing development in the area. The contribution would be used to mitigate the impact on infrastructure where there is no spare capacity and would accord with Core Strategy Policy CS10. Appendix 3 of the Core Strategy includes police as one of the critical infrastructure requirements to ensure delivery and mitigation, which are expected to be included in a S106 Agreement.*
157. *WP objects to the development proceeding without the necessary contributions as the resulting development could not be adequately policed, contrary to Core Strategy Policy CS13 and policies within the Framework. There is extensive evidence in WP's written representations which cover how the contribution request was calculated and compliance with Community Infrastructure Levy Regulations (CIL) Regulation 122 and 123(3). Each element of the contribution would be spent on an individual 'project' to meet the needs of the development alone, without the need for any pooling of contributions.*
160. *The Council, WCC and WP have provided documents to demonstrate CIL compliance. I have not received any evidence to demonstrate that the planning obligations would contravene any of the above Regulations.*
165. *...The obligations to secure a Police contribution would ensure that the money would be spent on police equipment, premises and vehicles that would be necessary to police the new development.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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166. *Based on the above, I have found that the planning obligations in the S106 Agreement meet the tests in CIL Regulation 122 and 123(3) and paragraph 204 of the Framework. I have therefore taken them into account in my conclusions and recommendations.*

**Appeal Ref:** APP/C3240/W/16/3144445

**Appeal Decision:** Dismissed - 21 March 2017

**Planning Inspector:** David M H Rose BA (Hons) MRTPI

**Appellant:** Redrow Homes Limited

**Land east of Kestrel Close/Beechfields Way, Newport, Shropshire, TF10 8QE**

**The development proposed is an outline application to include access for residential development for up to 170 dwellings with open space following demolition of 14 and 15 Kestrel Close, Newport, Shropshire, TF10 8QE**

**Application:** TWC/2015/1003 - Telford & Wrekin Council

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157. *The planning obligation concluded after the close of the inquiry provides for... a contribution towards police premises, recruiting and equipping new officers and staff to serve the development and vehicles.*
163. *The current development plan is silent on police contributions although it is matter addressed in the emerging Telford and Wrekin Local Plan and the related Infrastructure Delivery Plan. The premises contribution is not controversial.*
164. *The legitimacy of contributions towards training new officers and the provision of equipment and vehicles is less clear cut in so far as it would, in effect, amount to a tariff payment with no exclusivity for the proposed development. Nonetheless, the sums sought are fully quantified against the policing requirement, which existing resources cannot meet, for the proposed development.*
165. *There is no doubt that the proposed development would generate a need for policing and that need would require additional resources which have been calculated on a pro-rata dwelling basis. The Framework identifies a need for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In addition, an extensive array of appeal decisions supports the principle of police contributions. Overall, the balance of the evidence before me points to the obligation (based on the underlying pro-rata calculation) being necessary and proportionate mitigation for the development.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/K2420/W/15/3004910**

**Appeal Decision: Dismissed - 04 May 2016**

**Planning Inspector: Siân Worden BA DipLH MCD MRTPI**

**Appellant: Jelson**

**Land off Sherborne Road, Burbage, Leicestershire, LE10 2BE**

**The development proposed is residential development and associated infrastructure (73 dwellings).**

**Application: 14/00475/OUT - Hinckley and Bosworth Borough Council**

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44. *Leicestershire Police (LP) has demonstrated adequately that the sums requested would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, therefore, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework's core planning principle of supporting local strategies to improve health, social and cultural wellbeing and delivering sufficient community facilities and services to meet local needs.*
45. *In respect of compliance with CIL Regulation 123(3) the proposed spending has been apportioned to individual projects and procurement, such as property adaptation and a contribution towards a vehicle, in order to ensure no need for the pooling of contributions. In addition a clause of the undertaking which, in requiring written confirmation prior to payment that it would only be spent where there were no more than four other contributions, would provide a legal mechanism for ensuring full compliance with Reg. 123(3).*
46. *Evidence was submitted in the form of two maps with types of criminal incidents plotted on them. The first of these shows that there were several burglaries and thefts in the housing area adjacent to the appeal site during the year up to July 2014. The second map covers a larger area, this time in Blaby, and indicates a steady rate of incidents, mainly forms of stealing, in all types of residential area. I have no reason to believe that levels of crime differ significantly between Hinckley/Burbage and Blaby.*
47. *I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP.*
51. *My overall conclusion on planning contributions is that those requested by LP and by LCC for the civic amenity site would be necessary to make the development acceptable in planning terms and would meet the other tests set out in the Framework. In those respects the submitted planning obligation carries significant weight. The contribution sought for Burbage library would not.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/G1630/V/14/2229497**

**Secretary of State Decision: Allowed – 31 March 2016**

**Planning Inspector: Mrs KA Ellison BA, MPhil, MRTPI**

**Appellants: ERLP and the Merchant Venturers**

**Land at 'Perrybrook' to the north of Brockworth and south of the A417, Brockworth, Gloucestershire**

**The development proposed is a mixed use development of up to 1,500 dwellings including extra care housing, community facilities including A1, A2, A3, A4 and A5 local retail shops, B1/B8 employment uses, D1 health facilities and formal/informal public open space.**

**Application: 12/01256/OUT – Tewkesbury Borough Council**

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23. *The Secretary of State agrees with the Inspector's assessment of the two planning obligations at IR14.12-14.21. He is satisfied that the requirements of the completed, signed and dated Section 106 agreements referred to at IR14.12 are in accordance with paragraph 204 of the Framework and the CIL Regulations 2010 as amended.*

14.21 *The Statement of Common Ground in respect of planning obligations sets out details of any relevant planning obligations made since 2010 and confirms that none of the obligations exceed the pooling restrictions in Regulation 123(3) of the Community Infrastructure Regulations 2010 (as amended). The obligations also accord with Regulation 122 in that they are necessary to make the development acceptable, directly related to it and are fair and reasonable in scale and kind.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/G2435/A/14/2228806

**Secretary of State Decision:** Allowed - 15 February 2016

**Planning Inspector:** John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

**Appellant:** Money Hill Consortium

**Money Hill, Land North of Wood Street, Ashby-de-la-Zouch, Leicestershire**

The development proposed is 605 residential dwellings including a 60 unit extra care centre (C2), a new primary school (D1), a new health centre (D1), a new nursery school (D1), a new community hall (D1), new neighbourhood retail use (A1), new public open space and vehicular access from the A511 and Woodcock Way.

**Application:** 13/00335/OUTM - North West Leicestershire District Council

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17. *The Secretary of State has also considered the executed and signed Unilateral Undertaking; the Inspector's comments on this at IR61-63; paragraphs 203 and 205 of the Framework, and the Guidance. He considers that that the provisions offered by the Unilateral Undertaking would accord with the tests set out at paragraph 204 of the Framework and agrees with the Inspector that they would also comply with Regulations 122 and 123 of the CIL Regulations.*
63. *The contribution of £219,029 towards Police infrastructure is not related to requirements of development plan policies. The figure has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Ashby. The proposed development, in terms of population increase, would have a quantifiable and demonstrable effect on the ability of the Police to carry out their statutory duties in the town. LP has not sought any contribution to some aspects of policing, such as firearms and forensics, but only for those aspects where there is no additional capacity. The contribution is thus fairly and reasonably related in scale and kind to the development and is directly related to that development. The contribution is necessary because the new housing that would be created would place a demonstrable additional demand on Police resources in Ashby. The financial contribution to Police operations thus satisfies Regulation 122 of the Community Infrastructure Levy Regulations 2010 and a provision of the Undertaking would ensure that the contribution also satisfies Regulation 123 of the Community Infrastructure Levy Regulations 2010.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/X2410/W/15/3007980

**Appeal Decision:** Allowed - 08 February 2016

**Planning Inspector:** C Thorby MRTPI IHBC

**Appellant:** Rosconn Group

**Land rear of 62 Iveshead Road, Shepshed, LE12 9ER**

**The development proposed is the erection of up to 77 dwellings following demolition of 62 Iveshead Road (access only to be determined)**

**Application:** P/14/0777/2 - Charnwood Borough Council

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19. *Planning obligation. The necessity for contributions towards affordable housing, on site open space, policing, healthcare, travel plan, transport, education and civic amenity have been justified by comprehensive evidence from the local and County Council, and the Police Authority. There is no dispute that the provisions of the legal agreement would meet the Council's policy requirements, the tests set out in paragraph 204 of the National Planning Policy Framework (NPPF) and the CIL Regulations 122 and 123 relating to pooled contributions. I am satisfied that this is the case and am taking them into account.*

**Appeal Ref:** APP/T3725/A/14/2221613

**Secretary of State Decision:** Allowed - 14 January 2016

**Planning Inspector:** Jennifer A Vyse DipTP DipPBM MRTPI

**Appellant:** Barwood Strategic Land II LLP

**Land at The Asps, bound by Europa Way (A452) to the east and Banbury Road (A425) to the west**

The development proposed is described on the application form as residential development (use class C3) for up to 900 dwellings, a primary school (use class D1), a local centre (use classes A1 to A5) and D1) and a Park and Ride facility for up to 500 spaces (sui generis) with access from Europa Way and Banbury Road, areas of public open space, landscaping enhancements and archaeological mitigation.

**Application:** W/14/0300 - Warwick District Council

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32. *The Secretary of State has had regard to the matters raised by the Inspector at IR13.1 – 13.5 and agrees with the Inspector’s reasoning and conclusions on the two Unilateral Undertakings at IR14.137-14.161. In making his decision on this case, the Secretary of State has taken into account the provisions in the Unilateral Undertakings that do accord with Paragraph 204 of the Framework and do meet the tests in the CIL Regulations 2010 as amended.*

*Condition 7 - An area of land measuring no less than 0.5 hectare shall be reserved for a local centre. This area of land should broadly be in the location identified on drawing No EDP 1871/116C. Any reserved matters proposal for development on this land must provide a mix of A1 and A2 and A3 and A4 and D1 floorspace, and a police post and associated off-street servicing and parking facilities, all of which shall be delivered in accordance with the phasing plan.*

- 11.5 *Warwickshire Police and West Mercia Police: They requested a S106 contribution to provide police infrastructure necessary to enable the direct delivery of policing services to the site. No objections were received from either the Council or the appellant and so it was assumed that HE request met the relevant statutory tests. It was a surprise, therefore, to see on the Statement of CIL compliance, that the request was considered not to be compliant, notwithstanding that the Obligation did include the requested provision. The correspondence sets out why, in their view, the contribution is CIL compliant and is supported by four Appendices.*

- 13.18 *Police: the obligation secures the provision of a building for use as a police office, of at least 200 square metres gross internal floor area (together with service connections and external parking) to be located within the local centre that forms part of the development scheme. In addition, a contribution of £187,991 is secured, payable to the Council to fund the provision, fitting out and equipping of the police office.*

- 14.154 *Police: As set out in the CIL Compliance Schedule, the appellant is not satisfied that the arrangement is CIL compliant, with the Council being of the view that insufficient evidence*

*was available to come to an informed view on the matter. However, no evidence was before the Inquiry to support those concerns.*

- 14.155 *Having had sight of the Schedule, Warwickshire Police and West Mercia Police submitted further correspondence on the matter, dated 10 April 2015. They demonstrate that the arrangement has been arrived at after careful analysis of the current and planned levels of policing in the area. With reference to existing local deployment reflecting actual policing demands and local crime patterns, it is confirmed that five additional staff would be required to serve the development proposed. Policing of the area is delivered currently from three separate premises (in Warwick, Leamington and Leek Wooton) all of which are already maintained to capacity. I am in no doubt therefore, that a new police office would need to be provided on the site, and fitted out, in order to accommodate the additional staff. I consider the arrangement to be necessary to make the development acceptable, it is directly related to the development proposed and to mitigating the impacts that it would generate, and it is fairly and reasonably related in scale and kind to the development. The arrangement therefore meets the relevant tests. Moreover, as a discrete project to which no more than five developments would contribute, I have no reason to suppose, on the basis of the information before me, that there would be any conflict with CIL Regulation 123.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/T3725/A/14/2229398

**Secretary of State Decision:** Allowed - 14 January 2016

**Planning Inspector:** Robert Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI

**Appellant:** Gallagher Estates Ltd

**Land South of Gallows Hill / West of Europa Way, Heathcote, Warwick**

The development proposed is a residential development up to a maximum of 450 dwellings; provision of two points of access (one from Europa Way and one from Gallows Hill); comprehensive green infrastructure and open spaces including potential children's play space; potential footpaths and cycleways; foul and surface water drainage infrastructure and ground modelling.

**Application:** W/14/0681 - Warwick District Council

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33. *Having examined the completed and signed S106 Planning Agreement and considered the commentary and views at IR349 - 356 and the Inspector's assessment at IR462 - 467, the Secretary of State concludes that the obligations in the Agreement accord with Paragraph 204 of the Framework and meet the tests in the CIL Regulations 2010 as amended.*
353. *The Council has submitted a summary table of S106 contributions (Document AD13) to demonstrate that the Regulation 123 limit of a maximum of 5 contributions to infrastructure would not be exceeded. The Council has also submitted a CIL Regulations Compliance Statement (Document AD14) which sets out the justification for each obligation, matters of agreement and matters of dispute. Appendix D explains that the monitoring fee is necessary as the large scale housing site with multiple contributions requires additional monitoring work. It sets out how the sum has been calculated including the activities to be carried out and the hourly rate of the officer.*
354. *Mr T Jones represents Warks and West Mercia Police Authority. He appeared at the Inquiry in a round table session to further provide evidence in support of the need for the financial contribution for police services that is included in the submitted S106 planning obligation agreement. There is supporting written evidence at OIP7, OIP22, and OIP23. The contribution is sought to support police services for the local area to accommodate the rising need generated by this new development. Appeal decisions by the Secretary of State have been submitted in support of such contributions APP/X2410/A/12/2173673 (Document OIP22) and APP/X2410/A/13/2196928/APP/X2410/A/13/ 2196929 (Document OIP23). In each case the Secretary of State agreed with the Inspector that the contributions were compliant with Regulation 122 of the CIL Regulations. The Inspector's Report for the first case noted that contributions had previously been supported in some appeals and not in others.*
462. *The S106 planning obligation agreement between the LPA and the Appellant and landowners covers all the matters referred to as reasons for refusal [349-352]]. However the Appellant has queried whether all of the obligations satisfy the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) and the Obligation Agreement itself provides that if the 'Planning Inspector or Secretary of State in the Decision Letter' concludes that any of the planning*

*obligations or the monitoring fee or any part of the obligation are incompatible with Regulations 122 or 123 of the Community Infrastructure Levy Regulations 2010 (as amended) then that shall cease to have effect. In particular the Appellant queries the legality of the monitoring fee and the contributions to police and health services. The LPA has provided a CIL compliance statement [353].*

464. *The contributions for police services are similar to those which the Secretary of State has previously endorsed as compliant with Regulation 122 [354]. I consider that the CIL compliance statement shows that they are also compliant with Regulation 123 [353].*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/G2435/W/15/3005052

**Appeal Decision:** Allowed - 05 January 2016

**Planning Inspector:** Harold Stephens BA MPhil DipTP MRTPI FRSA

**Appellant:** Gladman Developments Ltd

**Land South of Greenhill Road, Coalville, Leicestershire**

**The development proposed is described as development of up to 180 dwellings, including a retail unit, access and associated infrastructure (outline-all matters reserved apart from part access).**

**Application:** 14/00614/OUTM - North West Leicestershire District Council

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69. *The contribution to Leicestershire Police (LP) has been justified following a close and careful analysis of the current levels of policing demand and deployment in the beat area. The financial contribution would be spent on start-up equipment, vehicles, additional radio call capacity, PND additions, additional call handling, ANPR, Mobile CCTV, additional premises and hub equipment. No part of the LP contribution provides for funding towards any infrastructure project that would offend the restriction on pooling. In my view, the LP contribution is fully compliant with Regulations 122 and 123 of the CIL Regulations.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/Q3115/A/14/2222595

**Appeal Decision:** Allowed - 02 June 2015

**Planning Inspector:** P W Clark MA MRTPI MCMI

**Appellant:** RJ & S Styles

**Land** North of Littleworth Road, Benson

The development proposed is described as (1) the erection of 125 dwellings with associated access, open space and landscaping and (2) 41 retirement flats and 11 retirement bungalows with associated parking and car share facilities.

