

**Open**

# **Special Cabinet**

## **Agenda**

**6pm  
Tuesday, 30th October 2018  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster**



## Cabinet

### **The Cabinet Members and their responsibilities:-**

<b>Councillor M J Hart</b>	<b>Leader of the Council &amp; Strategy</b>
<b>Councillor I Hardiman</b>	<b>Deputy Leader &amp; Housing, Health &amp; Well-being</b>
<b>Councillor R J Vale</b>	<b>Operational Services</b>
<b>Councillor N J Desmond</b>	<b>Resources</b>
<b>Councillor J Smith</b>	<b>Culture, Leisure &amp; Community Protection</b>
<b>Councillor C Rogers</b>	<b>Economic Regeneration &amp; Planning</b>

### **Scrutiny of Decisions of the Cabinet**

The Council has one Scrutiny Committee that has power to investigate policy issues and question members of the Cabinet who have special responsibility for a particular area of the Council's activities. The Cabinet also considers recommendations from this Committee.

In accordance with Section 10 of the Council's Constitution, Overview and Scrutiny Procedure Rules, and Standing Order 2.4 of Section 7, any item on this agenda may be scrutinised by the Scrutiny Committee if it is "called in" by the Chairman or Vice-Chairman of the Overview & Scrutiny Committee and any other three non-Cabinet members.

*The deadline for "calling in" Cabinet decisions is 5pm on Friday 9<sup>th</sup> November 2018 .*

Councillors wishing to "call in" a decision on this agenda should contact Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster. Telephone: 01562 732763 or email [louisa.bright@wyreforestdc.gov.uk](mailto:louisa.bright@wyreforestdc.gov.uk)

### **Urgent Key Decisions**

If the Cabinet needs to take an urgent key decision, the consent of the Scrutiny Committee Chairman must be obtained. If the Scrutiny Committee Chairman is unable to act the Chairman of the Council or in his/her absence the Vice-Chairman of the Council, must give consent. Such decisions will not be the subject to the call in procedure.

### **Declaration of Interests by Members – interests of members in contracts and other matters**

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of the Council's constitution for full details.

### **Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)**

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

### **For further information**

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact contact Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster. Telephone: 01562 732763 or email [louisa.bright@wyreforestdc.gov.uk](mailto:louisa.bright@wyreforestdc.gov.uk)

Documents referred to in this agenda may be viewed on the Council's website - [www.wyreforestdc.gov.uk/council/meetings/main.htm](http://www.wyreforestdc.gov.uk/council/meetings/main.htm)

### **WEBCASTING NOTICE**

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At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council's website for 6 months and shall be retained in accordance with the Council's published policy.

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If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

**If you have any queries regarding this, please speak with the Council's Legal Officer at the meeting.**

\* Unless there are no reports in the open session.

Wyre Forest District Council

Cabinet

Tuesday, 30th October 2018

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
<b>3.</b>	<b><i>Councillor I Hardiman</i></b>	
<b>3.1</b>	<b>Local Plan Review Pre-Submission Publication</b>  To consider a report from the Spatial Planning Manager which sets out the next stage of the Local Plan Review, referred to as the Regulation 19 Pre-Submission Publication consultation.  To also consider recommendations from the Overview and Scrutiny Committee from its special meeting on 25 <sup>th</sup> October 2018. To follow.	5



# CABINET 30<sup>th</sup> OCTOBER 2018

## Local Plan Pre-Submission Publication

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Councillor Ian Hardiman
<b>RESPONSIBLE OFFICER:</b>	Corporate Director: Economic Prosperity & Place.
<b>CONTACT OFFICER:</b>	Helen Smith
<b>APPENDICES:</b>	Appendix 1: Local Plan Pre-Submission Publication consultation document. ( <i>digital appendix</i> ).  Appendix 2: Consultation Responses for the Preferred Options consultation ( <i>digital appendix</i> ).

