

NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, Cllr Graham Ballinger, as Strong Leader, delegate the decision of Wyre Forest District Council comments to the Cookley and Caunsall Neighbourhood Development Plan Draft Policies Consultation, as detailed in the Forward Plan to the Cabinet Member detailed below:

Cabinet Member for Economic Regeneration and Planning, Councillor Fran Oborski, MBE

Dated: 5th August 2019

Signed:


.....
Leader of the Council

FORM 2**NOTICE OF DECISION OF CABINET MEMBER**

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to *me / by the Leader* (delete as appropriate), I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Cookley and Caunsall Neighbourhood Development Plan Draft Policies Consultation	The consultation comments in Appendix 1 are approved.	Wyre Forest District Council comments on the Cookley and Caunsall Neighbourhood Development Plan Draft Policies Consultation. Appendix 1 sets out the Council's response of which compliance with Wyre Forest District adopted and emerging Policies is a key issue.	5 th August 2019

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 5th August 2019

Signed:

Councillor:

F. M. OBORSKI MBE
Cabinet Member

WYRE FOREST DISTRICT COUNCIL

Strong Leader Report

Cookley and Caunsall Neighbourhood Development Plan Draft Policies Consultation.

OPEN	
DIRECTOR:	Corporate Director: Economic Prosperity & Place
CONTACT OFFICER:	Helen Wills
APPENDICES:	Appendix 1 Cookley and Caunsall Neighbourhood Development Plan Draft Policies Consultation. https://cookleyandcaunsall.co.uk/wp-content/uploads/2019/06/Cookley-and-Caunsall-NDP-Draft-Policies-Consultation-27.06.19.pdf Cookley and Caunsall Development Plan Draft Policies Map https://cookleyandcaunsall.co.uk/draft-neighbourhood-plan/ Appendix 2 Wyre Forest District Council consultation response to the draft Cookley and Caunsall consultation document.

1. PURPOSE OF REPORT

- 1.1 To agree the consultation comments to be submitted to Wolverley and Cookley Parish Council in response to their Cookley and Caunsall Neighbourhood Development Plan Draft Policies Consultation.

2. RECOMMENDATION

The Cabinet Member is asked to DECIDE that:

The consultation comments in Appendix 1 are approved.

3. BACKGROUND

- 3.1 The Localism Act 2011 gave local communities more power to plan for the future of their areas by introducing Neighbourhood Development Plans and Neighbourhood Development Orders. Wolverley and Cookley Parish Council applied to designate part of the Parish that includes Cookley and Caunsall as a Neighbourhood Plan Area on 6th June 2018, this was approved by Cabinet on 19th September 2018.
- 3.2 The Parish Council is currently holding an informal consultation on the Cookley and Caunsall Neighbourhood Development Plan Draft Policies Consultation. This informal consultation period runs from 1st July 2019 to 9th August 2019. In particular, they need to consult with the District Council as to whether the plan meets the specified "basic conditions". These ensure plans contribute to the achievement of sustainable development, have regard to national policy and guidance and are in general conformity with adopted strategic local planning policies and, currently, certain EU obligations.

- 3.3 The Parish Council can then consider the comments from the informal consultation and decide whether to accept them or not, although they will have to ensure that the basic conditions are met.. The next step for the Parish Council would be a formal pre-submission consultation for a minimum of six weeks. They would then submit the Neighbourhood Development Plan to the District Council, following the procedures laid down in the 2012 Neighbourhood Planning (General) Regulations (and subsequent amendments).
- 3.4 Following submission to the District Council, the Neighbourhood Development Plan would then need to be published by the District Council for a further six week statutory consultation period before being considered by an Independent Inspector in an Examination in Public and then a local referendum where a minimum of 50% of those voting must be in favour of its adoption.

4. KEY ISSUES

- 4.1 Specific comments are set out in the consultation response in Appendix 1.
- 4.2 The key issues include the following:
- Wyre Forest District Council is generally supportive of the draft Cookley and Caunsall Neighbourhood Development Plan draft policies consultation.
 - The Neighbourhood Development Plan draft policies document needs to ensure that it is in compliance with Wyre Forest District adopted policy together with policies in the Wyre Forest District Pre-Submission Publication Document.
 - The provision of affordable housing (as defined in the National Planning Policy Framework) should be encouraged from a variety of providers rather than just the Community Land Trust.
 - The vision states that Cookley and Caunsall want to be a sustainable village therefore reference needs to be given to Sustainable Drainage Systems (SUDS) as well as Natural Flood Management.