**Application:** P14/S0673/FUL - South Oxfordshire District Council

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51. *The necessity, relevance and proportionality of these and the other elements of the planning agreement are set out in three documents submitted to the Inquiry. They (include)... a letter from Simon Dackombe Strategic Planner, Thames Valley Police. With one exception they provide convincing (and undisputed) evidence that the obligations comply with regulation 122 of the CIL Regulations.*
52. *The exception is that part of the contribution sought for policing which relates to the training of officers and staff. Whereas all the other specified items of expenditure relate to capital items which would ensure for the benefit of the development, staff training would provide qualifications to the staff concerned and would benefit them but these would be lost if they were to leave the employ of the police and so are not an item related to the development. I therefore take no account of this particular item in coming to a decision on the appeal. This does not, however, invalidate the signed agreement.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/A2470/A/14/2222210

**Appeal Decision:** Allowed - 26 May 2015

**Planning Inspector:** Christopher J Anstey BA (Hons) DipTP DipLA MRTPI

**Appellant:** Hanover Developments Ltd

**Greetham Garden Centre, Oakham Road, Greetham, Oakham LE15 7NN**

**The development proposed is the redevelopment of the former Greetham Garden Centre for residential development for up to 35 dwellings, and provision of access.**

**Application:** 2013/0956/OUT - Rutland County Council

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2. *Refusal Reason 2 related to the failure in the appeal application to make any commitment to developer contributions. As part of the appeal submissions two unilateral undertakings have been submitted. I consider that these two undertakings are compliant with paragraph 204 of the National Planning Policy Framework (the Framework) and Regulation 122 of the CIL Regulations 2010. In arriving at this view I have taken account of the replies from the Council and the Police Authority to the Planning Inspectorate's letter of 5 May 2015 relating to 'pooled' contributions. The first unilateral undertaking, dated 22 January 2015, makes provision for various contributions towards health services, indoor activity services, libraries, museums, outdoor sports, open space, children's services and policing. As the contribution to policing is in line with the amount per dwelling specified in the adopted Developer Contributions Calculation increasing this amount would not be justified. The second unilateral undertaking, dated 12 March 2015, will ensure that at reserved matters stage a Section 106 agreement is drawn up to secure 35% affordable housing. Consequently I believe that Refusal Reason 2 has now been addressed.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/A2470/A/14/2227672

**Appeal Decision:** Allowed - 19 May 2015

**Planning Inspector:** Ian Radcliffe BSc(Hons) MCIEH DMS

**Appellant:** Larkfleet Homes

**Land to the rear of North Brook Close, Greetham, Rutland LE15 7SD**

**The development proposed is construction of 19 residential dwellings, including garages and associated infrastructure.**

**Application: 2013/1042/FUL - Rutland County Council**

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16. *The proposed development would increase demands on the Market Overton Doctor's Practice. The building is not large enough to cater for the additional patients that it has been calculated would live in the area as a result of planned new housing development including the appeal site. Similarly, the police service delivers its service locally from premises at Oakham. This facility is at capacity and the new development would generate a need for additional space, equipment, information handling and communications. A financial contribution is therefore necessary to mitigate the effect of the development by expanding the Doctor's Surgery and police service provision.*

**Appeal Ref: APP/L2440/A/14/2216085**

**Appeal Decision: Allowed - 10 February 2015**

**Planning Inspector: Geoffrey Hill BSc DipTP MRTPI**

**Appellant: Bloor Homes Ltd**

**Land at Cottage Farm, Glen Road, Oadby, Leicestershire LE2 4RL**

**The development proposed is development of land for up to 150 dwellings (Use Class C3) and associated infrastructure, including pedestrian and vehicular access, open space and structural landscaping.**

**Application: 13/00478/OUT - Oadby & Wigston Borough Council**

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82. *A completed planning obligation, in the form of an agreement made under Section 106 of the Town and Country, was submitted at the inquiry (Document OW15). I have considered the submitted planning obligation against the tests set out at paragraph 204 of NPPF.*
83. *In general terms, the agreement establishes a commitment to provide 30% affordable dwellings, support for sustainable transport, the provision of open space for public use, and financial contributions for education, the county council library service and police infrastructure. The terms of the offered agreement were discussed, and whether the contributions put forward were directly related to the development being proposed. Nothing was said at the inquiry to indicate that what is being offered is unreasonable, disproportionate, or likely to be covered by other sources of financial support or revenue.*
84. *I am satisfied that, in the light of the matters discussed at the inquiry, and taking into account the written submissions relating particularly to the police contribution (document LP1), all the offered contributions and undertakings are necessary to make the development acceptable in planning terms, are directly related to the development and reasonably related in scale and kind to the development.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/X2410/A/14/2222358

**Appeal Decision:** Allowed - 23 January 2015

**Planning Inspector:** P W Clark MA MRTPI MCMI

**Appellant:** Gladman Developments Ltd

**Tickow Lane, Shepshed, Loughborough, Leicestershire, LE12 9LY**

**The development proposed is 180 dwellings.**

**Application:** P/13/1751/2 - Charnwood Borough Council

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15. *The planning obligation makes provision for a financial contribution to policing costs in the form of whichever of three alternatives (if any) is determined to meet the tests for planning obligations set out in regulation 122 of the CIL Regulations. A further provision of the obligation allows for the exclusion of any component of the obligation if this Decision concludes that it does not meet those same tests.*
16. *From the many other planning appeals which were presented to me, I draw the following precepts. Policing is a statutory service which is funded at public expense but so too are many other services which are the subject of planning obligations to offset the impact of a development upon those services; that consideration alone does not cause a planning obligation to fail the CIL tests.*
17. *It is commonly accepted that the day to day running costs of a servicing a development would be covered by revenues to the service provider, such as Council Tax. On the other hand, capital expenditure arising directly from the needs of a development might not be provided in time or at all within the priorities of a public service provider and, if not provided, the development would have an unacceptable impact. If the investment would be necessary to make the development acceptable in planning terms, then it would satisfy one of the CIL tests. In this case, the evidence which the police provided concerning their capital financing made clear the difficulties they would face in funding capital expenditure and the consequential unacceptable impact in the form of a dilution of their services over a more extensive area.*
18. *Applying this precept to the itemised entries in option (c) of the "Police Contribution" as defined in the obligation, I do not find anything other than the references to training in item (i) which would not fall within a reasonable definition of capital expenditure. Training however, is not a necessary adjunct to the creation of new posts; they could (and some would say should) be filled with already qualified and trained personnel. Moreover, whereas the other items would be retained by the police force in the event of a recruit leaving the service, any training would not. I doubt even the most creative accountant could convincingly define that as capital expenditure.*
19. *Although it is correct to say that the spatial impact of a development upon policing cannot be precisely quantified because nothing can be known for certain in advance about the crime rates likely to occur, the same is true of impacts on other services; impacts on traffic generation can only be estimates based on measurements of similar development elsewhere; likewise, impacts*

*on the provision of schools can only be based on estimates of the child population likely to arise derived from analyses of similar developments elsewhere. Yet such estimates are commonly accepted and, in the current case, those put forward by the police were not discredited. Nor were alternative ways of apportionment suggested. For these reasons I have no difficulty with the basis on which the police have estimated the impact on their services likely to arise from this proposed development. I am satisfied that the outcome is fairly and reasonably related in scale to the development.*

20. *It is fair to say that the police have gone into far greater detail in analysing the impact of the development on their capital expenditure than is normal amongst service providers. In consequence, the closer scrutiny which that invites may make it appear that it should not be “necessary” for such petty amounts to be recouped from a developer through a planning obligation and that the small adverse impacts upon police capital expenditure should be tolerated in light of the wider benefits of the development as a whole.*
21. *But each is a building block to a larger sum and there are parallels with the way some other services calculate the impacts of developments on their services, as set out in the Council’s S106 Developer Contributions Supplementary Planning Document. In addition, I recall paragraph 61 of Mr Foskett’s judgement which was brought to my attention; although the sums at stake for the police contributions will be small in comparison to the huge sums that will be required to complete the development, the sums are large from the point of view of the police. Therefore, I do not doubt their necessity.*
22. *I conclude that the provisions made in option (c) of the “Police Contribution” entry of the obligation, adjusted to remove the second sentence of paragraph (i) would comply with the CIL regulations. With that obligation in place, the development would have an acceptable effect on policing, in compliance with section (xviii) of Local Plan policy ST/1 which requires developments to provide for public services and with policy ST/3 which requires development to provide for infrastructure if lacking.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/Y2430/A/14/2224790

**Appeal Decision:** Allowed - 06 January 2015

**Planning Inspector:** Thomas Shields MA DipURP MRTPI

**Appellant:** Davidsons Developments Limited

**Land to the east of Nottingham Road, Melton Mowbray, Leicestershire**

**The development proposed is residential development for up to 85 dwellings with associated infrastructure, access and areas of open space.**

**Application:** 14/00078/OUT - Melton Borough Council

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28. *In the completed Agreement there are covenants relating to affordable housing, police service requirements, open space and maintenance, bus stop and bus shelter provision, bus travel, a travel plan co-ordinator and travel packs, off-site traffic signal works, civic amenity, leisure facilities, library facilities, Melton Country Park facilities, and training opportunities. Support for infrastructure requirements is provided in saved LP Policy OS3 and within the County Council's SPG11. In addition, at the Hearing Mr Tyrer, the County Council's Developer Contributions Officer, and Mr Lambert, the Growth and Design Officer for Leicestershire Police, provided detailed information and justification of the infrastructure requirements and how financial contributions would be spent.*
30. *I am satisfied that the proposed planning obligations are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/M2460/A/14/2213689

**Appeal Decision:** Allowed - 04 December 2014

**Planning Inspector:** Richard Clegg BA(Hons) DMS MRTPI

**Appellant:** Mr J Kent

**Land rear of 44-78 Ashby Road, Hinckley, Leicestershire, LE10 1SL**

**The development proposed is described as 'residential development'.**

**Application:** 2013/0862/04 - Leicestershire County Council

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39. *A police contribution of £13,756 is included in the planning obligation. Detailed evidence in support of this level of contribution has been submitted by the Police and Crime Commissioner. It is clear that the increase in the local population from up to 60 dwellings on the appeal site would place additional demands on the police. Contributions are not sought across the board. The representations identify those areas where there is spare capacity and they have not been taken into account in calculating the overall level of contribution. A need has been identified in the following areas: start-up equipment, vehicles, radio call capacity, database capacity, call-handling, automatic number plate recognition cameras, mobile CCTV, premises, and hub equipment. Details are provided of the purpose to which the funding would be put, and, in the case of each area where a need has been identified, the level of contribution has been calculated in relation to the size of the appeal proposal, even if this means that some expenditure is required from the police budget. The policing contribution is necessary to make the development acceptable in planning terms, and it also complies with the other statutory tests.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/K2420/A/13/2208318

**Secretary of State Decision:** Allowed - 18 November 2014

**Planning Inspector:** David Cullingford BA MPhil MRTPI

**Appellant:** Rainier Properties Limited

**Land surrounding** Sketchley House, Watling Street, Burbage, Leicestershire

The development proposed is described as an outline application for the 'demolition of Nos.11 and 13 Welbeck Avenue to create vehicular and pedestrian access and redevelopment of the site to provide up to 135 dwellings, public and private open space together with landscaping and associated infrastructure (all matters reserved except for the point of access).'

**Application:** 13/00529/OUT - Hinckley and Bosworth Borough Council

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- 22 *The Secretary of State has considered the terms of the planning obligation submitted at the inquiry and considered by the Inspector at IR11.54-11.57; and he agrees with him at IR11.57 that these contributions meet the Framework test and comply with CIL regulations.*
- 8.1 *Policing is a service that is always available and responds to demand on an 'equal access' basis; the level and efficiency of that response depends on the facilities available. Calls and deployments are monitored and give an indication of the level of services delivered to the 45,400 households in the Borough or the 6393 houses in Burbage. In 2011 there were 83,315 calls from the Borough, 9,386 of which required emergency attendance and 5,314 entailing some 'follow up'. In Burbage there were 11,664 calls, 314 emergencies and 744 attendances; last year there were 419 recorded incidents. Those incidents largely entail burglary, car related crime and theft and there are geographical concentrations at the commercial units around Hinckley Island and the town centre. Some 372 incidents of anti-social behaviour are recorded in Burbage and regular patrolling and local community contact maintained by the Neighbourhood Policing team, located at Hinckley Local Policing Unit.*
- 8.2 *The integrated nature of policing means that many different operational units are involved in responding to recorded incidents. Staff at the Local Police Unit, the hub at Braunston, the Basic Command Unit at Loughborough, the Force HQ at Enderby, tactical support, road safety, communications and regional crime can all be involved. Some 270 staff are employed to deliver policing in the Borough and about 80% of their time is devoted to such activities. The minimum number of staff is deployed to meet existing levels of demand, which means that there is little additional capacity to extend staffing to cover additional development. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions, radio cover (additional base stations and investment in hardware, signal strengthening and re direction), national database availability and interrogation, control room telephony, CCTV technologies, mobile units, 'beat drop in hubs', premises and the like. Yet, the prognosis is that 'It is sensible to assume that most of the capital requirements incurred by*

*growth will not be covered by existing mainstream central and local funding'. Hence, the necessity to seek developer contributions to ensure that existing levels of service can be maintained as growth continues.*

- 8.3 *The proposed development is expected to increase the overnight population of this settlement by at least 307 people and a net addition of 133 new houses must bring additional policing demands. Extrapolating from existing empirical data indicates that the scheme would generate annual additions of some 239 calls and responses, 28 emergency events, 16 non-emergency events, 9 additional recorded crimes and 8 recorded anti-social behaviour incidents. In turn those events would require additional vehicle use, more radio calls, greater use of the PND systems to process and store crime records and intelligence, further deployment of mobile CCTV technologies and additional access for beat staff in a local Hub, not to mention consequences for support and HQ staff.*
- 8.4 *The Framework supports the provision of the facilities and services needed in a community. This is one of the 'core principles' and SPDs are indicated to be an appropriate means to assist applicants in understanding the obligations that proposals might generate. The Framework advocates the creation of healthy and inclusive environments where crime and disorder and the fear of crime do not undermine the quality of life. Policy IMP1 of the Local Plan reflects that advice and provides an over-arching justification for the contributions sought. And, the Leicestershire County Council Statement of Requirements sets out the provisions that should be made towards the need for additional policing that might be due to new development.*
- 8.5 *The contribution requested amounts to £44,711 to mitigate the additional impacts estimated to accrue directly from the proposed development. These contributions are required to upgrade the capacity of existing infrastructure, which would not otherwise be sufficient to meet the likely demand from the scheme. It is anticipated that staff salaries and day to day routine additional costs would be met by rate revenues. A programme to procure the additional facilities required would be agreed as a clause in a legal agreement. The contributions sought would be directly related in scale and kind to the development, so that the completion of some infrastructures would require funding from elsewhere. But, the contribution would be used wholly to meet the direct impacts of this development and wholly in delivering the policing to it. On the basis of advice, the level of contributions sought are not based on a formula but derived solely from the direct impact of the scheme on policing. This has elicited support at appeal. A detailed explanation of the methods used to calculate each element of the total contribution is offered together with the justification for it derived from the advice in the Framework. It is shown that the contributions sought are directly related to the development, fairly and reasonably related in scale and kind to the scheme and necessary to make the development acceptable in planning terms. There would thus be CIL compliant.*
- 11.57 *The Contributions towards... additional policing... are directly related to the development, proportionate to the scheme and necessary to make the proposal acceptable in planning terms. Hence, I consider that the contributions sought can be considered to be CIL compliant.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/F2415/A/14/2217536**

**Appeal Decision: Allowed - 21 August 2014**

**Planning Inspector: Jane Miles BA (Hons) DipTP MRTPI**

**Appellant: Ullesthorpe Court Hotel and Golf Club Ltd**

**Land off Fairway Meadows, Ullesthorpe, Leicestershire**

**The development proposed is new housing development on Land off Fairways Meadows, Ullethorpe.**

**Application: 13/01228/OUT - Harborough District Council**

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31. *Returning to the unilateral undertaking, I have already mentioned obligations relating to measures to promote more sustainable modes of transport, which are necessary to make the development acceptable. The undertaking also includes provision for contributions towards library facilities and police services and, given the justifications provided, I find that these are also necessary to make the development acceptable.*
32. *Taking account also of the information provided to explain how the various contributions are calculated and how they would be used, I find that all the obligations would be directly related to the development and fairly and reasonably related to it in scale and kind. The tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and in the Framework are therefore satisfied and thus I have had regard to all the obligations.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Refs:** APP/K2420/A/13/2202658 and APP/K2420/A/13/2210904

