

## **Examination of the Wyre Forest Local Plan**

**Inspector: Ms. M Travers BA(Hons) DipTP MRTTP**

### **Advice for the Council on the initial drafting of the schedule of proposed main modifications to the Wyre Forest District Local Plan 2016-2036**

1. Following the completion of the programmed hearing sessions, this note gives advice to the Council about preparation of the draft schedule of proposed main modifications to the Plan. It deals firstly with the requirements for a schedule and secondly with the broad scope of the main modifications that appear to be necessary, so far as they have been identified at this stage of the examination. The note is without prejudice to the outcome of further work that the Council needs to undertake (particularly on the 5-year housing land supply) and to my final conclusions on the soundness of the Plan; rather, it aims to progress the examination where possible.
2. My remit is to recommend main modifications that are necessary for the soundness of the Plan. Any modifications that are not necessary for soundness (although they may be necessary for re-ordering of the document or other minor updating, for example) are a matter for the Council. They should be compiled in a separate schedule and clearly labelled as additional modifications.
3. When public consultation takes place in due course on the schedule of proposed main modifications, it will need to be made clear that it is only the responses to these, and not to the schedule of additional modifications, that I will consider in reaching my final conclusions on the soundness of the Plan. The Planning Inspectorate's Procedure Guide for Local Plan Examinations (7<sup>th</sup> edition, February 2021) gives further information about this and other stages of an examination.

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

4. The schedule of proposed main modifications (MM) that will in due course be published for consultation should use a numbering sequence MM1, MM2, MM3 etc for consistency with the format that I will use in my final report. These will make up the first column of the schedule. The second column should identify the policy/paragraph number/table or diagram/map that the MM refers to; the 3<sup>rd</sup> column should set out the existing text as in the submission version of the Plan, dated January 2020; the 4<sup>th</sup> column should set out the proposed main modification(s), and the final column should briefly set out the reason for the proposed MM.

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5. It is essential that the 'Existing Text' column accurately sets out the wording of the Plan as submitted for examination, and also that the 'Proposed Main Modification' column accurately sets out all the proposed modifications to the Plan, with the proposed additions in bold font and underlined, and the proposed deletions indicated by strikethrough.
6. It is helpful to include all the proposed main modifications to a policy and its supporting text under a single MM number. This will assist understanding of the context of the MMs and will reduce their overall number.
7. In broad terms, the proposed MM schedule is likely to include i) the modifications suggested by the Council in document SD12, unless they have been superceded/amended during the course of the examination, ii) some of the modifications suggested by the Council in document SD11 which I consider are necessary for soundness (I provide a list of these in Appendix B below), iii) re-drafted policy, text and tables/graphs as appropriate to address the soundness points that I and/or the Council have already identified during the examination (in some cases these are based on suggested changes put forward by the Council in its hearings statements). The Council has maintained a running list of these points.
8. In addition, several policies and related issues that I identified in document ED6 and referred to during hearings should be addressed in the MMs, with new or re-drafted text to ensure clarity and effectiveness of the Plan. The Council has already indicated in document ED7 that it will draft modifications to address some of these issues. I set out more detail in Appendix A below about how some remaining issues affecting specific policies can be resolved.
9. Policy 5A (Sustainable Development) paraphrases NPPF and is unnecessary. Also, it may give rise to conflict with future amendments to NPPF. The policy should be deleted.
10. Drawing the above together, the most efficient way of progressing this work is for the Council to draft suitable text for the schedule to address these points, including deletion of existing text in the Plan where necessary. I will then consider the draft and advise on any amendments that are required to the schedule and on any points that may have been omitted from the Council's list or have arisen during the remainder of the examination.
11. As described above, this is an iterative process and it may require a few iterations to finalise the schedule in readiness for public consultation. For example, the draft schedule may need revision to take account of new or

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corrected information before it is ready for public consultation. The working drafts will not be published, given their nature.

12. There is no legal power for an Inspector to recommend modifications to the Policies Map. Therefore, the main modifications schedule should not include any maps showing proposed changes to the Policies Map. However, if any proposed main modification requires a consequential change to the submission Policies Map, the Council should ensure that the proposed change to the map is published for consultation alongside the consultation on the schedule of main modifications.
13. Updating of certain references in the Plan will be necessary prior to its adoption e.g. references to updated Government policy, guidance or consultation documents. These should generally be included in the MMs schedule. An update to the Planning Practice Guidance on self-build and custom housebuilding has recently been published. The Council should take this into account in putting forward suggested main modifications to Policy 8D of the Plan.
14. The submitted plan refers to the proposed allocations that would entail removal of land from the Green Belt. Subject to being found sound, these references and any others that will be redundant when the Plan is adopted should be removed. In the same way, policies that refer to sites that 'will' be designated/allocated for certain uses should be amended to 'are' allocated for certain uses e.g. Policies 30.12, 30.15 and 30.26. These points can be dealt with in the schedule of additional modifications.