5. FINANCIAL IMPLICATIONS

- 5.1 The cost of preparing the Neighbourhood Development Plan will be met by the Parish Council. The District Council will be required to meet the costs of the examination and referendum and this will be met from the existing Planning Policy budgets.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Should the Neighbourhood Development Plan, be approved by the community at a referendum, the District Council will be required to formally 'make' the plan (adopt) and it will become part of the Development Plan for the purposes of determining planning applications.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 Not applicable.

8. RISK MANAGEMENT

- 8.1 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. If the District Council fail to engage with the Neighbourhood Plan draft policies consultation it will fail in its duty to give advice or assistance to a qualifying body, this in turn could prevent the community from being able to bring forward their own plan for their area and their community.

9. CONCLUSION

- 9.1 Officers have considered the draft plan and Wyre Forest District Council it is proposed that the comments on the Cookley and Caunsall Neighbourhood Development Plan Draft Policies Consultation in Appendix 1 be submitted to the Parish Council.

10. CONSULTEES

- 10.1 Corporate Leadership Team.

11. BACKGROUND PAPERS

- 11.1 Cookley and Caunsall Neighbourhood Development Plan Draft Policies Consultation is attached at Appendix 1

12. APPENDIX 1

- 12.1 Cookley and Caunsall Neighbourhood Development Plan Draft Policies Consultation.

<https://cookleyandcaunsall.co.uk/wp-content/uploads/2019/06/Cookley-and-Caunsall-NDP-Draft-Policies-Consultation-27.06.19.pdf>

- 12.2 Cookley and Caunsall Development Plan Draft Policies Map

<https://cookleyandcaunsall.co.uk/draft-neighbourhood-plan/>

13 APPENDIX 2

- 13.1 Wyre Forest District Council consultation response to the draft Cookley and Caunsall consultation document.

Appendix 2

Comments on Cookley and Caunsall Neighbourhood Development Plan Draft Policies Consultation.

The whole Plan	The Neighbourhood Plan needs to be in compliance with adopted Wyre Forest District policy and needs to ensure that the policies have regard to those in the Wyre Forest District Pre-Submission Publication Document. Reference should therefore be made throughout the neighbourhood plan to the emerging Wyre Forest Local Plan Review.
Paragraph 1.1	Refers to the Key Issues consultation – when did this consultation take place?
Figure 1	The Neighbourhood Plan process – does the steering group have a timescale for this process?
Figure 2	Map is missing the OS copyright. This also applies to other maps in the document.
Paragraph 2.6	<p>There will be provision of approximately 7 hectares of employment land at the Lea Castle site, as part of the wider scheme.</p> <p>Last sentence needs to make it clear that the access points referred to are part of the planning applications. There will be other access points to the site as part of the wider scheme.</p>
Paragraph 3.1	How many people attended the drop-in session?
Vision	<p>The aspiration for the vision is commendable but the Neighbourhood Development Plan seems to be seeking to support affordable housing only where it is delivered by the Community Land Trust, it is not in the remit of the Neighbourhood Development Plan to state who can bring forward development.</p> <p>The vision states that Cookley and Caunsall want to be a sustainable village but there is no reference to Sustainable Drainage Systems (SUDS). The Neighbourhood Plan gives the opportunity to be more specific about what type of SUDS they would like to see in the Neighbourhood Plan area. An example of SUDS would be the inclusion of green, above ground SUDS to deal with runoff from new development, examples are wetlands, ponds swales and green roofs. The vision could add details with additional information in a policy.</p> <p>A further aspiration for the Vision of a sustainable vision could be Natural Flood Management, this is referenced in the Government's 25 year Environment Plan to assist in the creation of climate resilient places.</p>
Paragraph 4.1	The Neighbourhood Plan should also have regard to the Wyre Forest District emerging Local Plan Review.
Paragraph 4.8	The reference to 4,000 homes is specified in the core strategy however this was established by the now revoked RSS; the housing need for the district is now determined by the Wyre Forest District Housing Need Study (October 2018). This study can be found on the Council website.