### 1. Purpose of Report

- 1.1 The purpose of this report is to:
- 1.2 Set out the next stage of the Local Plan Review, referred to as the Regulation 19 Pre-Submission Publication consultation. This is the final stage of consultation before submission of the Local Plan to Government. The Regulation 19 Local Plan was taken to the Overview and Scrutiny Committee on 25<sup>th</sup> October for consideration. The Pre-Submission Publication document is shown in Appendix 1.
- 1.3 To report the consultation responses received for the Local Plan Review Preferred Options consultation undertaken in summer 2017. The Consultation Responses are shown in Appendix 2.
- 1.4 To present to Members the draft Consultation Plan for the Pre-Submission Publication consultation to be held from 1<sup>st</sup> November 2018 until 5pm on 17<sup>th</sup> December 2018.

### 2. Recommendation

- 2.1 The Cabinet is asked to:
  - a) Approve the Local Plan Pre-Submission Publication documentation for public consultation (Regulation 19); and
  - b) Approve the Preferred Options Consultation Responses.

**3. Background**

- 3.1 The review of the Local Plan began in late 2015 with the Issues and Options consultation. Since the close of that consultation, officers worked with the Local Plan Review Panel (LPRP) to bring forward the next stage of the review which was the Preferred Options consultation (Regulation 18).
- 3.2 The Preferred Options consultation (Reg 18) outlined a combination of Core sites and options A and B which gave two potential options for growth and commenced on 15<sup>th</sup> June 2017 and ended on 14<sup>th</sup> August 2017. It was carried out in compliance with the Council's adopted Statement of Community Involvement (2013). The consultation included contacting individuals and organisations on the Local Plan database, public drop-in sessions, and information provided via the Council's website and social media. At the end of the consultation process the Council had received over 5,000 responses from members of the public, developers, organisations and statutory consultees.
- 3.3 A summary of the key issues from the Preferred Options consultation was made available to LPRP at the LPRP meeting on 15<sup>th</sup> January 2018. Feedback from the consultation on the preferred options sites was also provided to LPRP at the meetings held on 19<sup>th</sup> February 2018 and 19<sup>th</sup> March 2018.
- 3.4 Since the Preferred Options consultation closed, work has commenced on the Pre-Submission Publication version of the Local Plan. Further technical evidence base work has been undertaken in relation to the proposed site allocations and the findings of this with officer recommendations were presented to LPRP on 24<sup>th</sup> September 2018 and 15<sup>th</sup> October 2018. LPRP has thus reviewed the proposed site allocations and have made their recommendations to officers.
- 3.5 On 15<sup>th</sup> October 2018 LPRP considered the proposed Local Plan Pre-Submission Publication document (Appendix 1) in its entirety. This enabled the LPRP to consider the draft policies, including the development strategy proposed for the district.
- 3.6 On 24<sup>th</sup> September 2018 and 15<sup>th</sup> October 2018 LPRP also considered the Consultation Responses to the Preferred Options consultation and gave feedback to officers regarding the officer comments to the consultation responses. The Consultation Responses can be found digitally in Appendix 2.
- 3.7 As a result of the representations to the Preferred Options consultation, the Council has progressed updates to various pieces of evidence in order to address the technical issues that have arisen from the Regulation 18 consultation. Updates to the evidence base have been undertaken for the following technical studies:
- Objectively Assessed Housing Needs (now the Housing Needs Study)
  - Employment Land Review
  - Heritage Impact Assessment

- Traffic Modelling
- Ecological Appraisals
- Strategic Flood Risk Assessment update
- Water Cycle Study update
- Infrastructure Delivery Plan update
- Viability Assessment update
- Green Belt Study update
- Open Space, Built Facilities and Playing Pitch Strategies

3.8 The findings of these updated technical studies have helped to inform the Pre-Submission Publication (Reg 19) version of the Local Plan.

3.9 The Objectively Assessed Housing Needs study undertaken in April 2017 proposed a housing needs figure of 300 dwellings per annum and this was consulted on during the Preferred Options stage. Subsequent to this the Ministry of Housing, Communities and Local Government (MHCLG) in September 2017 (as part of the original consultation) published a minimum dwelling need for Wyre Forest of 246 each year using the standardised methodology for assessing housing needs. This figure was based on 2014 Household Projections and has since been updated in September 2018 to the 2016 Household Projections data and the Affordability ratio's giving a new, standardised methodology figure of 276.

