

Examination of the Wyre Forest District Local Plan 2016-2036

Inspector's initial queries and points for consideration by the Council

Introduction

1. This document sets out queries on which I invite written responses from the Council only at this stage of the examination. It also raises some points about the Plan as submitted or its evidence base that may require further exploration during the examination, in order to test the soundness of the Plan.
2. My aim is to help inform and progress the examination as efficiently and effectively as possible by seeking clarification and developing understanding about certain aspects of the Plan at this stage. This will assist in identifying elements that may need to be considered in more detail, through hearing sessions and/or written exchanges. The document is based on my initial assessment of the Plan; it does not cover all the aspects of the Plan that will be considered in the examination and also, it does not indicate that I have reached a firm view on any matters that affect the Plan's soundness.
3. I set out below an approximate timescale for the Council's responses to these queries/points. The responses will be published for information on the examination website. Representors will have an opportunity to respond to any matters arising from this correspondence at later stages of the examination. Further information about the programme for the examination will be provided in a Guidance Note that I will issue in due course.

Queries and points for consideration

4. Regarding the duty to co-operate, are there records of written requests from the Council to other local planning authorities during the Plan preparation stage that seek their help in accommodating some of Wyre Forest's development needs?
5. Part A of the Plan sets out the key strategic policies. However, the overall spatial distribution and quantity of the proposed development in the District is not expressed in a single policy. This could limit understanding of the Plan as a whole and reduce its effectiveness. In this light, the Council may wish to consider including a spatial development policy that explains, including in tabular form, the quantity and type of growth that is expected to come forward in the different parts of the District.

6. The Plan proposes the release of lands from the Green Belt for development in the Plan period. The Plan and its underpinning evidence including the Green Belt Topic Paper (examination document ED2) refer to the exceptional circumstances that are necessary to justify changes to the Green Belt boundary through the Plan. Table 1 of the Site Selection Paper (submission document SSP01), summarises the findings of the site selection process, including the scoring of potential sites on a range of factors, including their importance for the Green Belt where relevant.
7. Nonetheless, while the elements of the necessary evidence may be in place, I have 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. This 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. It will be helpful if the Council can produce a focused, concise document that draws together these elements of the evidence.
8. The indicative timing of proposed development is generally not made clear in the Plan. The Council should consider how best to address this, so that the Plan indicates as far as possible when sites are expected to be developed. Also, it should be clear about any proposed allocations where the timing of development will be dependent on provision of key infrastructure.
9. I understand that the Council is currently updating its 5-year housing land supply position. For the purposes of the examination, a detailed housing land supply trajectory will be necessary, setting out the expected annual housing completions from each of the allocated sites and from the other identified sources of housing supply, including any contributions to the supply from the provision of Class C2 older people's accommodation.
10. In order to ensure that policies make clear what is necessary to make development acceptable, overall consistency in their wording, precision and accuracy is generally required. The schedule of potential main modifications (submission document SD12) helpfully identifies certain policies that may need amendment to ensure that they are sound. As part of my role, all cases where main modifications appear to be necessary for a sound Plan will be considered further during the examination.
11. However, it will be helpful for the Council to be aware at this stage that I have some concerns about clarity and consistency in the wording of a number of policies that are not addressed in either document SD12 or SD11 (the latter deals with additional modifications), especially the site

allocation policies. As an example, some of the individual policies in Section 30 specify the type(s) of development that will be acceptable, while in other cases it is necessary to refer to Policy 30 to understand this in broad terms. Furthermore, Policy 30 does not reference the individual sites by their policy number, and the individual policies do not generally set out the site size and the quantity of housing/other development that is expected. Similar issues arise in sections 31-34 and 36 of the Plan.

12. Also, due to their format and wording, some of the policies do not clearly set out that development proposals should meet certain criteria e.g. Policy 30.20. Overall, these factors are likely to make it difficult to use the Plan and gain a clear understanding about what is expected to be achieved by the proposed development. For a sound Plan, these matters will need further attention and modifications as required.
13. Related to the above, the way in which some policies are structured undermines their clarity. For example, Policy 20B includes a mix of capital letter, bullet point and Roman numeral sub-divisions within the policy but it lacks a clear hierarchy and logical order for the sub-sections of the policy. As a result, it is not clear how the policy should be applied.
14. The schedule of potential main modifications (MM) will need further work in due course to ensure that any modification that is necessary for soundness is set out in the MM schedule, and not in the additional modifications schedule as occurs in some cases in the current version of SD11. The detailed implications will be considered with the Council and other interested persons at the appropriate time in the examination.
15. Regarding the 4 sites where the extant Area of Development Restraint policy is proposed to be carried forward in the Plan, can the Council clarify where the evidence compares the specific environmental and other effects of this approach and the localism factor referred to in paragraph 2.11 of the Green Belt topic paper with the effects of releasing other, alternative sites from the Green Belt?
16. Viability evidence at Plan-level has been submitted as part of the evidence and it is supplemented by the Viability topic paper (ED4), but it has not been submitted for any individual allocations (although it is noted that assessments have been carried out on the 2 largest allocations in the Plan at Lea Castle Village and Kidderminster Eastern Extension). Is evidence available to support the viability and deliverability of any of the specific allocations, particularly the strategic allocations and the larger brownfield sites that form a substantial component of the overall land supply?
17. Regarding the final sentence of paragraph 18.6 of the Plan about viability evidence, the Council should consider the implications of the recent legal judgement in the case of Holborn Studios Ltd and the London Borough of

Hackney ([2020] EWHC 1509) and whether, in this light, it wishes to put forward an amendment of the Plan.

18. The evidence of need for accommodation for Gypsies, Travellers and Travelling Showpeople is dated November 2014 and it requires updating. It is understood from the Equalities Impact Assessment (SD14) that an updated assessment of needs is to be carried out, but the timescale for its completion and the way in which the Council proposes to address any unmet need in the Plan should be clarified as soon as possible. Also, with reference to Table 8.0.4 of the Plan, any application of a turnover rate in estimating the level of need will require justification, and the Plan should address how the housing needs of non-nomadic Gypsies and Travellers will be met.
19. In the light of the Housing Act 2016, can the Council also explain how the needs of houseboat dwellers and caravan dwellers will be addressed through the Plan, as required?
20. How does the area illustrated in Figure 4 of the Green Belt Topic Paper relate to the notation on the submitted Policies Map for the Stour Valley Country Park? Can the boundaries of the Country Park be more clearly delineated on the submitted Policies Map?
21. Policy 23A includes reference to the boundary of the Wyre Forest. Should the boundary be shown on the Policies Map?
22. The Plan should include a monitoring framework, and this will need to be available for consideration during the examination and for consultation as part of any main modifications process in due course.

Timescale for the Council's response

23. It will be helpful to have an indication from the Council by the end of July about when it will be able to respond to my specific queries in paragraphs 4, 15, 16, 20 and 21 above. Responses to my requests in paragraphs 5, 7-9 and 17-19 may take longer, but in order to ensure that they will be available in time to inform the preparation of written statements for the hearings, it will also be helpful to have an indication by the end of July about when the Council expects to be able to provide this information. Paragraphs 10-14 and 22 cover aspects of the Plan that may be best addressed in hearing sessions and/or written exchanges later in the examination, but they are raised now to allow time for the Council to consider them and respond in due course, and for the information of representors.

23 July 2020