**Appeal Decision:** Appeal A Dismissed and Appeal B Allowed - 18 August 2014

**Planning Inspector:** Mark Dakeyne BA (Hons) MRTPI

**Appellant:** Alexander Bruce Estates Ltd

**Land off (to the south of) Spinney Drive and land off (to the east of) Brookside, Barlestone, Leicestershire**

**Appeal A - The development proposed is the erection of 49 new dwellings, landscaped public open space and creation of a formal wetland habitat with boardwalk access.**

**Application:** 12/01029/FUL – Hinckley and Bosworth Borough Council

**Appeal B – The development proposed is erection of 49 dwellings with landscaped open space.**

**Application:** 13/00735/FUL - Hinckley and Bosworth Borough Council

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34. *The contribution to Leicestershire Police has been justified based on crime statistics within the area and demands that would arise from the development. It would fund equipment and infrastructure to support additional personnel within the beat area, not the staffing itself. In terms of civic amenity contributions, the nearest household waste and recycling disposal site is at Barwell. Figures were provided indicating that the site is at or above capacity at peak periods such as Bank Holiday weekends. The contributions would assist in the acquisition of an additional storage container to cater for the waste from this and other new housing developments in the area.*
35. *The Council considers that the police and civic amenity contributions do not meet the tests within Regulation 122 of the Community Infrastructure Regulations (CIL) but does not provide much evidence to support its position. In contrast Leicestershire Police and the County Council have provided significant justification for the contributions, including reference to a number of recent appeal decisions where such contributions have been supported by Inspectors and the Secretary of State.*
36. *The contributions would accord with Policies IMP1, REC2 and REC3 of the LP and the Council's Play and Open Space Guide SPD. In addition the contributions to the County Council are supported by the Statement of Requirements for Developer Contributions in Leicestershire.*
37. *The obligations within the S106 agreements are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they meet the tests within CIL Regulation 122 and should be taken into account in the decision. I consider that the conditions set out in Paragraph 2.9 of the agreement are satisfied and that the obligations should become effective.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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Appeal Refs: APP/H1840/A/13/2199085 and APP/H1840/A/13/2199426

Secretary of State Decision: Appeals A and B Allowed - 02 July 2014

Planning Inspector: Harold Stephens BA MPhil Dip TP MRTPI FRSA

Appellants: Barberry Droitwich Ltd (Appeal A) and Persimmon Homes Limited & Prowting Projects Ltd (Appeal B)

Site at Land at Pulley Lane, Newland Road and Primsland Way, Droitwich Spa

Appeal A - The development proposed is an outline planning application for the development of land for up to 500 dwellings (Class C3); up to 200 unit care facility (Class C2); provision of mixed use local centre to include shop (Class A1); financial & professional services (Class A2); restaurants & café (Class A3); drinking establishment (Class A4); hot food takeaway (Class A5); offices (Class B1a) and police post; indoor bowls facility; means of access and estate roads; public open space; landscaping and infrastructure.

Application: W/11/01073/OU – Wychavon District Council

Site at Land North of Pulley Lane and Newland Land, Newland, Droitwich Spa

Appeal B - The development proposed is an outline application for the construction of a maximum of 265 dwellings with associated car parking, access, infrastructure provision and open space.

Application: W/12/02336/OU - Wychavon District Council

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19 *The Secretary of State has also considered the S106 Planning Agreement in respect of Appeal A submitted by the main parties at the inquiry (IR8.88) and, like the Inspector, he is satisfied that the provisions can be considered to be compliant with CIL Regulation 122 and paragraph 204 of the Framework and that full weight in support of the appeal proposal can therefore be given to the obligations.*

1.15 *With regard to **Appeal A** the planning application was submitted in outline form with all matters reserved except for access. A schedule of the application documents and plans on which the SoS is requested to determine the proposal is at BDL 13. The reader should note that the most helpful plan in this schedule is the Indicative Masterplan. The proposed development is described as including the following components...*

- *A police post*

6.25 *...With other development already underway there is over a 12% increase in the town's population which amounts to a massive effect on local services such as doctors, dentists, schools and the police...*

8.88 *A S106 obligation (BDL5) was submitted at the inquiry and is agreed by the main parties... From all the evidence that is before me I consider that the provisions of the S106 Agreement complies*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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*with paragraph 204 of the NPPF and meets the 3 tests of Regulation 122 of the CIL Regulations 2010. I accord the S106 Agreement significant weight and I have had regard to it as a material consideration in my conclusions...*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/F2415/A/12/2183653**

**Secretary of State Decision: Dismissed - 17 April 2014**

**Planning Inspector: Stephen Roscoe BEng MSc CEng MICE**

**Appellant: Mr IP Crane**

**Land South Of Hallbrook Primary School, Crowfoot Way, Broughton Astley, Leicestershire**

**The proposal is a development of 111 dwellings including a new community hall, sports pitches and associated parking, open space, access and landscaping.**

**Application: 12/00494/OUT - Harborough District Council**

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22. *The Secretary of State agrees with the Inspector's assessment of the Section 106 agreement dated 23 May 2013 at IR62-76. He agrees that all of the contributions would be necessary to make the proposal acceptable in planning terms and would accord with the CIL Regulations 2010 and the tests in paragraph 204 of the Framework (IR77).*
70. *The contribution towards policing has been requested by the Police and Crime Commissioner for Leicestershire [PCCL/ML/1]. The proposal would increase the workload of the Leicestershire Constabulary in terms of additional calls, non-emergency follow ups and additional vehicle miles amongst other things. The contribution would enable the force to respond to this increased workload. It would therefore accord with CS Policy CS12 and the Local Infrastructure Schedule in the CS [HDC13].*
77. *All of the above contributions would therefore be necessary to make the proposal acceptable in planning terms and be directly and reasonably related to it in scale and kind. They would therefore also accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Refs:** APP/X2410/A/13/2196928 and APP/X2410/A/13/2196929

**Secretary of State Decision:** Appeals A and B Allowed - 08 April 2014

**Planning Inspector:** Harold Stevens BA MPhil DipTP MRTPI FRSA

**Appellant:** William Davis Ltd

**Land off Mountsorrel Lane, Rothley, Leicestershire, LE7 7PS**

**Appeal A:** construction of a maximum of 250 dwellings, replacement primary school, change of use from dwelling to medical facility, change of use from agricultural land to domestic curtilages, green infrastructure, potential garden extensions, construction of a relief road, and demolition of barns in accordance with application ref: P/12/2005/2, dated 20 September 2012; and

**Application:** P/12/2005/2 – Charnwood Borough Council

**Appeal B:** an area of public open space including water balancing ponds and green infrastructure in accordance with application ref: P/12/2456/2 dated 21 November 2012.

**Application:** P/12/2456/2 - Charnwood Borough Council

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- 16      *The Secretary of State has also considered the Planning Obligations as described by the Inspector at IR8.42-8.47. He agrees with the Inspector (IR8.42) that all the provisions included in the executed Section 106 Agreement dated 13 December 2013 are necessary and comply with the Framework and Regulation 122 of the CIL Regulations. He also agrees with the Inspector (IR8.43-8.46) that the completed s106 Unilateral Undertaking, dated 13 December 2013, between the Appellant, the Council and the Police and Crime Commissioner for Leicestershire (APP10) meets the tests of Regulation 122 and the Framework and should be regarded as a material consideration.*
- 5.1      *The sum of £106,978 is sought by The Police and Crime Commissioner for Leicestershire (LP) towards Police infrastructure that would mitigate the impact of the proposed development. That figure has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Charnwood, so that the impact of the development could be properly assessed and a contribution sought that accurately reflects the precise need that would arise from the development of 250 new homes on the appeal site. LP3 page 17 contains an itemised breakdown of the anticipated expenditure on Police services/items dedicated towards the appeal development.*
- 5.2      *It is noted that the Landowner in this matter does not accept that any part of the Police Contribution meets the CIL tests as recited in the Unilateral Undertaking at clause 1.2.10. However, there appears to be no criticism by the Appellant of the approach taken by LP to the contribution requested, and no evidence has been produced to undermine the conclusions LP arrive at as to the nature and level of contribution required to mitigate the impact of the proposed development on LP resources.*

- 5.3 *The sum requested equates to approximately £427.91 per dwelling. That sum can only be arrived at by working backwards - it is not a roof tax applied to all proposed residential developments in the force area because that would not reflect the individual circumstances and needs of each development. For example, in the Land south of Moira Road appeal APP/G2435/A/13/2192131, the contribution per dwelling amounted to approximately £300 whereas in the Land at Melton Road appeal APP/X2410/A/12/2173673, the contribution worked out to be £590.85 per dwelling. In both instances, the requests were found to be CIL compliant.*
- 5.4 *Mr Lambert explains through the documentation submitted in respect of the initial application and for this appeal why the Police seek contributions, including the planning policy justification at both national and district level, and the difficulties associated with funding new infrastructure items in response to growth in residential development which places additional demand on police resources. The Inspector considering the Land at Melton Road Appeal at paragraph 291 accepted that "the introduction of additional population and property to an area must have an impact on policing, in the same way as it must on education and library services for example," and went on to conclude:*
- "Moreover, it also seems to me that the twelfth core planning principle of the Framework, that planning should... "take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs", can only be served if policing is adequate to the additional burdens imposed on it in the same way as any other local public service. The logic of this is inescapable. Section 8 of the Framework concerns the promotion of healthy communities and planning decisions, according to paragraph 69, should aim to achieve places which promote, inter alia, "safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."*
- 5.5 *Those conclusions were endorsed in the SoS's decision letter at paragraph 20.*
- 5.6 *Mr Lambert also explains why current revenue sources e.g. Council tax receipts, are insufficient to respond to growth in residential development, and are unable to fund much needed infrastructure to mitigate the additional demand placed on police resources by that growth. That position was examined and verified by external consultants employed by Local Councils in the Leicestershire Growth Impact Assessment of 2009; the Executive Summary is reproduced at Mr Lambert's Appendix 4.*
- 5.7 *There is no spare capacity in the existing infrastructure to accommodate new growth and any additional demand, in circumstances where additional infrastructure is not provided, would impact on the ability of police to provide a safe and appropriate level of service and to respond to the needs of the local community in an effective way. That outcome would be contrary to policy and without the contribution the development would be unacceptable in planning terms. It is right, as the Inspector accepted in the Melton Road decision (paragraph 292), that adequate policing is fundamental to the concept of sustainable communities. It is therefore necessary for the developer to provide a contribution so that adequate infrastructure and effective policing can be delivered; that is provided for through the Unilateral Undertaking APP10.*
- 5.8 *Mr Lambert has addressed each and every item of infrastructure required in his evidence and has sought to justify each request by reference to the 3 tests of Regulation 122 of the 2010*

*Regulations and also paragraph 204 of the NPPF. Those tests provide the framework in which LP work to assess the appropriate level of contribution necessary to mitigate the impact of residential development - a process which is under constant review to keep requests up-to-date and accurate as demonstrated by the recent letter dated 14 November 2013 amending the total sum sought in respect of Police vehicles downwards to reflect the fact that an average of 10% of the original value of a vehicle will be redeemed upon disposal.*

- 5.9 *Furthermore, LP confirms that the contribution can be, and would be spent on infrastructure to serve the appeal development because the sum requested is not required to meet with a funding deficit elsewhere or to service existing development. The contribution sought is therefore directly related to the development.*
- 5.10 *In conclusion, the request for a contribution towards additional Police infrastructure to mitigate the impact of the appeal proposal is a necessary, carefully considered and lawful request. The request is directly related to the development and to mitigating the impacts it would generate based on an examination of present demand levels and existing deployment in the District.*
- 5.11 *The request is wholly related to the scale and kind to the appeal development and the Inspector, and SoS are respectfully asked to conclude the same.*
- 5.12 *The Appellant does not accept that any part of the LP requested contribution meets the tests of Regulation 122 of the CIL Regulations 2010. The LPA has indicated that it is neutral in relation to the request.*
- 8.42 *APP9 is a signed and completed s106 Planning Obligation Agreement, dated 13 December 2013, between the Appellant, the LPA and LCC. The Agreement covers the following matters...*
- 8.43 *The Appellant has also submitted two s106 Unilateral Undertakings in respect of financial contributions requested by the Police and Crime Commissioner for Leicestershire Police... The Appellant is not satisfied that these contributions are CIL compliant. The LPA has indicated that it is a neutral in relation to both requests.*
- 8.44 *APP10 is a signed and completed s106 Unilateral Undertaking, dated 13 December 2013, between the Appellant, the LPA and the LP. The sum of £106,978 is sought by LP towards Police infrastructure to mitigate the impact of the development. Schedule 1 of the Undertaking provides details of the contribution and how it would be used to deliver adequate infrastructure and effective policing. Document LP2, prepared by LP, provides a statement of compliance with the CIL Regulations 2010.*
- 8.45 *In my view the sum of £106,978 has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Charnwood, so that the impact of the development could be properly assessed and a contribution sought that accurately reflects the precise need that would arise from the development of 250 new homes on the appeal site. The LP has confirmed that the contribution would be spent on infrastructure to serve the appeal development and is not required to meet a funding deficit elsewhere or to service existing development.*
- 8.46 *I consider that the contribution is necessary to make the development acceptable, it is directly related to the development and to mitigating the impacts that it would generate and it is*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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*fairly and reasonably related in scale and kind to the development. The Undertaking therefore meets the 3 tests of Regulation 122 of the CIL Regulation 2010 and the criteria in paragraph 204 of the NPPF. I accord the Undertaking significant weight and I have had regard to it as a material consideration in my conclusions.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/T2405/A/13/2200867

**Appeal Decision:** Dismissed - 02 January 2014

**Planning Inspector:** Martin Whitehead LLB BSc(Hons) CEng MICE

**Appellants:** Mrs S Shropshire-Boddy, H Knowles and J E Smith

**Land at** Seine Lane/Forest Road, Enderby, Leicestershire

**The development proposed is the erection of up to 244 dwellings, public open space, landscaping and vehicular access.**

**Application:** 12/0823/1/OX - Blaby District Council

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41. *At the inquiry, the appellants submitted an engrossed Section 106 Agreement. The planning obligations would secure 30% affordable housing, contributions towards a bus service, bus passes, travel packs, highway improvements, healthcare, libraries, police and the maintenance of the proposed footbridge and public open space that would form part of the scheme. I have considered the evidence provided in writing and at the inquiry, including that from Leicestershire County Council regarding contributions towards libraries and from Leicestershire Police regarding contributions towards policing services and facilities, to demonstrate that the obligations meet the tests in Community Infrastructure Levy Regulation 122.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Refs:** APP/T2405/A/13/2193758 and APP/T2405/A/13/2193761

**Appeal Decision:** Appeals A and B Allowed - 01 August 2013

**Planning Inspector:** Martin Whitehead LLB BSc(Hons) CEng MICE

**Appellant:** David Wilson Homes (East Midlands)

**Land east of Springwell Lane, Whetstone, Leicestershire LE8 6LT**

**Appeal A:** The development proposed is residential development of up to 150 dwellings and parkland with associated access, infrastructure and landscaping.

**Application:** 12/0952/1/OX – Blaby District Council

**Land off Countesthorpe Road and Springwell Lane, Whetstone, Leicestershire**

**Appeal B:** The development proposed is formation of access for use by construction traffic in conjunction with proposed residential development.