3.10 At Preferred Options consultation, the Council proposed an allocation of 6304 dwellings (option A) or 6559 dwellings (option B) over an 18 year period. The table in paragraph 3.11 below shows what proportion of these dwellings would have been on brownfield, greenfield (non-GreenBelt) and Green Belt greenfield sites. The Green Belt land take would have been 2.4% under option A and 1.9% under option B. The allocations under both these options were between 17% (option A) and 21% (option B) over the actual dwelling requirement at the time.

3.11 The Council is now proposing an allocation of approximately 6360 dwellings over a 20 year period (2016-36). The clear and firm legal advice is that the Council allocates around 15% more than required, to allow for sites not coming forward. The table below also shows what proportion of dwellings in the Local Plan Pre-Submission would be on brownfield, greenfield (non-Green Belt) and Green Belt greenfield sites. Completions and any planning approvals have been included in these figures, including recent approvals on greenfield sites. This will require 2.1% of the Green Belt to be released for development. All Green Belt greenfield sites will have to provide a minimum of 40% green space as part of any development.

	<b>Brownfield</b>	<b>Greenfield (non-Green Belt)</b>	<b>Green Belt (greenfield)</b>	<b>Green Belt land take</b>
Preferred Options - Option A	47%	5%	48%	2.4%

Preferred Options - Option B	45%	14%	41%	1.9%
<b>Pre-Submission</b>	<b>49%</b>	<b>7%</b>	<b>44%</b>	<b>2.1%</b>

- 3.12 The Local Plan Pre-Submission has a plan period of 2016 to 2036; this is an extension of the plan period by 2 years to that which was consulted on at Preferred Option stage. This change will make the plan period 20 years and is necessary to make the plan compliant with the NPPF (para 22) which states: *“Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.”* Extending the plan period to 2036 will enable the plan to have the required minimum 15 year time period from the date of adoption, which is anticipated to be in 2020 following the examination.
- 3.13 As explained in paragraph 3.2 above, the Preferred Options consultation outlined a combination of Core sites and options A and B which gave two potential options for growth. In the Pre-Submission Publication document, the Council is proposing to allocate a combination of these sites to provide both deliverable and sustainable growth for the district.

#### **4. Purpose of the Local Plan Pre-Submission Publication Consultation**

- 4.1 The Pre-Submission Publication Consultation represents the third stage in the review of the District’s Local Plan. The first stage was the Issues and Options Consultation in late 2015. This was followed by the second stage in Summer 2017 for the Preferred Options consultation.
- 4.2 The aim of the Pre-Submission consultation is to seek views on whether the emerging Local Plan is legally compliant and if it is considered to be ‘sound’. It is different from previous consultations, as all responses received by the Council will be submitted to the Government appointed Planning Inspector.

#### **5. Pre-Submission Publication Consultation Document**

- 5.1 The Pre-Submission Publication document takes account of:
- The extensive evidence base that has been built up since 2015;
  - The Issues and Options consultation reported in November 2015 to Cabinet;
  - The Preferred Options consultation responses reported to Overview and Scrutiny on 25th October 2018;
  - Duty to Cooperate conversations with neighbouring local authorities, the County Council, relevant Statutory Organisations and key infrastructure providers;
  - Advice received from the Local Plan Review Panel.
- 5.2 Given the changes to the National Planning Policy context, attention is particularly drawn to the following two key issues:



- Housing need and land supply; and
- Employment land supply.

5.3 Housing need and land supply

5.4 The Wyre Forest Housing Need Study (HNS) 2018 provides the latest available evidence to help to shape the future planning and housing policies of the area. This study updates the 2017 Objectively Assessed Housing Needs (OAHN) study that was published alongside the Preferred Options document. The HNS (2018) has been produced by consultants Arc4/Edge Analytics using the Government's new standardised methodology and supersedes all previous OAHN studies published by the Council. The terminology associated with housing policy has changed and the Planning Practice Guidance now refers to 'housing need' rather than 'objectively assessed housing need'. This updated study has helped to inform the production of the Local Plan Pre-Submission Publication document and its associated evidence base studies. The HNS study has considered the need for affordable housing and the size, type and tenure of housing need for different groups within the community. The research provides an up-to-date analysis of the social, economic, housing and demographic situation across the district.