### *Next steps*

15. The above advice will enable the Council to compile an initial draft schedule of proposed main modifications that will form a basis for my review and revision of them as necessary. In summary, it will be a working document that the Council, under my guidance, will amend and refine as required in due course, prior to my finalisation of the schedule of proposed main modifications for public consultation.

Mary Travers

Inspector

22 February 2021

### Appendix A

A1. The Council has indicated how it proposes to resolve the issues I raised in ED6, paragraph 11. However, this does not appear to reduce difficulties with the way that the site allocations are referenced. Using a mix of SHLAA references and policy number references to identify a site allocation is cumbersome and unnecessary and in some cases it is inaccurate because the land that is allocated

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may not be co-terminus with the area that was assessed under the SHLAA reference. The sites that are allocated in the Plan should be identified simply and clearly by the policy reference number and the name of the site.

A2. The following refers to the concern I raised in paragraph 12 of ED6 and on which I confirmed I would provide further detail in writing, following the hearings. Overall, the site allocation policies are not structured and worded in a consistent way. While this does not make them unsound as a whole, there are several site allocation policies in the Plan that i) do not clearly state that development should meet certain criteria (e.g. Policy 30.21), ii) set out criteria in a variety of forms and in imprecise ways that detract from their meaning (e.g. Policy 30.19), iii) include development requirements in supporting text instead of in the policy (e.g. paragraph 30.51 that includes a requirement for biodiversity net gain), iv) include statements rather than requirements as policy criteria (e.g. criterion 6, Policy 33.7), or v) give insufficient weight to important policy objectives (e.g. Policy 33.8 concerning pedestrian links). These result in a lack of clarity and effectiveness which may weaken the Plan's role in seeking and delivering a high standard of development in the district.

A3. The other policies<sup>1</sup> that also need re-drafting for one or more of the above reasons are Policies 30.4-30.5, 33.5, 33.9, 33.14-33.16, and 33.18-33.20. In addressing these issues, the Council may also wish to consider whether Policies 30, 33, 34 and 36 are necessary and whether all the relevant information about an allocation should be included in the site-specific policy to achieve a clear, easily navigable and effective plan.<sup>2</sup>

A4. I referred in ED6 (paragraph 13) to the way in which the structure of certain policies makes them difficult to understand and therefore implement. Policies 20A-20C require modifications to address this.

A5. Policy 35 on previously developed sites in the Green Belt includes a requirement that the design and landscaping of development should seek to minimise the impact on the Green Belt through various means. Due to the structure of the policy, it is unclear whether this requirement applies to the identified previously developed sites as well as windfall sites.

A6. The policies in section 36 that allocate housing for local needs do not describe this requirement in a consistent way and it is not clear if the differences are intentional. This needs to be addressed for soundness.

### Appendix B

B1. The following are listed by the Council as suggested additional (minor) modifications in Document SD11. However, they appear to be necessary for soundness and therefore should be included in the MMs schedule:

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<sup>1</sup> Not including policies that may no longer be required because development of the site is almost complete.

<sup>2</sup> This could be assisted by listing the site allocations policies on a contents page.

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MI/3.1, MI/3.2, MI/3.3, MI/5.3, MI/6.4, MI/7.3, MI/8.2, MI/8.7, MI/8.10, MI/8.14, MI/11ABCF.4, MI/11D.2, MI/11D.5, MI/14.3 - MI/14.7, MI/14.12, MI/15.2, MI/16.2, MI/16.3, MI/18.1, MI/25.3, MI/25.4, MI/27.5, MI/31.3, MI/31.4, MI/32.2, MI/32.7, MI/33.3, MI/33.7, MI/34.4- MI/34.7, MI/34.10, MI/34.15, MI/34.17, MI/34.18, MI/36.12 – MI/36.17, Annex 1 and Annex 3.

B2. Furthermore, MI/33.7 should be included as a criterion in Policy 33.17, given that it seeks to limit the scale of development on the site.

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