**Application:** 12/0951/1/PY - Blaby District Council

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28. *The appellant has submitted an engrossed Section 106 Agreement for Appeal A after the close of the hearing. The planning obligations would secure 25% affordable housing, contributions towards public transport, cycling, a travel pack, highway improvements, healthcare, libraries, police and the maintenance of the public open space that would form part of the scheme. I have considered the evidence provided in writing and at the hearing in support of the contributions to satisfy myself that the obligations meet the tests in Community Infrastructure Levy (CIL) Regulation 122. These tests are that the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonable related in scale and kind to the development.*
33. *Leicestershire Police (LP) has supported the need for contributions towards policing services and facilities in its statement and at the hearing. The required contributions are significantly less than those considered by the previous Inspector, and LP have suggested that it has used a different method of calculation, based on the impact of the development itself. Therefore, I am satisfied that the sum provided for in the obligation is necessary to make the development acceptable in planning terms, having regard to the requirements in paragraph 58 of the Framework to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.*
35. *Having regard to the above, I conclude on the Section 106 Agreement that all the planning obligations meet the tests in CIL Regulation 122 and paragraph 204 of the Framework. Without the obligations, the proposal would fail to accord with the relevant development plan policies and would have unacceptable impacts on local facilities and services and affordable housing in the District.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/V3120/A/13/2192205

**Appeal Decision:** Allowed – 25 July 2013

**Planning Inspector:** Tim Wood BA(Hons) BTP MRTPI

**Appellant:** Gladman Developments Ltd

**Barnett Road, Steventon, Oxfordshire, OX13 6AJ**

**The proposal is for residential development of up to 50 dwellings, landscape, open space, highway improvement and associated works.**

**Application:** P12/V1980/O – Vale of White Horse District Council

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21. *The completed Unilateral Undertaking and Planning Obligation (the latter being the agreement with the County Council) contain other obligations including ones relating to contributions towards police, street naming, works of art, education, public transport, bus stop, library and museum. On the basis of the evidence submitted, I am satisfied that all of these obligations satisfy the tests of Regulation 122 of the CIL regulations.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/V3120/A/13/2191911**

**Appeal Decision: Allowed – 11 July 2013**

**Planning Inspector: J.P. Watson BSc MICE FCIHT MCMI**

**Appellant: Hallam Land Management Ltd**

**Land east of Drayton Road, Abingdon, Oxfordshire**

**The development proposed is described as 160 residential dwellings, open space, a new access off Drayton Road, engineering (including ground modelling) works, infrastructure works (including drainage works, utilities provision and site reclamation), car parking and lighting.**

**Application: P12/V2266/FUL – Vale of White Horse District Council**

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95. *The planning obligation between the site owners, the Appellant and Vale of White Horse District Council makes provision for various on- and off-site elements. The on-site elements include a work of art, street nameplates and waste and recycling bins and the off-site elements include sports facilities and equipment for the Police. I find insufficient evidence to support the work of art contribution and so I attribute little weight to it. I am satisfied that in all other respects the planning obligation meets the three tests in Framework paragraph 204, and so I attribute full weight to the planning obligation in those respects.*

**Appeal Ref: APP/G2435/A/13/2192131**

**Appeal Decision: Allowed - 30 May 2013**

**Planning Inspector: Colin Ball DArch DCons RIBA IHBC**

**Appellant: J S Bloor (Measham) Ltd**

**Land south of Moira Road, Ashby-de-la-Zouch LE65 2NJ**

**The development proposed in 2009 was described as the erection of 83 no. dwellings with associated garaging and formation of new access road to Moira Road.**

**Application: 09/00620/FUL - North West Leicestershire District Council**

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36. *...The additional population would also bring additional policing requirements, which would need to be addressed.*
37. *The s106 Agreement would effectively bind the appellant to providing 18 affordable dwellings as part of the development. It would also require the appellant to make, and the District Council and County Council to disburse, contributions of...*
  - *£24,903 towards the capital costs of policing the development*
39. *Evidence submitted to the inquiry showed that, without these contributions, the development would not be acceptable in planning terms because of its harmful impact on local infrastructure. These measures are therefore necessary to mitigate that impact. The need for additional facilities arises directly from the development of the site so the contributions are directly related to it. The extent of additional provision in each case has been carefully considered and is proportionate, appropriate and no more than is necessary to meet the additional demands, so the provisions of the Agreement are fairly and reasonably related in scale and kind to the development. The provisions of the Agreement therefore comply with 203 of the Framework and meet the tests of Regulation 122 of the CIL Regulations 2010. I therefore consider that the harmful impact of the proposal on local infrastructure would be satisfactorily overcome by the binding planning obligations.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/X2410/A/12/2173673**

**Secretary of State Decision: Allowed - 14 May 2013**

**Planning Inspector: Keith Manning BSc (Hons) BTP MRTPI**

**Appellant: Jelson Homes**

**Land at Melton Road, Barrow Upon Soar, Leicestershire, LE12 8NN**

**The development proposed is residential development (300 dwellings).**

**Application: P/10/1518/2 - Charnwood Borough Council**

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20. *With regard to the Planning Obligation (IR4, IR216-218, and IR283-301), the Secretary of State is satisfied that the provisions set out in the signed and sealed Planning Agreement dated 14 October 2012, as varied by the Deed of Variation dated 15 January 2013 (to make its provisions conditional upon their items being determined by the Secretary of State to meet the statutory tests) can be considered to be compliant with CIL Regulation 122...*
288. *The 'Police Authority Contribution' is for £177,255. The manner in which the authority would seek to spend it is set out in the Third Schedule to the Planning Obligation. By letter to the Planning Inspectorate of 6 August 2012, the Leicestershire Constabulary explained in some detail its approach to the use of S106 monies for police infrastructure throughout the county, supported by a number of appeal decisions in which it was concluded that the contributions in each case passed the relevant tests and could therefore be accorded weight. The letter appends (Appendix 2) a useful note from the Association of Chief Police Officers which draws the distinction between capital expenditure on equipment and premises, the basic infrastructure of policing, and revenue expenditure which might reasonably be expected to be supported by the increased number of households. A January 2012 policy statement from the Leicestershire Police Authority 'Policing Contributions from Development Schemes' is also included. This sets out its approach to the increased pressure on policing from additional housing development. The document includes at Section 7 the principles whereby financial contributions will be deployed, including provision for repayment if the police authority fails to spend the contributions, linkage to the development in question and use for additional needs arising from it and a "clear audit trail demonstrating that financial contributions have been used in a manner that meets the tests" (in the subsequently cancelled Circular 05/2005 Planning Obligations.)*
289. *Those tests are essentially the same as those of the extant CIL Regulations and hence there is a clear recognition by the Leicestershire Police Authority that development is not simply a source of additional finance to be spent in an unspecified or unrelated way. Moreover, the appellant in this case has "signed up" to the Policing Contribution, albeit under, it seems, protest. The evidence of Mr Thorley addresses this matter at Section 12 and his Appendix 10 is a paper on the topic that refers to a number of appeal decisions where a contribution to policing has not been supported, for example the appeal in Sapcote (Ref APP/T2405/A/11/2164413) in which the Inspector comments, in paragraph 41 of his decision, that... "it has not been shown, in the light of the statutory tests, that the contribution would be directly linked to the impacts arising from the appeal proposal."*

290. *Equally, the material submitted by the Police Authority under cover of its letter of 6 August 2012 includes a number of appeal decisions pointing in the opposite direction, for example the appeal in Bottesford (Ref APP/Y2430/A/11/2161786) where the Inspector comments, in paragraph 68, that “there was also specific justification of the individual elements within this global sum directly related to the circumstances of the appeal proposal. Therefore the contribution does meet all three tests for CIL compliance.”*
291. *The Inspectors will have reached their own conclusions on the particular evidence and submissions put to them at appeal and I shall approach the evidence in this case in the same way, i.e. on its merits. It seems to me that the introduction of additional population and property to an area must have an impact on policing, in the same way as it must on education and library services, for example. Moreover, it also seems to me that the twelfth core planning principle of the Framework, that planning should... “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”, can only be served if policing is adequate to the additional burdens imposed on it in the same way as any other local public service. The logic of this is inescapable. Section 8 of the Framework concerns the promotion of healthy communities and planning decisions, according to paragraph 69, should aim to achieve places which promote, inter alia, “safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”*
292. *Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries.*
293. *In this case, the planning obligation clearly sets out in its third schedule the items anticipated to be needed as a consequence of policing the proposed development alongside the existing settlement and apportioned accordingly. It seems to me to be sufficiently transparent to be auditable and at a cost equivalent to, perhaps (if 300 dwellings are constructed) £590.85 per dwelling, it does not equate to an arbitrary “roof tax” of the type complained of, whatever previous practice may have been.*
294. *For these reasons I am of the view that the ‘Police Authority Contribution’ is compliant with the CIL Regulations and that weight should therefore be accorded to it as a means of mitigating the predicted impact of the development.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/W0340/A/12/2189422

**Appeal Decision:** Allowed – 13 May 2013

**Planning Inspector:** Anthony Lyman BSc(Hons) DipTP MRTPI

**Appellant:** Shanley Homes Ltd

**1055 & 1057 Oxford Road, Tilehurst, Reading, RG31 6YE**

**The development proposed is the demolition of the existing dwellings of 1055 and 1057 Oxford Road and the erection of 29 No. dwellings with associated access, parking, turning and landscaping.**

**Application:** 12/02111/OUTMAJ – West Berkshire Council

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13. A signed and dated s106 Unilateral Undertaking (UU) has been submitted relating to the provision of nine affordable dwellings on the site, and committing the appellants to various financial contributions regarding highway infrastructure; open space provision; library services; health care requirements; adult social care provision; education and equipment for Thames Valley Police. The Council has confirmed that the layout and mix of proposed affordable housing is appropriate, with which I agree. The Council has also submitted statements and topic papers justifying the need for the financial contributions which I have considered with regard to the statutory tests in regulation 122 of the Community Infrastructure Levy Regulations 2010. From the evidence submitted, the provisions of the UU fairly and reasonably relate to the development proposed and meet the tests. I have, therefore, accorded the UU appropriate weight.

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref:** APP/X2410/A/12/2187470

**Appeal Decision:** Allowed - 15 April 2013

**Planning Inspector:** Paul E Dobsen MA (Oxon) DipTP MRTPI FRGS

**Appellant:** GEG Properties

**Land at (the former) Rearsby Roses Ltd, Melton Road, East Goscote LE7 4YP**

**The development proposed is “erection of 60 dwellings following demolition of nursery buildings and formation of site access (revised scheme)”.**

**Application:** P/12/1709/2 - Charnwood Borough Council

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3. *Likewise, the main parties agree that the provision of some 18 dwellings as affordable housing (30% of 60, in accordance with the Council’s policy), together with various financial contributions towards local infrastructure - including payments to the Council, Leicestershire County Council and Leicestershire Police - would be met by the terms of a unilateral planning obligation [Doc 4], submitted at the hearing.*
35. *At the hearing the appellants tabled a signed and executed S106 unilateral planning obligation containing various clauses including: (in schedule 1) those relating to the provision of 18 units of affordable housing; (in schedule 2) the payment of monies to the Council comprising a health facilities contribution (approx. £14,000), a police contribution (approx. £25,000), and an open space contribution (approx. £42,000); and (in schedule 3) payments to Leicestershire County Council towards education (approx. £110,000) and transport (approx. £17,000); together with miscellaneous matters.*
36. *There was some discussion at the hearing as to the justification for some of the financial contributions sought. However, having regard to all the evidence to the hearing, and the criteria in para. 204 of the Framework, I am satisfied that all these provisions for infrastructure payments are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. They also meet the 3 statutory tests set out in regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).*

**Appeal Ref:** APP/F2415/A/12/2179844

**Appeal Decision:** Allowed - 14 February 2013

**Planning Inspector:** Kay Sheffield BA(Hons) DipTP MRTPI

**Appellant:** William Davis Limited

**Land north of Bill Crane Way, Lutterworth, Leicestershire.**

The application sought outline planning permission for residential development with associated infrastructure, public open space and provision of vehicular and pedestrian access without complying with a condition attached to planning permission Ref 11/00117/OUT, dated 23 January 2012.

**Application:** 12/00613/VAC - Harborough District Council

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26. *The UU covenants in favour of the Council contributions in respect of the provision and maintenance of open space as part of the development and towards allotments, cemetery provision, policing services, medical facilities, recycling, community facilities and the provision of 30% of the units of affordable housing. The UU also covenants in favour of the Leicestershire County Council financial contributions towards education, public transport measures including bus stops, travel packs and bus passes, and library provision.*
27. *Whilst the Council and the County Council confirmed that the terms of the submitted UU were acceptable, the appellant questioned whether the contribution in respect of policing was compliant with the tests set out in the CIL Regulations. The appellant suggests that there is no evidence that the proposed development would result in a need for increased police resources. It is also argued that there should be no automatic assumption that the development should bear the cost of the provision of additional policing since the anticipated growth of such costs in this area could have been budgeted for and the new residents will generate Council Tax revenue.*
28. *However, it is recognised by both the County Council and the Council's guidance that a contribution towards policing could be triggered if there is a need arising from the development. The guidance therefore establishes the principle of a contribution although there needs to be clear evidence that the level of contribution would be justified having regard to the tests set out in the CIL Regulations.*
29. *The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.*
30. *Whilst the additional staff, accommodation, vehicles and equipment detailed by the Police could not be regarded as being for the exclusive use of the development, they would be necessary to*

*provide for the effective policing of and to attend incidents on the site. In addition the number of staff and level of resources required to police the development has been based on the number of incidents estimated to be generated by the site. In respect of policing services the UU makes provision for the payment of £426 per dwelling and this is the figure sought by Leicestershire Police. The level and range of the mitigation would therefore appear to be directly related to the development and also to be fairly and reasonably related in scale and kind to it.*

31. *I have had regard to the fact that the s106 Agreement, dated 18 January 2012, in respect of the existing outline planning permission makes provision for a contribution of £606 per dwelling for policing. The appellant has indicated that this agreement was concluded under time pressure and the police have had a change in policy since, under which only major developments would be targeted for contributions. However, the report also states that contributions would be pursued where a significant impact on policing is foreseen and can be quantified. It would appear that the most relevant implication of the change in policy is that the contribution required by the police in respect of this appeal was reduced following quantification of the anticipated effect of the development. This affirms my view that the UU before me meets the CIL tests.*
32. *Reference has been made to a number of appeal decisions where it has been concluded that the police contributions failed to meet the tests and others where a contrary conclusion has been reached. However, I am not aware of the scope of the evidence provided in these cases and a comparison with the appeal cannot therefore be made.*
33. *On the basis of the evidence before me, therefore, I am satisfied that the contribution towards policing set out in the UU is necessary, directly related to the development and fairly and reasonably related to it in scale and kind – as required by the tests set out in the CIL Regulations. I conclude the same with regard to the elements of the UU which are not in dispute and I have taken the UU into consideration in reaching my decision.*



Neutral Citation Number: [2016] EWHC 2979 (Admin)

Case No: CO/2673/2016

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 22/11/2016

Before :

**MR JUSTICE GREEN**

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Between :

**Jelson Limited**  
**- and -**  
**Secretary of State for Communities and Local**  
**Government (1)**  
**Hinckley and Bosworth Borough Council (2)**

**Claimant**

**Defendant**

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**Mr Lockhart-Mummery QC** (instructed by **Shakespeare Martineau**) for the **Claimant**  
**Ms Blackmore** (instructed by **Government Legal Department**) for the **First Defendant**  
**Ms Osmund-Smith** (instructed by **Solicitor to Hinckley & Bosworth Borough Council**) for  
the **Second Defendant**

Hearing date: 1<sup>st</sup> November 2016  
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**Approved Judgment**

**MR JUSTICE GREEN :****A. Introduction: The Issue – “FOAN”**

1. This case concerns a dispute over the calculation of “Full Objectively Assessed Need” for housing or “FOAN”. This is a measure of the theoretical need that a local authority has for housing. It is required to be set by local authorities in accordance with paragraph [47] of the National Planning Policy Framework (“NPPF”). It is an important figure because it is used as a benchmark against which the “need” for a particular proposed development is measured, subject to the processes described below. I have described FOAN as a theoretical figure because once the FOAN is calculated in practice it is then modified to take account of relevant policy considerations. In practice the FOAN will almost always exceed the housing requirement figure that is set once policy is applied. For this reason FOAN has been termed a “policy-off” figure and the housing requirement ultimately fixed has been termed a “policy-on” figure. The policy on housing requirement will (or should) be worked out in the context of the preparation of a Local Plan. Problems however arise when there is no up-to-date Local Plan.
2. On the 12<sup>th</sup> May 2014 Jelson Limited (“the Claimant”) applied to Hinckley and Bosworth Borough Council (“HBBC”) for planning permission for residential development and associated infrastructure in relation to land off Sherborne Road, Burbage, Leicestershire. On the 12<sup>th</sup> November 2014 HBBC rejected the application and the Claimant appealed, by way of public inquiry, to the Inspector. By a decision made on the 4<sup>th</sup> May 2016 (“the Decision”) the appeal was refused. A central issue at the inquiry was whether HBBC could establish that it had a five year supply of housing for the purposes of paragraph [47] NPPF. The Council argued that it could demonstrate a supply sufficient to meet demand for a period in excess of five years. The Claimant, however, argued that there was a supply of significantly less than five years. The nub of the dispute between the parties centred upon identification of a figure, or range of figures, as to the relevant numerical requirement. The Claimant argued that if HBBC was unable to demonstrate a supply of five years or more that this would have been a significant material consideration in favour of allowing the appeal (taking into account the presumption in favour of grant in paragraph [14] NPPF). In her Decision the Inspector held that there was, in fact, sufficient housing land in Hinckley and Bosworth to meet the housing needs for the following five years.
3. It is common ground that at the time of the inquiry HBBC had not adopted a new Local Plan since the coming into effect of the NPPF in March 2012. The Core Strategy (“CS”) had been adopted in 2009 and this set out a housing requirement of 450 dwellings per annum (“dpa”). HBBC did not contend that the CS contained an assessment of or figure for FOAN in line with the requirement in paragraph [47] NPPF. Nonetheless HBBC argued that the evidence before the inquiry supported a conclusion that there was a housing requirement of 450 dpa.
4. In Ground I the Claimant contends: (a) that the Inspector failed to have due regard and/or to understand the requirements of paragraph [47] NPPF; and/or (b) that she failed to understand and follow the principles of the Court of Appeal in *City and District of St Albans v Hunston Properties and SSCLG* [2013] EWCA Civ 1610 (“*Hunston*”) and that of the High Court in *Gallagher Homes Limited v Solihull Metropolitan Borough Council* [2014] EWHC 1238, affirmed on appeal [2014]

EWCA Civ 1610 (“*Gallagher*”); and/or (c) that the Inspector failed to give proper reasons for concluding that there was a five year supply; and/or (d) that in any event the Inspector’s approach to the identification of the FOAN was irrational and confused.