5.5 The 2018 NPPF (Paragraph 60) states *"to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for."*

5.6 The HNS (2018) report has considered the future housing need for Wyre Forest District based on the standard methodology developed by the Ministry of Housing, Communities and Local Government (MHCLG). Based on the standard methodology and 2017 affordability ratios, the minimum local housing need for Wyre Forest has increased to 276 dwellings per year under the 2016-based MHCLG household projections.

5.7 The Pre-Submission Publication seeks to allocate a sufficient number of sites to accommodate this housing need identified in the HNS (2018) report.

5.8 Employment Land Supply

5.9 The consultants Nathaniel Lichfield & Partners were appointed in June 2018 to undertake an update to the Employment Land Review (ELR) that Lichfields produced on the Council's behalf in April 2016. It was considered necessary to revisit the 2016 ELR to ensure it aligns with:

- The Housing Needs Study (2018) undertaken by arc4/Edge Analytics;

- Updated Experian data projections;
  - Revised National Planning Policy Framework;
  - Additional B-class employment sites to be assessed; and
  - Extended Local Plan period (i.e. 2016 to 2036).
- 5.10 The NPPF (2018) paragraph 80 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. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”*
- 5.11 The ELR (2018) report appraised a range of employment land projections for Wyre Forest District using a variety of methodologies in accordance with the former Planning Practice guidance (as this being the most up-to-date PPG at the time). A range of factors were considered within the report to help inform the judgement on the appropriate level of employment need for the district. The key issues identified in the ELR report are set out below:
- The Experian baseline scenario projects that there will be a modest loss in B-Class jobs between 2016 and 2036. In comparison, the demand-led Policy On scenario would generate more substantial increases in B-Class jobs due to economic restructuring and increased local demand for premises.
  - There has been a small net annual gain of employment land each year between 2005/06 and 2017/18. If this trend continues then it would result in a negligible increase in the supply of employment land.
  - There is a net flow of 37,685 residents who commute out from Wyre Forest to work in other areas. Wyre Forest has a lower job density ratio of 0.64 compared to the West Midlands average of 0.79 and neighbouring authorities (0.89 in Wychavon). Rebalancing the land uses of the District to ensure that more (and better quality) jobs are provided could help to reverse this trend and ‘claw-back’ out-commuters, reducing net out-commuting rates. This is already a strategic target specified in the emerging Local Plan.
  - Both of the labour supply scenarios indicate that the labour force (the number of economically active people of working age) is forecast to increase to 2036.
- 5.12 Consequently, on the basis of these considerations for Wyre Forest District, the ELR (2018) study concludes that the employment land requirement for Wyre Forest District should be 29ha of land between 2016 and 2036.
- 5.13 The Pre-Submission Publication seeks to allocate sufficient employment land to accommodate this employment need of 29ha.

5.14 Sustainability Appraisal

5.15 When producing Local Plans, local authorities are required to consider, at each stage of production, the impacts their proposals are likely to have on sustainable development. The emerging Local Plan is subject to ongoing Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment (SA/SEA) as required through NPPF. SA/SEA is a means of ensuring that the likely social, economic and environmental effects of the Local Plan are identified, described and appraised to identify how they support the Council’s sustainable development objectives.

5.16 At the Pre-Submission Publication stage of the Local Plan a SA/SEA has been undertaken. The Sustainability Appraisal (2018) is a detailed technical document and is an important background paper to the emerging Local Plan. It has been used to inform the Local Plan and will be made available as a part of the Local Plan Pre-Submission Publication (Reg 19) consultation.

**6. Consultation Arrangements**

6.1 Cabinet is asked to formally agree the Pre-Submission version of the Local Plan for consultation and to the initiation of the Local Plan Pre-Submission Publication consultation which is planned for November to December 2018, taking account of the recommendations made by Overview and Scrutiny at the meeting held on 25<sup>th</sup> October 2018. The consultation will run from Thursday 1<sup>st</sup> November 2018 until 5pm on Monday 17<sup>th</sup> December 2018.