5. In Ground II the Claimant contends that the Inspector erred in not addressing and/or giving reasons for her conclusion that the Claimant make a contribution to the costs to be incurred by the police in providing additional police services to meet incremental demand for policing arising from the new development.

## **B. Legal and Policy Framework**

### **(i) The test on appeal**

6. The case comes before the Court by way of statutory application pursuant to section 288 Town and Country Planning Act 1990 (“TCPA 1990”). The legal principles which fall to be applied on such an application are well established. They are summarised in the judgment of Lindblom J, as he then was, in *Bloor Homes East Midlands Limited v SSCLG* [2014] EWHC 754 (Admin) at paragraph [19]. Because, one way or another, most are raised in this case, I set out the summary in full below:

“19. The relevant law is not controversial. It comprises seven familiar principles:

(1) Decisions of the Secretary of State and his inspectors in appeals against the refusal of planning permission are to be construed in a reasonably flexible way. Decision letters are written principally for parties who know what the issues between them are and what evidence and argument has been deployed on those issues. An inspector does not need to “rehearse every argument relating to each matter in every paragraph” (see the judgment of Forbes J. in *Seddon Properties v Secretary of State for the Environment* (1981) 42 P. & C.R. 26, at p.28).

(2) The reasons for an appeal decision must be intelligible and adequate, enabling one to understand why the appeal was decided as it was and what conclusions were reached on the “principal important controversial issues”. An inspector’s reasoning must not give rise to a substantial doubt as to whether he went wrong in law, for example by misunderstanding a relevant policy or by failing to reach a rational decision on relevant grounds. But the reasons need refer only to the main issues in the dispute, not to every material consideration (see the speech of Lord Brown of Eaton-under-Heywood in *South Bucks District Council and another v Porter* (No. 2) [2004] 1 WLR 1953, at p.1964B-G).

(3) The weight to be attached to any material consideration and all matters of planning judgment are within the exclusive jurisdiction of the decision-maker. They are not for the court. A

local planning authority determining an application for planning permission is free, "provided that it does not lapse into Wednesbury irrationality" to give material considerations "whatever weight [it] thinks fit or no weight at all" (see the speech of Lord Hoffmann in *Tesco Stores Limited v Secretary of State for the Environment* [1995] 1 WLR 759, at p.780F-H). And, essentially for that reason, an application under section 288 of the 1990 Act does not afford an opportunity for a review of the planning merits of an inspector's decision (see the judgment of Sullivan J., as he then was, in *Newsmith v Secretary of State for* [2001] EWHC Admin 74, at paragraph 6).

(4) Planning policies are not statutory or contractual provisions and should not be construed as if they were. The proper interpretation of planning policy is ultimately a matter of law for the court. The application of relevant policy is for the decision-maker. But statements of policy are to be interpreted objectively by the court in accordance with the language used and in its proper context. A failure properly to understand and apply relevant policy will constitute a failure to have regard to a material consideration, or will amount to having regard to an immaterial consideration (see the judgment of Lord Reed in *Tesco Stores v Dundee City Council* [2012] PTSR 983, at paragraphs 17 to 22).

(5) When it is suggested that an inspector has failed to grasp a relevant policy one must look at what he thought the important planning issues were and decide whether it appears from the way he dealt with them that he must have misunderstood the policy in question (see the judgment of Hoffmann L.J., as he then was, *South Somerset District Council v The Secretary of State for the Environment* (1993) 66 P. & C.R. 80, at p.83E-H).

(6) Because it is reasonable to assume that national planning policy is familiar to the Secretary of State and his inspectors, the fact that a particular policy is not mentioned in the decision letter does not necessarily mean that it has been ignored (see, for example, the judgment of Lang J. in *Sea Land Power & Energy Limited v Secretary of State for Communities and Local Government* [2012] EWHC 1419 (QB), at paragraph 58).

(7) Consistency in decision-making is important both to developers and local planning authorities, because it serves to maintain public confidence in the operation of the development control system. But it is not a principle of law that like cases must always be decided alike. An inspector must exercise his own judgment on this question, if it arises (see, for example, the judgment of Pill L.J. *Fox Strategic Land and Property Ltd. v Secretary of State for Communities and Local Government* [2013] 1 P. & C.R. 6, at paragraphs 12 to 14, citing the

judgment of Mann L.J. in *North Wiltshire District Council v Secretary of State for the Environment* [1992] 65 P. & C.R. 137, at p.145).”

**(ii) Evidential considerations relating to the assessment of a FOAN**

7. The approach that inspectors should apply to the evidential tasks confronting them when assessing the FOAN has been considered on a number of occasions in recent case law. In *Shropshire Council et ors v BDW Trading et ors* [2016] EWHC 2733 (Admin) Mrs Justice Lang was confronted with an Inspector’s decision which stated:

“It is therefore clear that there is no recent evidence in line with the above requirements of the Framework and the PPG that offers any reliable support to the CS housing requirement, which is, in my view out-of-date being based on the RSS. Further, the Council accept that it is not suggested that the CS housing requirement will be the FOAN for their plan review and that the evidence will ultimately tell what their FOAN is. This confirms that the Council are not at the current time sure what its FOAN is and that this work is yet to be undertaken. In such circumstances, I consider that if the Council does not have a FOAN, then it does not have a robust housing requirement and therefore it must follow that it cannot demonstrate it has a five year housing land supply...”

8. In view of this the Inspector did not go on to assess the evidence and determine, for the purpose of resolving the issue arising, what a workable FOAN was. This omission was challenged. Shropshire Council argued:

“The Claimant submitted that the Inspector erred in failing to engage with the evidence in respect of the FOAN or the Claimant’s ‘housing requirements’, as referenced in bullet points 1 and 2 of NPPF 47. He was required to exercise his judgment on this issue, doing the best he could on the available evidence, even if it was unsatisfactory. In this case, there was sufficient material to enable him to do so, whether or not he could identify precise figures. He was also required to explain his reasons for arriving at his conclusions, which he failed to do.”

9. Mrs Justice Lang agreed with this submission. She held:

“21. There is substantial authority in support of the Claimant’s submission that, in an appeal concerning housing development, an Inspector must address the issues of housing requirements and housing supply in his decision as they are likely to be material considerations and his judgment on those issues is an essential part of the application of the NPPF.”

10. The conclusion that she arrived at is consistent with: *South Northamptonshire Council v Secretary of State for Communities and Local Government & Ors* [2014] EWHC

573 (Admin) at paragraph [19] per Ouseley J; *West Berkshire District Council v Secretary of State for Communities and Local Government & Ors* [2016] EWHC 267 (Admin) at paragraph [52] per Supperstone J; and, *(Gladman) v Secretary of State for Communities and Local Government & Ors* [2016] EWHC 683 (Admin) at paragraph [7(v)] per Patterson J.

11. In *Shropshire (ibid)* Mrs Justice Lang summed up the authorities in the following way:

“27. In my judgment ... Inspectors generally will be required to make judgments about housing needs and supply. However, these will not involve the kind of detailed analysis which would be appropriate at a Development Plan inquiry. The Inspector at a planning appeal is only making judgments based on the material before him in the particular case, which may well be imperfect. He is not making an authoritative assessment which binds the local planning authority in other cases.”

12. In paragraphs [28] – [30] she set out various observations about the evidence collation process which, in my view, are pragmatic and sensible and accord with good administrative practice and with case law.
13. I summarise these points as follows: (a) an Inspector is required to make judgments as to the Claimant's current FOAN or housing requirements and its housing supply in order to decide the issues in an appeal; (b) paragraph [49] NPPF requires the Inspector to form his/her own judgment on the equation between housing needs and housing supply based upon the relevant evidence provided by the local planning authority and any other parties to the inquiry; (c) where a Local Plan is outdated other sources of information can and should be considered; (d) where there is no robust recent assessment of full housing needs, the household projections published by the DCLG should be used as the starting point; (e) an inspector must do the best possible with the material adduced and if needs be the Inspector must make the best of an unsatisfactory situation, making a choice between unsatisfactory sources; (f) if an Inspector is unable to identify a specific figure a bracket or range or an approximate uplift on the departmental projections suffice; (g) an inspector is not required to undertake the kind of detailed analysis which would be appropriate at a Development Plan inquiry; (h) an Inspector deciding an appeal on the best evidence available is not making a finding that is an authoritative assessment which binds the local planning authority in other cases; (e) in an exceptional case where the evidence before the Inspector is so lacking that it is impossible to perform an assessment the inspector must say so and give reasons to explain why it was not possible to determine a working FOAN figure or range.

### **(iii) Relevant provisions of the NPPF and Policy Guidance**

14. The relevant policy and guidance material which applies to the setting of a “FOAN” is principally found in section 6 of the NPPF entitled “*Delivering a wide choice of high quality homes*”. This introduces the concept of the “full objectively assessed need” for market and affordable housing in a “housing market area”. These are the “FOAN” and the “HMA” concepts. Paragraphs [47] and [49] provide as follows:

“47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15; for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.”

“49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

15. In the section of the NPPF entitled “*Plan-making*” under the heading “*Housing*”, paragraph [159] urges local planning authorities to have a clear understanding of housing needs in their area and requires them to prepare a “*Strategic Housing Market Assessment*” (“*SHMA*”). It provides:

“159. Local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the

scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

— meets household and population projections, taking account of migration and demographic change;

— addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and

— caters for housing demand and the scale of housing supply necessary to meet this demand;

- prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.”

16. Guidance makes clear that the setting of figures for a FOAN is not an exact science and no single approach will provide a definitive answer. Local authority plan makers should avoid expending significant resources on primary research but should, instead, seek guidance from secondary data. The most important source is housing projections produced by the DCLG. This is trend based data. It will need adjustment to take account of local conditions. This is made clear in formal guidance which is provided in PPG2(a)-014-20140306. Some relevant paragraphs from this Guidance are set out below:

“Housing and economic development needs assessments

Methodology: assessing housing need

**Paragraph: 014 Reference ID: 2a-014-20140306**

What methodological approach should be used?

Establishing future need for housing is not an exact science. No single approach will provide a definitive answer. Plan makers should avoid expending significant resources on primary research (information that is collected through surveys, focus groups or interviews etc and analysed to produce a new set of findings) as this will in many cases be a disproportionate way of establishing an evidence base. They should instead look to rely predominantly on secondary data (eg Census, national surveys) to inform their assessment which are identified within the guidance.

Revision date: 06 03 2014

**Paragraph: 015 Reference ID: 2a-015-20140306**

What is the starting point to establish the need for housing?

Household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need.

The household projections are produced by applying projected household representative rates to the population projections published by the Office for National Statistics. Projected household representative rates are based on trends observed in Census and Labour Force Survey data.

The household projections are trend based, ie they provide the household levels and structures that would result if the assumptions based on previous demographic trends in the population and rates of household formation were to be realised in practice. They do not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour.

The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. For example, formation rates may have been suppressed historically by under-supply and worsening affordability of housing. The assessment will therefore need to reflect the consequences of past under delivery of housing. As household projections do not reflect unmet housing need, local planning authorities should take a view based on available evidence of the extent to which household formation rates are or have been constrained by supply.

Revision date: 06 03 2014

**Paragraph: 016 Reference ID: 2a-016-20150227**

How often are the projections updated?

The Government's official population and household projections are generally updated every two years to take account of the latest demographic trends. The most recent published Household Projections update the 2011-based interim projections to be consistent with the Office for National Statistics population projections. Further analysis of household formation rates as revealed by the 2011 Census will continue during 2015.

Wherever possible, local needs assessments should be informed by the latest available information. The National Planning Policy Framework is clear that Local Plans should be kept up-to-date. A meaningful change in the housing situation should be

considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued.

The 2012-2037 Household Projections were published on 27 February 2015, and are the most up-to-date estimate of future household growth.

Revision date: 27 02 2015 See revisions

Related policy

National Planning Policy Framework

- Paragraph 17, bullet 1

**Paragraph: 017 Reference ID: 2a-017-20140306**

Can adjustments be made to household projection-based estimates of housing need?

The household projections produced by the Department for Communities and Local Government are statistically robust and are based on nationally consistent assumptions. However, plan makers may consider sensitivity testing, specific to their local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates. Account should also be taken of the most recent demographic evidence including the latest Office of National Statistics population estimates.

Any local changes would need to be clearly explained and justified on the basis of established sources of robust evidence.

Issues will vary across areas but might include:

- migration levels that may be affected by changes in employment growth or a one off event such as a large employer moving in or out of an area or a large housing development such as an urban extension in the last five years
- demographic structure that may be affected by local circumstances or policies eg expansion in education or facilities for older people

Local housing need surveys may be appropriate to assess the affordable housing requirements specific to the needs of people in rural areas, given the lack of granularity provided by secondary sources of information.

Revision date: 06 03 2014 See revisions

**Paragraph: 018 Reference ID: 2a-018-20140306**

How should employment trends be taken into account?

Plan makers should make an assessment of the likely change in job numbers based on past trends and/or economic forecasts as appropriate and also having regard to the growth of the working age population in the housing market area. Any cross-boundary migration assumptions, particularly where one area decides to assume a lower internal migration figure than the housing market area figures suggest, will need to be agreed with the other relevant local planning authority under the duty to cooperate. Failure to do so will mean that there would be an increase in unmet housing need.

Where the supply of working age population that is economically active (labour force supply) is less than the projected job growth, this could result in unsustainable commuting patterns (depending on public transport accessibility or other sustainable options such as walking or cycling) and could reduce the resilience of local businesses. In such circumstances, plan makers will need to consider how the location of new housing or infrastructure development could help address these problems.

Revision date: 06 03 2014

**Paragraph: 019 Reference ID: 2a-019-20140306**

How should market signals be taken into account?

The housing need number suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Prices or rents rising faster than the national/local average may well indicate particular market undersupply relative to demand. Relevant signals may include the following:

- Land Prices

Land values are determined by the demand for land in particular uses, relative to the supply of land in those uses. The allocation of land supply designated for each different use, independently of price, can result in substantial price discontinuities for adjoining parcels of land (or land with otherwise similar characteristics). Price premiums provide direct information on the shortage of land in any locality for any particular use.

- House Prices

Mix adjusted house prices (adjusted to allow for the different types of houses sold in each period) measure inflation in house prices. Longer term changes may indicate an imbalance between the demand for and the supply of housing. The Office for National Statistics publishes a monthly House Price Index at regional level. The Land Registry also publishes a House Price Index and Price Paid data at local authority level.

- Rents

Rents provide an indication of the cost of consuming housing in a market area. Mixed adjusted rent information (adjusted to allow for the different types of properties rented in each period) shows changes in housing costs over time. Longer term changes may indicate an imbalance between demand for and supply of housing. The Office for National Statistics publishes a monthly Private Rental Index.

- Affordability

Assessing affordability involves comparing house costs against the ability to pay. The ratio between lower quartile house prices and the lower quartile income or earnings can be used to assess the relative affordability of housing. The Department for Communities and Local Government publishes quarterly the ratio of lower quartile house price to lower quartile earnings by local authority district.

- Rate of Development

Local planning authorities monitor the stock and flows of land allocated, permissions granted, and take-up of those permissions in terms of completions. Supply indicators may include the flow of new permissions expressed as a number of units per year relative to the planned number and the flow of actual completions per year relative to the planned number. A meaningful period should be used to measure supply. If the historic rate of development shows that actual supply falls below planned supply, future supply should be increased to reflect the likelihood of under-delivery of a plan. The Department for Communities and Local Government publishes quarterly planning application statistics.

- Overcrowding

Indicators on overcrowding, concealed and sharing households, homelessness and the numbers in temporary accommodation demonstrate un-met need for housing. Longer term increase in the number of such households may be a signal to consider increasing planned housing numbers. The number of households accepted as homeless and in temporary

accommodation is published in the quarterly Statutory Homelessness release.

Revision date: 06 03 2014

**Paragraph: 020 Reference ID: 2a-020-20140306**

How should plan makers respond to market signals?

Appropriate comparisons of indicators should be made. This includes comparison with longer term trends (both in absolute levels and rates of change) in the: housing market area; similar demographic and economic areas; and nationally. A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections. Volatility in some indicators requires care to be taken: in these cases rolling average comparisons may be helpful to identify persistent changes and trends.

In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be.

Market signals are affected by a number of economic factors, and plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period.

The list of indicators above is not exhaustive. Other indicators, including those at lower spatial levels, are available and may be useful in coming to a full assessment of prevailing market conditions. In broad terms, the assessment should take account both of indicators relating to price (such as house prices, rents, affordability ratios) and quantity (such as overcrowding and rates of development).

Revision date: 06 03 2014.”

### **C. The Inspector's Decision and the evidence relied upon**

17. In this section I address two principal matters. First, the SHMA which was relied upon by HBBC and by the Inspector to identify a range of figures for housing need which was then used as a benchmark for measuring the “need” for the proposed development. Second, the reasoning adopted by the Inspector.

#### **(i) The Leicester and Leicestershire Strategic Housing Market Assessment Report, June 2014 (“the SHMA”)**

18. In her Decision the Inspector relied, as a central and important source of data, upon the Leicester and Leicestershire Strategic Housing Market Assessment Report, June 2014 (“the SHMA”). The Report was prepared by consultants instructed on behalf of the various relevant authorities. It is appropriate to start by describing the methodology applied by the consultants to the exercise. The consultants explained that they had undertaken a comprehensive assessment of potential population and household growth. The starting points for the projections developed, in accordance with the PPG, were the latest (2011-based) CLG Household Projections updated to take account of the latest population data and to ensure that household formation rates did not project forward the recent falling trend in household formation brought about by the economic recession. The projections indicated a need for an average of 3,626 dpa to 2036 (with a slightly higher average of 3,774 dpa to 2031) across the Leicester and Leicestershire HMA. In line with the PPG the consultants tested these figures to see whether an additional uplift was required to respond to market signals and improve housing affordability, to enhance the delivery of affordable housing to meet identified needs, and to support some degree of growth in jobs at a local level. The consultants considered the state of the housing market including prices and transactions and whether there were signs of recovery. They also considered the level of housing needed to support baseline full costs of employment growth and differentiated local patterns of living and working and, in the light of their conclusions upon these matters, made some localised adjustments to assess housing need at a local authority level. Taking into account these factors the SHMA identified a need for between 3,630 – 4,060 homes per annum to 2036 across the HMA. The lower end of the range supported demographic projections whilst the higher end of the range supported strong delivery of both market and affordable housing taking account of the need for affordable housing and market signals and relative rates of economic growth in different parts of the area.

19. In an Executive Summary the authors set out a table entitled “*Conclusions regarding Overall Housing Need*”:

	Housing Need to 2031		Housing Need to 2036	
	Lower	Upper	Lower	Upper
Leicester	1250	1350	1230	1330
Blaby	360	420	340	400
Charnwood	810	820	770	780
Harborough	415	475	400	460
Hinckley & Bosworth	<b>375</b>	<b>450</b>	350	420
Melton	200	250	195	245
NW Leicestershire	285	350	270	330
Oadby & Wigston	<b>80</b>	<b>100</b>	75	95
<b>Leicester &amp; Leicestershire Total</b>	3,775	4,215	3,630	4,060

(Emphasis added)

20. For the purpose of this judgment it is convenient to highlight at this early juncture two particular sets of figures which are set out in bold in the table above. First the range for HBBC (for the period to 2031) was 375-450. This was the range ultimately chosen by the Inspector to represent the FOAN. But it is also important for reasons which I set out later in some detail (see paragraphs [54ff] below) to observe that the equivalent range for Oadby & Wigston was 80-100. This is because in separate litigation that range was rejected by an Inspector and his findings were later upheld by both the High Court and by the Court of Appeal. The reasoning which led to the approval of the Inspector’s alternative figure in that case is of some material significance to the analysis in the present case.
21. The conclusions, as set out in the table, did not take into consideration land supply, development or infrastructure constraints and the SHMA makes clear that local authorities would need to consider these issues in deriving a “*policy on*” distribution of housing provision i.e. a figure which is not the actual assessed need but a figure which is considered to be actually deliverable and which therefore takes into account a variety of policy criteria which might constrain the higher actual need figure. As such the figures in the SHMA purportedly amounted to a “*policy off*” assessment of housing need. I explain the significance of “*policy off*” and “*policy on*” more fully in paragraph [41] below. The SHMA also drew conclusions concerning the need for different types of homes. It identified that 21% of the need for affordable housing could be met by intermediate equity-based products with 79% of need for rented affordable housing (either at social or affordable rent levels). Taking into account expected changes to population structure, existing housing mix and market evidence, the SHMA identified strategic targets with a mix of housing needed within the HMA against which delivery could be monitored. The recommendations regarding the sizes of home need were incorporated into the following table:

	1-bed	2-bed	3-bed	4+ bed
Market	5-10%	30-35%	45-50%	10-15%
Affordable	35-40%	30-35%	20-25%	5-10%
All Dwellings	15-20%	30-35%	35-40%	10-15%

22. The needs of specified groups were considered, including elderly households, students, BME household and families. The SHMA indicated the need for between 240 – 720 additional housing units to be specialist accommodation across the HMA to meet the needs of the “older person” population each year. It further identified the need for 222 residential care bed spaces per annum.
23. Chapter 9 of the Report, in relation to “*Overall Housing Need*” makes clear that the “policy off” overall housing need would take into account both affordable and market housing. It described the approach adopted in paragraphs [9.4] – [9.7]:

“9.4 The NPPF sets out that plans should be prepared on the basis of meeting full needs for market and affordable housing. Planning Practice Guidance sets out that the latest national projections should be seen as a starting point but that authorities may consider sensitivity testing projections in response to local circumstances and the latest demographic evidence.

9.5 In accordance with the Planning Practice Guidance, the 2011-based Sub-National Population Projections (SNPP) and related CLG Household Projections have formed the starting point for our assessment. When extended beyond 2021, these projections indicate household growth of 3,335 households per annum across the HMA between 2011 and 2031 and 3,159 between 2011 and 2036. However these projections assume that household formation rates seen over the 2001-11 period continue moving forward. These trends arguably build in a degree of suppression of household formation, a point which is acknowledged by CLG in the Planning Practice Guidance on Assessment of Housing and Economic Development Needs.

9.6 Against this context a sensitivity analysis has been developed exploring different projections of household formation rates and to take account of the latest migration data. This analysis concludes that the most appropriate means of projecting household formation would be based on the midpoint between the household formation rates in the 2008 and 2011 Household Projections. These updated projections indicate a need for 3,774 households per annum between 2011 and 2031 and 3,626 between 2011 and 2036. This represents a robust starting point for assessing housing needs in Leicester and Leicestershire based on population trends.

9.7 The guidance then sets three key tests which should be applied in order to identify whether there is a case to adjust the starting point. We see these tests as:

- Do market signals point to a need to increase housing supply in order to address affordability and high demand?
- Is there a need to increase overall housing supply in order to boost delivery of affordable homes to meet identified needs?
- Is there evidence that an increase in housing supply is needed to ensure a sufficient labour supply to support forecast economic and employment growth in different parts of the HMA?”

24. In defining the FOAN for housing in an HMA the consultants adopted the following approach:

“9.20 We have sought to draw the range of evidence together to define objectively-assessed need for housing. In doing so we have followed the following approach:

- Define the base level of need with regard to the demographic projections;
- Consider the case for adjustments in response to market signals. This points to a case for upwards adjustment in Melton and Harborough Districts;
- Compare the demographic projections against the proportionate economic-led projections in regard to the scope to encourage local living and working;
- Overlay the affordable housing evidence in regard to the % supply based on the demographic projections needed to support full affordable housing delivery;
- Identify the higher level of the range to take account of the market signals, economic evidence and affordable housing need.”

25. I turn now to Table 84 which is central to the dispute in this case. Paragraph [9.22] draws together, in Table 84, the consultants’ conclusions over the period 2011-2031. It is in the following form:

“The table below draws together our conclusions over the 2011-31 period. We consider that housing need over the 2011-31 period would fall between 3,775 – 4,215 homes per annum across the HMA. Local authority level figures are shown in the table.

**Table 84: OAN Conclusions 2011-2033**

Homes Per Annum 2011-2031	Demographic-Led Household Projections to 2031	Higher Market Affordability Pressures	Supporting Proportionate Economic Growth	Affording Housing Need Per Annum	Affordable Need as % Demographic-Led Projection	OAN Range	
Leicester	1,249		1,057	527	42%	1,250	1,350
Blaby	356		388	352	99%	360	420
Charnwood	814		690	180	22%	810	820
Harborough	415	✓	454	212	51%	415	475
Hinckley & Bosworth	375		467	248	66%	375	450
Melton	202	✓	253	74	36%	200	250
NW Leicestershire	284		372	212	75%	285	350
Oadby & Wigston	79		173	163	206%	80	100
<b>LLPA</b>	<b>3,774</b>		<b>3,854</b>	<b>1,966</b>	<b>52%</b>	<b>3,775</b>	<b>4,215</b>

The figures for HBBC are set out in the column headed “OAN Range”. They are 375-450. The equivalent figures for Oadby are 80-100.

**(ii) The Inspector’s decision (“the Decision”)**

26. I turn from the SHMA to the reasoning adopted by the Inspector in her Decision. In the text below I summarise, in relatively narrative form, the Decision. I have, where appropriate, added references to the evidence which was referred to in the Decision.
27. The Inspector commenced her analysis by recording that local planning authorities were required to use their evidence base to ensure their Local Plans met the FOAN for market and affordable housing in the housing market area, in accordance with paragraph [47] NPPF. She observed that the HBBC Core Strategy (“CS”) was adopted in 2009, predating the publication of the NPPF in 2012. The CS target was to delivery 9,000 dwellings up to 2026, i.e. 450 units per annum. This requirement, however, was derived from the East Midland Regional Plan which had been revoked. That particular plan based its dwelling targets upon 2004 household projections; in consequence, the CS requirement was not the FOAN and was therefore inconsistent with the NPPF. In paragraph [6] the Inspector therefore sought an alternative source of data. In this she turned to the SHMA:

“6. The starting point for the calculation of OAN is demographic calculations based on the most recent, available population projections. This is made clear in paragraph 159 of the Framework which states that the strategic housing market assessment (SHMA) should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which meet household and population projections, taking account of migration and demographic change. The Council, together with the

other Leicestershire district and borough councils and Leicester City Council, commissioned a SHMA which was published in June 2014.”

28. In paragraph [7] the Inspector identified the demographic calculations which resulted in the total number, expressed as a range, of people and households likely to live in the HMA during the relevant period irrespective of the type of dwelling which they might require. She stated that *“those needs”* (which included affordable housing) *“are the products of separate and different calculations and assessments. In theory, they are included within the total population arising from population projections and a demographic methodology and should be consistent with them”*.
29. In paragraph [8] the Inspector identified that the principal dispute between the parties was whether affordable housing need was required to be fully *“met”* by the FOAN. I emphasise the phrase *“met”* because, as I discuss later, the Claimant alights upon this word as one of the pieces of evidence said to prove that the Inspector misdirected herself to the test to be applied. She recorded, albeit in outline, the Claimant’s contention that the FOAN arising from the SHMA was a constrained *“policy-on”* figure and that, in consequence, the upper end of the range was not properly identified as it should be in an unconstrained, *“policy-off”* FOAN. She recorded the position of HBBC in the following terms:
- “8. ... On the other hand, the Council concurs with the guidance set out in the Planning Advisory Service’s technical advice note on the matter<sup>3</sup>. This describes those factors which should not contribute to OAN as being ‘below the line’; they are matters which should not be included in the OAN calculation but which should be taken into account at a later stage when formulating provision targets. The technical advice note argues that affordable housing need is not measured in a way that is directly comparable with OAN and should not be a constituent of it; affordable housing should thus be below the line and a policy consideration.”
30. In paragraph [9] the Inspector identified the relevant figures. Based upon demographic led household projections the bottom end of the FOAN range for HBBC up to 2031 was 375. This is set out in the first substantive column in Table 84 of the SHMA cited at paragraph [19] above. The Inspector then stated that due to the mechanism by which the vast majority of affordable housing was delivered (i.e. as a percentage of all residential schemes over a threshold of units, and subject to viability) it was always necessary to consider whether to increase the number of dwellings required overall in order to maximise the provision of affordable housing. She observed that this measure, which is referred to in the PPG (see paragraph [16] above), was a policy decision and was therefore appropriately calculated *“outside”* of the FOAN. The Inspector recorded that in HBBC the number of homes needed to support proportionate economic growth was identified in the SHMA as 467. This can be seen from the fourth column in Table 84 (*supra*) and the affordable housing need (in the fifth column) was 248 per annum. In order to support the provision of additional affordable housing, and a growth in employment/labour supply, therefore, the top end of the range was identified at 450. She said: *“... that is therefore a policy-on figure”*.

31. In paragraph [10] she stated that there was no dispute but that there was a significant need for affordable housing in HBBC and that the most recent analysis was the SHMA which put the figure at approximately 250 dpa (see the fifth column, which sets out a figure of 248). She stated that in increasing the demographic produced figure of 375 to 450, which amounted to a 20% uplift, specifically to provide for affordable housing and economic growth the FOAN “properly” took account of that need.
32. The Inspector then addressed the Claimant’s principal argument which was that the top end of the FOAN range should be at least 980 dpa since this was the figure identified in Table 48 of the SHMA as the total amount of housing necessary to deliver the indicated housing need under current policy. Table 48 is contained within paragraph [6.63] of the SHMA Report. It is set out in the following terms:

**Table 48**

LA	Affordable Need	Affordable Housing Policy	Affordable Housing Policy (Mid-Point)	Annual Housing Need	Total Housing Required Based on Current Policy
Leicester	496	15 – 30%	23%	2,157	53,925
Blaby	349	10 – 30%	20%	1,396	34,900
Charnwood	174	30%	30%	696	17,400
Harborough	208	30%	30%	832	20,800
Hinckley & Bosworth	245	20 – 40%	30%	<b>980</b>	24,500
Melton	71	40%	40%	176	4,400
NW Leicestershire	209	20 – 30%	25%	836	20,900
Oadby & Wigston	160	10 – 30%	20%	<b>800</b>	20,000
LLLPA	1,913			7,873	196,825

(Emphasis added)

33. For present purposes (the issue is analysed in detail below) the salient figures (in bold in the table above) to note from this table are (i) the “Annual Housing Need” figure of 980 for HBBC; and (ii) the equivalent Annual Housing Need figure of 800 for Oadby. The 980 figure is important because it was a key part of the Claimant’s case that in relation to HBBC the SHMA recorded that there was an Annual Housing Need of 980 houses and that the Inspector therefore erred in failing to give this objectively arrived at figure any weight or credence at all. The 800 figure for Oadby is important because it is the equivalent of the 980 figure for HBCC. It is of relevance to this case because in the Oadby litigation the 800 figure was rejected as being relevant to FOAN so that, by parity of reasoning, if that is so for Oadby it should equally be so for HBCC, and as such throws the Claimant’s key argument into doubt.