6.2 The Pre-Submission Publication Consultation will open formally on 1<sup>st</sup> November 2018 for a 7 week period rather than the normal 6 week period; this is in order to allow the public the maximum opportunity to respond to the consultation. The consultation will finish before the Christmas holidays start.

6.3 Consultees will be able to respond to the Pre-Submission document either online, via email or via post, with encouragement to use digital means for ease of administrative handling. Consultation response forms must be used and no late responses will be accepted.

6.4 There will be eight drop-in sessions during the consultation period as listed below for the public to address their questions to staff.

<b>Date</b>	<b>Time</b>	<b>Venue</b>
Friday 16 <sup>th</sup> November 2018	3pm – 7pm	Cookley Village Hall
Saturday 17 <sup>th</sup> November 2018	10am – 2pm	Offmore Evangelical Church Hall, Kidderminster
Tuesday 20 <sup>th</sup> November 2018	5:30pm – 8pm	Heronswood Primary School, Spennells, Kidderminster
Friday 23 <sup>rd</sup> November 2018	3pm – 7pm	Areley Kings Village Hall, Stourport

Saturday 24 <sup>th</sup> November 2018	10am – 2pm	Stourport Civic Hall
Tuesday 27 <sup>th</sup> November 2018	3pm – 7pm	St Georges Hall, Bewdley
Thursday 29 <sup>th</sup> November 2018	3pm – 7pm	Kidderminster Town Hall
Friday 30 <sup>th</sup> November 2018	3pm – 7pm	St Oswalds Church Centre, Broadwaters Drive, Kidderminster

**7. Consultation**

7.1 The proposed public consultation would start on Thursday 1<sup>st</sup> November 2018 and finish at 5pm on Monday 17<sup>th</sup> December 2018. No late responses will be accepted.

**8. Related Decisions**

8.1 None.

**9. Relevant Council Policies/Strategies**

9.1 Wyre Forest District Local Plan Review Preferred Options Document (2017).

9.2 Wyre Forest District Local Plan Review Issues and Options Document (2015).

**10. Implications**

**10.1 Financial Implications**

The cost of preparing the Local Plan Review has been met by the Planning Policy budget. The District Council will be required to meet the costs of the examination of the Local Plan and this will be met from the existing Planning Policy budgets.

**10.2 Legal and policy implications**

10.3 The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.

10.4 The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework (NPPF, 2018) as being:

- **Positively Prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

10.5 In order for the draft Local Plan to pass the tests of soundness, it is necessary for it to be based on an adequate, up to date and relevant evidence base. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan and also has a legal 'Duty to Co-operate'.

10.6 Should the Local Plan be successful at examination stage, the District Council will be required to formally adopt the plan and it will become part of the Development Plan for the purposes of determining planning applications.

## **11. Risk Management**

11.1 The main risks in failing to progress a Local Plan for the Wyre Forest District in compliance with laws, regulations and guidance are as follows:

- The plan is found 'unsound' at examination leading to 'withdrawal' of further work;
- Direct interventions by Government into the District Council's Local Plan making;
- Inability to steer, promote or restrict development across its administrative area;
- Potential damage to the Council's image and reputation if a development plan is not adopted in an appropriate timeframe.

## **12. Equality Impact Needs Assessment**

12.1 No negative impacts have been identified. The number of the policies included within the Pre-Submission Plan help to promote equality and eliminate discrimination.

## **13. Wards affected**

13.1 All wards within the district are affected.

## **14. Appendices**

14.1 Appendix 1 – Local Plan Pre-Submission Publication consultation document. (*digital appendix*).

- 14.2 Appendix 2 – Consultation Responses for the Preferred Options consultation (*digital appendix*).

**15. Background Papers**

- 15.1 Local Plan Review Preferred Options document:  
<http://www.wyreforestdc.gov.uk/media/3024240/Preferred-Options-Document-June-2017.pdf>
- 15.2 Local Plan Review Issues and Options document:  
<http://www.wyreforestdc.gov.uk/media/1462993/I-O-Consultation-Version-September-2015-WEB.pdf>

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