34. The Inspector rejected the argument based upon the 980 figure robustly. She described it as “*Clearly impracticable and unreasonable*”. She came to this conclusion by extrapolating that 980 dba represented a requirement of 196,825 units in the HMA as a whole. This amounted to: “... *a considerable, inconsistent and thus unjustifiable increase on the 75,000 or so dwellings calculated from household projections to be needed by 2031*”. The important point to observe here is the discrepancy of the 980 dpa figure with the figures based on household projections.
35. Of the figure of 980 dpa for housing needs set out in Table 48 the Inspector concluded:
- “11. ... The 980 figure identified in the SHMA is thus purely theoretical although it could be used as a pointer to further policy adjustments, such as a change in the percentage of affordable housing required. Significant issues in the area such as shortcomings in housing provision, including affordable housing, should be addressed through the Local Plan.”
36. The Inspector benchmarked her conclusion that Table 84, which included the 450 dpa figure, was appropriate by reference to population projections produced subsequent to the SHMA. The SHMA figure was based upon 2011 data (see paragraph [18] above). The new population projections were for 2012. Analysis of these demonstrated a need for 364 dpa in HBBC derived from the total figure for Leicestershire. The Inspector stated that this was lower than the bottom end of the SHMA FOAN but was generally consistent with it. The Inspector thus stated:
- “12. ... In my opinion the figure confirms the Council’s approach and validates the CS housing provision of 450 dwellings which is about 24% above that needed to meet demographic increases.”
37. In paragraph [13] the Inspector stated that it was not her role, in the Decision, to identify an alternative FOAN. She did record, however, that the Appellant had calculated that, all things being equal, the housing land supply would fall below five years where the FOAN was 539 dpa. That figure would represent a 44% uplift on the 375 demographically-led household projection which, in the Inspector’s opinion, would represent a considerable number of additional affordable dwellings. She therefore stated that had she (hypothetically) considered that the 450 dpa housing requirement was inadequate or “*wanting*” it would still not have been necessary to increase that figure beyond the 539 threshold whereby a five year supply was unavailable. The significance of this is that it is a good deal lower than the Claimant’s figure of 980 for inclusion in the FOAN range.
38. In paragraphs [14] – [16] the Inspector cited various authorities. In particular she recited that in the Oadby litigation (*Oadby & Wigston Borough Council v SSCLG, and, Bloor Homes Limited* [2015] EWHC 1879 (Admin) per Hickinbottom J (“*Oadby*”)) the Court had found that the Inspector, in that case, had been entitled to exercise his planning judgment upon the basis of the evidence before him when arriving at the conclusion that the range for Oadby arising from the Leicestershire SHMA, i.e. the same document that was before the present Inspector, was “*policy-on*” and that it therefore failed properly to reflect the affordable housing need and the need generated by economic factors. The Inspector observed that a significant difference

between that case and the one before her was that in Oadby the Council's housing requirement figure of 80 – 100 dpa was well below the SHMA affordable housing need of 160 dpa. That judgment of the High Court in *Oadby* was subsequently endorsed by the Court of Appeal: [2016] EWCA Civ 1040 (27<sup>th</sup> October 2016).

39. Finally, the Inspector noted that in the Charnwood CS Examination concluded in September 2015, in the light of a thorough assessment, the Inspector there had recorded that the SHMA provided an up-to-date and robust assessment of housing need for the HMA and that the HBBC FOAN of 375 – 450 was a component of that overall figure.
40. In paragraphs [53] – [55] the Inspector set out her overall conclusions for dismissing the appeal:

“53. I have found that there is a five year supply of housing land in the Borough at this time; relevant policies for the supply of housing are not, therefore, considered out-of-date. In these circumstances it is not necessary for me to determine which those policies are. The proposed development would not protect or preserve the open landscape to the east of Burbage which, whilst not specifically designated, is an important setting for the village and separates it from the M69 corridor.

54. The benefits of the proposed development include the provision of market and affordable housing in an area where the latter is much needed. The site is also close to the village centre, where there are local services, and within easy reach of Hinckley town centre by public transport. New public open space would be created and there would be other social and economic benefits such as additional support for local facilities and businesses. Nonetheless, these benefits are not sufficient to outweigh the harm to the landscape. I do not agree that the proposal would improve access to the countryside.

55. I am aware that Burbage is part of Hinckley Sub Regional Centre and that the CS strategy is that the majority of housing will be located in and around it. The positive aspects of the scheme, including the benefits referred to above and also factors such as the lack of harm to ecological interests or the living conditions of nearby occupiers, make it consistent with several CS policies, as will be the case with the vast majority of proposed development. Since this proposal is clearly contrary to CS Policy 4, which is most relevant to proposals in Burbage and thus most important in this case, compliance with other, more general policies carries little weight. The proposed development would therefore be contrary to the development plan as a whole. I have taken into account all the matters raised but found no compelling arguments to allow the appeal.”

## **D. Ground I: Analysis**

### **(i) FOAN is “policy-off”: The distinction with “policy-on”**

41. The starting point for analysis is the distinction between “policy-on” and “policy-off”. In this case the nub of the Claimant’s argument (the details of which are set out at paragraph [46] – [51] below) is that the Inspector should have been calculating a “policy-off” FOAN but, in fact, wrongly calculated a constrained “policy-on” figure and in so doing misapplied relevant guiding principles. In *Gallagher (ibid)* in the High Court at paragraph [37] Hickinbottom J. made three observations about the process of establishing housing need which provide an explanation for the distinction which has emerged as between policy “on” and “off”. These were approved of by the Court of appeal in that case and, more recently, have been further approved of by the Court of Appeal in *Oadby* (see paragraph [38] above). In particular it is now well established that FOAN is closely related to relevant demographic, trend based projections; but that the ultimate “housing requirement” may well be quite different to FOAN in that it is modified, and often constrained, by policy considerations. This has led, as I have already observed (cf paragraph [1] above), to FOAN being described as “*policy off*” and housing requirement as “*policy on*”. The three observations of Hickinbottom J, which reflect these distinctions, were as follows:

"(i) Household projections: These are demographic, trend-based projections indicating the likely number and type of future households if the underlying trends and demographic assumptions are realised. ...

(ii) Full Objective Assessment of Need for Housing: This is the objectively assessed need for housing in an area, leaving aside policy considerations. It is therefore closely linked to the relevant household projection; but it is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics ...

(iii) Housing Requirement: This is the figure which reflects, not only the assessed need for housing, but also any policy considerations that might require that figure to be manipulated to determine the actual housing target for an area. For example, built development in an area might be constrained by the extent of land which is the subject of policy protection, such as Green Belt or Areas of Outstanding Natural Beauty. Or it might be decided, as a matter of policy, to encourage or discourage particular migration reflected in demographic trends. Once these policy considerations have been applied to the figure for full objectively assessed need for housing in an area, the result is a "policy on" figure for housing requirement. Subject to it being determined by a proper process, the housing requirement figure will be the target against which housing supply will normally be measured."

## (ii) The judgment of the Court of Appeal in *Oadby*

42. Before turning to the particular issues arising in this case it is necessary to say a word about the judgment of the Court of Appeal in *Oadby*. The Court of Appeal was concerned with the self-same SHMA that is in issue in this case and which was relied upon by the Inspector. The Appellant Council appealed the order of Hickinbottom J dismissing its application under section 288 of the TCPA 1990 against the decision of the inspector allowing an appeal of the developer against the council's refusal of an application for outline planning permission for a development of up to 150 dwellings on land at Oadby in Leicestershire. Hickinbottom J. rejected the council's challenge to the decision on all grounds. The central issue in the appeal was whether the judge erred in holding that the Inspector had not misinterpreted paragraphs [47], [49], [157], [158] and [159] NPPF. In giving judgment Lindblom LJ observed that this was a case upon its facts and did not raise novel issues of points of principle. Nonetheless because of its strong evidential resonance in the present case it is of more than passing interest. It is also an informative case in that it highlights the robust deference that the Courts attach to the genuine planning judgments of Inspectors and, in particular, it exemplifies the workings of the statement in the PPG (see paragraph [16] above) that the calculation of FOAN is not an exact science.
43. The general tenor of the judgment is that, in accordance with well established principles, the judgment of an Inspector is not to be easily interfered with. If a conclusion is one of judgment the hurdle represented by irrationality is a very high one.
44. The judgment is also informative in that it highlights a number of evidential issues which reflect the principles that I have summarised at paragraph [13] above. An Inspector can, but need not, accept the analysis in an SHMA. So for instance an Inspector when confronted with an SHMA for a HMA is not bound to accept the apportionment in the SHMA as between different local authority areas if the Inspector considers that the criteria for apportionment are not adequate, bearing in mind that the analysis in a SHMA has not been subject to the sort of thorough testing that would occur in the formulation of a Local Development Plan (cf paragraphs [38] – [42]).
45. The NPPF is a broad statement of national policy and it requires an exercise of evaluative judgment when being applied to particular, local, decisions. The Court stated: *“This should come as no surprise to those familiar with the basic principles governing claims for judicial review and statutory applications seeking orders to quash planning decisions. As this appeal shows very well, the NPPF contains many broadly expressed statements of national policy, which, when they fall to be applied in the making of a development control decision, will require of the decision-maker an exercise of planning judgment in the particular circumstances of the case in hand.”* (ibid paragraph [33]).

## (iii) The Claimant's submissions

46. I turn now to the Claimant's submissions. Mr Lockhart-Mummery QC started his submissions on behalf of the Claimant with four propositions.
47. First, in this case where there is no post-NPPF housing need requirement set out in a Local Plan the duty of the Inspector is to determine a “policy-off” (i.e. unconstrained)

figure for the number of dwellings to meet need for both market and affordable housing (to then be set against supply).

48. Second the theoretical figure is to be identified in full because FOAN is a “full” figure. It is not a figure to be “*met*” or actually “*provided*” which is the “*policy on*” figure which should come later in the Local Plan.
49. Third, in the present case the CS figure of 450 (see paragraph [27] above) is accepted by all concerned not to be the FOAN. However it was no coincidence that the Inspector arrived at a figure of 450 as the upper end of the FOAN range because in fact the Inspector had not derived a proper FOAN figure but had, in substance, simply adopted the old, irrelevant CS figure.
50. Fourth, the SHMA with its identification of 450 in Table 84 is a “*policy on*” figure and therefore not reliable. Mr Lockhart-Mummery QC based this submission upon the judgment of the High Court in *Oadby* (endorsed by the Court of Appeal) where Hickinbottom J held that the SHMA for Leicester incorporated various “*policy on*” considerations and that therefore the Inspector in that case had been right to adjust the SMHA based figures in order to arrive at an end figure which was not the same as that in the SHMA. At first instance Hickinbottom J had held that the SHMA was “*policy-on*” in two key respects. First, the figures used by Oadby BC were based upon its policy decision not to accommodate additional workers drawn to its area by increased employment opportunities. The Judge said that this was a “*policy-on*” consideration because “... *it affects adjacent areas who would be expected to house those additional commuting workers*”, (ibid paragraph [34(i)]). He said that it might be policy off if there was evidence or a development plan or an agreement between the authorities to the effect that adjacent authorities agreed to increase their housing accommodation accordingly. But there was no such evidence. Second, he referred to the fact that the SHMA took into account the availability of private rented accommodation which did not meet the definition of affordable housing and this was therefore also a “*policy-on*” consideration (ibid paragraph [34(ii)]). Mr Lockhart-Mummery QC, armed with these examples, contended that the SHMA was (in essence) systematically flawed because its figures were not pure “*policy-off*”.
51. Mr Lockhart-Mummery QC dissected the Decision of the Inspector and he highlighted various passages in which he argued that it could be seen that the Inspector had applied a thoroughly muddled approach to the calculation of FOAN in which she had variously confused “*policy-on*” with “*policy-off*”, had taken account of data sources which themselves were confused and misleading, and had ignored highly relevant data which directly correlated to the total housing need for the area.

#### **(iv) The proper approach to the interpretation of the Inspector’s Decision**

52. Notwithstanding the considerable forensic skill which this analytical exercise was conducted I do not agree with the analysis or the conclusion of Mr Lockart-Mummery QC. In coming to my own conclusion it is important that I stand back and apply to the Decision a substance over form analysis. The Inspector’s decision is, with respect to her, quite dense. She uses professional shorthand to describe ideas and concepts and she cross refers, without elaborating, to different sources for both the evidence she relies upon and the policy guidance she considers to be relevant. I remind myself that such decisions are to be read and understood in their context and it is the task of the

Court to avoid semantic nit picking. I also bear in mind that the audience is a sophisticated and professional audience which will (or should) understand the short hand that the Inspector uses and which will also have an understanding of the relevant legislative and policy framework and context. In the text below I have highlighted the main criticism of the Decision and my response.

**(v) “Met”: Decision paragraph [8]**

53. Mr Lockhart-Mummery QC argued that the Inspector erred when she said in paragraph [8] (see above at paragraph [29]) that a main area of dispute between the parties was whether affordable housing need “*should be fully met by the FOAN*”. It was argued that by using the expression “*met*” she was confusing an affordable housing *requirement* with the (“*policy-on*”) *meeting* of that requirement. In my view this is far too unforgiving an approach to interpretation. It is clear from the Decision read fairly as a whole that the Inspector was seeking to establish a working “policy off” FOAN for the purpose of resolving the dispute before her and she was doing this in accordance with demographically led, trend based, projections which took account of affordable housing need. There was in my view no confusion between absolute (policy off) need and actual (policy on) fulfilment.

**(vi) The Inspector erred in ignoring the figure of 980 dpa for Annual Housing Need in Table 48: The dog that did not bark**

54. The Claimant next argued that the upper end of the FOAN range should have been 980 or even more. They take this figure from Table 48 SHMA which is set out at paragraph [32] above. They argue that since in the SHMA this figure of 980 is under the heading “Annual Housing Need” then it is an objectively derived basis for housing need and to ignore it or reject it in the cursory way that the Inspector did and thereby not to use it as part of the FOAN range was irrational and/or reflected a misdirection and misunderstanding of the NPPF. In his reply submissions Mr Lockhart-Mummery QC clarified that it was not his case that the Inspector was *bound* to accept that figure but, rather, that she was required to take it into account.
55. I do not accept Mr Lockhart-Mummery QC’s analysis of the 980 figure.
56. First, the 980 figure is derived from Table 48 SHMA. This is not a figure based upon demographic, trend-based, projections indicating the likely number and type of future households (See the articulation by Hickinbottom J above at paragraph [41]). It is a much looser and imprecise calculation premised upon affordable need and as such is not calculated according to the methodology identified in paragraph [159] NPPF and in the relevant Guidance.
57. Second, it will be seen that, in Table 48 (paragraph [32] above), the Annual Housing Need in HBBC of 980 has been determined to be exactly four times (4X) the “Affordable Need” figure (in column 2) of 245; put another way HBBC apply a precise 25% figure to “Annual Housing Need” to arrive back at the affordable need figure. It was explained by counsel for HBBC, and not challenged by the Claimant, that the 980 figure was very much a policy based figure which flows from the choice of the percentage or figure to be used to describe the relationship between affordable housing and Annual Housing Need. That multiplier or percentage could vary for all

sorts of perfectly rational yet transient policy considerations. It was for this reason that it was not a figure which could, sensibly, be used as part of a FOAN calculation.

58. Third, confirmation of these conclusions comes from the fact that the Annual Housing Need figure in Table 48 was not relied upon in the High Court and in the Court of Appeal in *Oadby*. There is for this reason a real probative significance in the dog that did not bark: The *Oadby* case concerned exactly the same SMHA as is in issue in this case and it also involved an analysis of the figures in Tables 48 and 84. As such there is an “Annual Housing Need” figure for Oadby which equates to the 980 figure for HBBC. In the case of Oadby the figure is 800 (see at paragraph [32] above). If Mr Lockhart-Mummery QC is correct in his elevation of the 980 figure in relation to HBBC into a figure of signal importance for the calculation of FOAN in relation to HBS then, *a fortiori*, the figure of 800 should equally have loomed large in the analysis in *Oadby*. Yet it did not.
59. Mr Lockhart-Mummery QC argued that, in effect, “Homer nodded”. For inexplicable reasons the parties in that case, and the Court, overlooked the 800 figure and no doubt if his team had been arguing the *Oadby* case they would have relied upon the 800 figure. As such there was no significance at all in the dog that did not bark.
60. Ms Blackmore for the Secretary of State and Ms Osmund Smith for HBCC in the light of this undertook a forensic deconstruction of the point, which to my mind is wholly convincing. They pointed out that the 800 figure had in fact briefly emerged in the *Oadby* case only to be rapidly and deliberately submerged. This is clear from the judgment of Hickinbottom J where he recorded that in the SHMA the authors had not applied a percentage figure to housing need to arrive at a sensible FOAN because to have done so would have created an annual housing need figure of 800dpa which “*was clearly unrealistic and unviable*” ([2015] EWHC 1879 at paragraph [26(i)]). The Judge cross-referred to the SHMA itself (at paragraphs [6.80]) where the authors acknowledged that a total housing need figure based upon the assessment of affordable housing was “*unrealistic*”. Thus it is not correct to say that the 800 figure was not part of the analytical fabric of the *Oadby* case. It was, but it was discarded as irrelevant: Homer did not nod. This is the context in which the Court of Appeal then came to endorse the Judge’s finding that the Inspector acted correctly in finding that a figure of 147 sufficed as the FOAN for the purpose of the decision. It is worth setting out paragraphs [47] and [48] of the judgment of the Court of Appeal because they formerly endorse the 147 figure which is, plainly, a very far cry from a figure of 800:

“47.Faced with making his own assessment of the appropriate level of housing need to inform the conclusion he had to draw under the policy in paragraph 49 of the NPPF, and doing the best he could in the light of the evidence and submissions he had heard, the inspector adopted an approximate and “indicative” figure of 147 dwellings per annum (paragraphs 33 and 34 of the decision letter), making no “specific allowance” for affordable housing (paragraph 35). Again, his conclusions embody the exercise of his own planning judgment, and I see no reason to interfere with them. He might simply have adopted a rounded and possibly conservative number to represent the global need for market and affordable housing in the council’s area, such as the figure of 150 dwellings per annum, which in

closing submissions for Bloor Homes Ltd. was said to be well below the actual level of need, or a higher figure closer to the 173 dwellings per annum referred to in the Strategic Housing Market Assessment. I accept that. But as Hickinbottom J. concluded, I do not think the court could conceivably regard the inspector's figure of 147 dwellings per annum as irrational, or otherwise unlawful.

48. Taken as a whole, therefore, the inspector's approach was in my view consistent with the decision of this court in *Hunston Properties Ltd.*, and lawful.”

61. To further place the judgment into context the figure of 147 which was upheld was itself derived from the part of Table 84 which the Inspector in the present case takes as her point of departure. It is true that the “147” figure is not *itself* found in Table 84 but that is because the Inspector did not agree with the way in which the figures had been computed for Oadby in Table 84 so carried out his own assessment and modified the figure in the SHMA to arrive at the new figure. But the important point is that the logic used by the Inspector in the *Oadby* case, endorsed by the Courts, is the same logic as has been used by the Inspector in the present case. And both Inspectors rejected the “Annual Housing Need” figure set out in Table 48 (the Inspector in *Oadby* adopting a figure of 147 and the Inspector in this case expressly rejecting the 980 figure). The rejection of the 800 figure in *Oadby* was rational and sound, just as the rejection by the Inspector of the 980 figure in paragraph [11] of her decision is rational and sound in this case. When set in the above context it is plain that the Inspector was well within the legitimate scope of her judgment to conclude that the use of a 980 figure was “*clearly impractical and unreasonable*” (see paragraph [34] above).
62. In short the Inspector addressed herself to the 980 figure. She did not ignore it. But she did reject it upon the basis of her assessment that it was impractical and unreasonable. When measured against the analysis of the equivalent figure in *Oadby* and when it is understood that the 980 figure is not based upon a computational methodology that it is the norm for assessing FOAN, her view is mainstream, rational and correct.

**(vii) Did the Inspector use unreliable sources and ignore affordable housing?**

63. The Claimant next complains that the Inspector took into account unreliable evidence sources. In my judgment the Inspector applied a perfectly adequate test relying upon an adequate body of evidence. The approach she adopted was consistent with the approach to evidence collation and appraisal approved of in case law: See paragraph [13] above.
64. The relevant guidance makes it clear that there is no universally approved way of calculating FOAN and that the answer in each locality will be dependent upon local condition and the exigencies of the available evidence. Indeed, authorities are urged to rely upon secondary sources and not primary sources upon the basis that to conduct own-research would not be a proportionate use of resources: See paragraph [16] above.

65. In this case Ms Blackmore for the Secretary of State described the data sources before the Inspector as “*a messy basket of evidence*” and “*a large and somewhat unwieldy basket of evidence*”. The approach adopted by the Inspector can be summarised as follows:
- i) First she analysed the figures in Table 84 of the SHMA based on demographic trend based population figures which she explained how, in her view, the range set out there (of 375-450) was arrived at (Decision paragraphs [9] – [10])
  - ii) Then she rejected the Claimants figure of 980 which rejection I have concluded was entirely proper.
  - iii) Next she observed that the SHMA was based upon 2011 data. So the Inspector then examined the 2012 population projections. This data showed a 364 dpa for the HBBC area which was lower than the figures in the SHMA FOAN but was “*generally consistent with it*” (Decision paragraph [12]).
  - iv) Then she found that the 2012 data confirmed the 450 figure in the SHMA and in the CS which she noted was “*about 24% above that needed to meet demographic increases*”.
  - v) Next she benchmarked her conclusion against a figure of 539dpa which was the point at which the Claimants calculated in their evidence to her that the housing land supply would fall below the five year threshold. So, taking the Claimant’s figures as accurate, she concluded that on her assessment of the range there was an ample safety margin: See paragraph [37] above.
  - vi) Finally, she pointed out that in another Inspector’s decision which she treated as comparable for the purpose (See Decision paragraph [17] - Charnwood) the Inspector had treated the SHMA as up to date and robust.
66. In my view this approach was rational and well within the Inspector’s ordinary margin of judgment. I should deal briefly with a number of particular criticisms made by the Claimant.
67. It is said that in relying upon the CS figure of 450, when it was common ground that the CS was pre-NPPF and non-FOAN, the Inspector was in fact applying an incorrect and non-NPPF compliant methodology. I reject this argument. The Inspector compared her conclusions about the FOAN range with the CS simply as a possible benchmarking exercise. This is clear from Decision paragraph [12]. She accepted that the CS was not a FOAN but as a matter of logic this did not render it wholly inadmissible as a piece of evidence which could then be used to calculate, independently, the FOAN. So, for instance, if the 2009 figures had remained valid and not subject to change over time then there is no reason why that fact should not be accorded at least *some* proper degree of probative weight. I reject the suggestion that in using the CS as a benchmark the Inspector was improperly using that figure as the FOAN.
68. Next it is said that because the Inspector referred a document entitled “Objectively Assessed Need and Housing Targets Technical Advice Note” (July 2015, 2ed) which

suggested that affordable housing was a “*below the line*” (i.e. “policy-off”) this proved that she had treated affordable housing as extrinsic to her assessment of the FOAN. This was because case law has now made clear that the FOAN was a measure of total housing need which necessarily included affordable housing and is “policy-off”. As to this it is true that in the Decision the Inspector does refer to the Technical Advice (in Decision paragraph [8] and footnote [3]). This is not an official document and the relevant paragraphs cited do appear not to be consistent with case law. But this is in my view a classic illustration of the need to avoid directing an overly finely tuned forensic microscope at the reasoning in the decision. It would, of course, have been better had the Inspector either not referred to the Advice at all or recognised that it was (at least arguably) inconsistent with case law. But when one stands back it is not clear that she was doing any more than reciting an argument made to her. But more importantly, when one examines the approach actually taken it is clear that she did not ignore affordable housing from the FOAN.

69. The Inspector is also criticised for saying in Decision paragraph [13]: “*It is not my role in this decision to identify an alternative FOAN*”. It is argued by reference to *Oadby* in the Court of Appeal that it is precisely the Inspector’s job to calculate the FOAN where there is no up-to-date Local Plan (cf e.g. Paragraphs [38ff]). I am not entirely certain what the Inspector meant by this since she *did* go on and determine a FOAN range which in the circumstances she held to be sufficient for the task before her i.e. determining the appeal. I suspect she was saying no more than that she did not have to decide upon a definitive FOAN but that she did have to calculate a FOAN range sufficient to enable her to resolve the dispute arising before her on the appeal which is a proper approach to take: see paragraph [13] of this judgment above. Her conclusion in paragraph [13] of the Decision that her selected range was well below the figure that would put having a five year supply in jeopardy is consistent with this. But be that as it may this is an immaterial objection which does not go to the root of the Decision.

### **E. Conclusion on Ground I**

70. In conclusion on Ground I it is my judgment that the Inspector’s Decision was squarely within the scope of the margin of discretion or judgment which must be accorded an Inspector in circumstances such as these. The application on this ground fails.

### **F. Ground II: Failure on the part of the Inspector to ensure that potential section 106 contributions to Leicestershire Police complied with regulation 122 of the Community Infrastructure Levy Regulations 2010**

#### **(i) The regulatory framework**

71. Pursuant to Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (“the Regulations”), a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c), fairly and reasonably related in scale and kind to the development. Paragraphs [203] – [206] NPPF address planning conditions and obligations. They provide that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of

conditions or planning obligations but that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph [204] states that planning obligations should only be sought where they meet conditions which, in essence, mirror those in Regulation 122(2). Paragraph [206] states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

**(ii) The reasoning in the Decision**

72. In the present case Leicestershire Police (“LP”) sought a significant monetary contribution under Section 106 upon the basis that the proposed development would give rise to additional demands upon police services. The Inspector concluded that the LP had demonstrated adequately that the sums requested were to be spent upon a variety of essential equipment and services the need for which arose directly from the new households occupying the proposed developments. She set out her reasons in paragraphs [44] – [47] of the Decision. The reasons were in the following terms:

“44. Leicestershire Police (LP) has demonstrated adequately that the sums requested would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, therefore, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework’s core planning principle of supporting local strategies to improve health, social and cultural well being and delivering sufficient community facilities and services to meet local needs.

45. In respect of compliance with CIL Regulation 123(3) the proposed spending has been apportioned to individual projects and procurement, such as property adaptation and a contribution towards a vehicle, in order to ensure no need for the pooling of contributions. In addition a clause of the undertaking which, in requiring written confirmation prior to payment that it would only be spent where there were no more than four other contributions, would provide a legal mechanism for ensuring full compliance with Reg. 123(3).

46. Evidence was submitted in the form of two maps with types of criminal incidents plotted on them. The first of these shows that there were several burglaries and thefts in the housing area adjacent to the appeal site during the year up to July 2014. The second map covers a larger area, this time in Blaby, and indicates a steady rate of incidents, mainly forms of stealing, in all types of residential area. I have no reason to believe that levels of crime differ significantly between Hinckley/Burbage and Blaby.

47. I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP.”

**(iii) The Claimant’s submission**

73. The Claimant argued, during the planning appeal, that as the population of an area increased so the overall rate of crime in a police area, and hence the demands placed upon resources, declined. This proposition was advanced upon the basis of official, statistical, information and was set out in a proof of evidence adduced on behalf of the Claimant.
74. For their part LP accepted that in the Leicester, Leicestershire and Rutland areas crime was at its lowest point for many years said to be due “... *to the excellent efforts of the police and its partners*”.
75. LP, in its evidence, produced two maps the purpose of which was to establish that there was a pattern of crime in new housing estates. The Claimant did not challenge that evidence but LP did not, so it was argued, generate any evidence to establish that increased levels of housing produced more crime and, in consequence, increased demand upon services in the relevant LP area.
76. In the course of argument Mr Lockhart-Mummery QC said that the nub of the Claimant’s objection was that the Inspector had failed properly to address the Claimant’s evidence. He said that had the Inspector, acting properly within the scope of her margin of discretion and judgment, addressed but rejected the evidence, then the Claimant could have no objection. However, he argued, that there was no evidence that this analytical process had ever occurred since the Decision did not address the Claimant’s evidence. He thus contended that the Inspector misdirected herself as to the evidence and/or had failed to give proper reasons for her Decision.

**(iv) Analysis**

77. I do not accept this submission.
78. First, it must be remembered that the Inspector had already dismissed the appeal and she was dealing with disputes relating to contributions upon an alternative basis only. In the circumstances it is not reasonable to have expected a detailed exegesis of the sort that might possibly have been expected had this been the true crux of the issue.
79. Second, and in any event, in my judgment her reasons were perfectly adequate. There was no reason for her to do other than explain why she accepted the evidence of LP. The Inspector was clearly aware of all the evidence because it had been tendered in the course of a public inquiry before her and had been the subject of cross examination, debate and submissions. The gist of the Inspector’s reasons are adequately set out in paragraphs [44] – [47] (see above). She records that LP has adequately demonstrated that the sums would be spent on equipment and services which arose “... *directly from the new households occupying the proposed*

*development*”. Accordingly she concluded, in terms of causality, that there was a proper nexus between the expenditure and the new development. She also records that the proposed spending was properly attributed between individual projects and procurement such as property adaptation and contributions towards a vehicle in order to prevent a need for pooling of contributions. She also observed that there was a clause of the undertaking which required written confirmation prior to payment that it would only be spent where there was no more than four other contributions which, she concluded, provided a legal mechanism for ensuring compliance with the Regulations of 123(3). She accepted the evidence tendered in the form of the two maps which she found established a “*steady rate of incidents*” in the Blaby area which she considered to be an adequate comparable. She also referred to predicted increases in calls and demands.

80. I have read all of the evidence placed before this Court which is said to be relevant to the issue. This includes, *inter alia*, a statement from Mr Michael Lambert on behalf of LP which sets out the justification for the contribution. In a section entitled “*The policing impact of 73 additional houses at the site*”, Mr Lambert explains why, in the view of LP, the overnight population of the proposed development would be 170 persons and that, in terms of the relevant counterfactual, that represented an increase over demand “*from what is currently open fields*”. Mr Lambert cited empirical data based upon existing crime patterns and policing demand and deployment from nearby residential areas which established the direct and additional impacts of the development upon local policing. That data established that there would be an incremental demand in relation to such matters as: calls and responses per year *via* the police control centre; an increase in annual emergency events within the proposed development; additional local non-emergency events which trigger follow-up with the public; additional recorded crimes in the locality based upon beat crime and household data and a proportionate increase in anti-social behaviour incidents; an increase in demand for patrol cover; and, an increase in the use of vehicles equating to 12% of an additional vehicle over a six year period. I have set out merely examples of the incremental costs which would be incurred by the development. It is apparent from Mr Lambert’s report that the increase in cost is primarily of a variable nature; but there are some elements of fixed costs which need to be covered as well. Reading the document as a whole there can be no doubt but that LP tendered sufficient evidence to justify the Inspector’s conclusions.
81. In short, the reasons given by the Inspector were brief but sufficient; and the evidence base before the Inspector, and adduced before the High Court, establishes that there was an ample evidence base upon which the Inspector was entitled to base her conclusion.

## **G. Conclusion**

82. For all the above reasons the application does not succeed.



THE LAND AT  
HABBERLEY ROAD IS  
UNDER THREAT!

## Save Habberley Green Belt

There are plans  
to build up to  
140  
homes on this  
significant  
Green Belt land



PLEASE HELP BY SUBMITTING YOUR OBJECTION TODAY!

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[LPR@WYREFORESTDC.GOV.UK](mailto:LPR@WYREFORESTDC.GOV.UK)

BY POST: PLANNING POLICY TEAM, WYRE FOREST  
DISTRICT COUNCIL, WYRE FOREST HOUSE, FINEPOINT  
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FOR HELP AND INFORMATION LEAVE A MESSAGE ON:  
07542 470154

**f STOP The Habberley Road Development f**

## Why help?

The land at Habberley road has been recognised in 2 independent reports as providing a significant contribution to our local Green Belt

The proposed development is adjacent to The Habberley Valley Nature Reserve - a protected and vulnerable ecosystem

This site, and the surrounding landscape is currently sheltered from excessive light. Increased light levels will have a damaging effect on the local bat populations

A study called "The Dark Side of Streetlighting" concluded that moth numbers at ground level in lit areas are 50% lower, species diversity was 25% lower and nocturnal pollination activity decreased

Removal of the protected Green Belt status at Habberley will increase the risk to surrounding Green belt. The Green Belt Review has historically referred to as this area as "phase 1" and ALL land behind Ferndale Estate as proposed "Phase 2"

Red listed bird species such as the Sky Lark use this and the adjoining fields as a feeding and breeding ground

In 2020 the WFDC's minimum 5 year housing supply was at 8.2 years. Why is this Green Belt needed, when enough land already exists?

In February 2020, the WFDC had already achieved 99% of its housing requirement over the 3 year period 2016-2019...is the Green Belt status of this land at risk unnecessarily?

In an age where climate change and carbon reduction is foremost in our minds, soil and plants effectively help to reduce climate change by storing carbon. The loss of Green Belt land reduces this capacity drastically