Paragraph 4.14	Reference needs to be mentioned of emerging housing needs in order to balance comments in 4.8.
Figure 3	In the emerging Local Plan there is an updated key diagram.
Figure 5	OS copyright will need to be displayed..
Figure 6	The title should say 'Concept Plan for Lea Castle Village' and make it clear that this image is taken from the emerging Local Plan.
CCNDP Objective 1	The draft Neighbourhood Plan is not in conformity with planning policies relating to the delivery of affordable housing and how affordable housing would be delivered.
Paragraph 5.2	The settlement boundary for Cookley is to be amended slightly as part of the Wyre Forest District emerging Local Plan.
Paragraph 5.7	The allocated funding is in the region of £190,000.
Paragraph 5.8	This paragraph is out of date regarding the process of legal set up of the Community Land Trust.
CCNDP1	<p>The draft Neighbourhood Plan needs to ensure that it complies with emerging policies in the Wyre Forest Pre-Submission Plan including housing policies and self build housing (Policy 8D).</p> <p>b) of this policy is not necessary as the Wyre Forest District emerging Local Plan includes policy for Lea Castle site.</p> <p>A policy that requires a proportion of homes (as evidenced by local housing needs survey) to be affordable and remain as affordable housing in perpetuity would be more appropriate</p> <p>We support CLT delivering new affordable homes however, affordable homes can be provided by other parties. The policy does not explicitly exclude affordable development by any other parties, neither does it make provision for it, therefore the policy should be amended so as not to restrict provision of affordable homes by other parties.</p> <p>As highlighted by the community led housing toolkit on neighbourhood planning there are many reasons why a community might want to focus on community led housing as part of a Neighbourhood Plan for their area:</p> <ul style="list-style-type: none"> • A Neighbourhood Plan helps communities make decisions on what type of housing they need, where it should be built and who should occupy it. • It can include policies around affordability, local lettings and retaining homes as community assets in perpetuity. • It can identify specific sites for housing development and specify a proportion of them to be affordable and available to local people in perpetuity, for example through resale price covenants.

	However it is not the role of a Neighbourhood Development Plan to specify who undertakes development or sets out the ownership or partnership arrangements.
Consultation question on page 20	Any sites located in the green belt will be restricted by green belt policy.
Paragraph 5.11	Small scale developments could be defined to make it clearer. Small scale developments may be appropriate in Cookley Village but not at Lea Castle Village where the percentage of affordable homes will be greater.
Paragraph 5.16	Wyre Forest District Council has a Design Guidance Supplementary Planning Document (SPD) which was adopted June 2015.
CCNDP2	Policy could do with being clearer in respect of differing sites. As written it would allow developers to push market housing outside the settlement boundaries. Needs to have a sentence that states something like, outside the settlement boundary of Cookley and other identified sites, housing development will be for affordable housing as part of a rural exception site.
CCNDP3	This Policy is useful: the reference to domestic extensions is helpful, but reference should be made to "original" dwelling rather than existing.
CCNDP4	CCNDP4 – b) this is not in conformity with the NPPF, it tries to introduce the designated heritage asset test under paragraph 196 (NPPF). The true test should be taking a balanced judgement. This sentence needs to be re-written in order to be 'sound'. The correct approach is actually found in paragraph 5.19, this paragraph and the policy need to be aligned.
CCNDP 7	It needs to be justified as to why these sites should be designated as local green spaces (the quotes are incorrect). An explanation needs to be given in the justification as to how these sites are special and how they meet the criteria set out in the NPPF. This policy could be expanded or a new policy added making reference to the protection of natural green spaces such as Island Pool (the actual pool rather than the public house) and Caunsall Marsh nature reserve.
CCNDP7/3	This site is in the Green Belt and therefore would not need to be included in this policy.
Paragraph 5.22	The wording in NPPF paragraph 99 and paragraph 100 differs to that quoted.
CCNDP8	The reference to Lea Castle i.e. second sentence after list should be deleted. Two shops in Cookley are proposed to be protected under this policy however others are not so policy is not consistent. Policy 20 Community Facilities in the Wyre Forest District Pre-Submission Publication document does cover the protection of facilities.

CCNDP9	<p>CCNDP9 – 2nd paragraph. The inclusion of “...such as hot foot takeaways...” puts a focus on hot food takeaways. It is suggested that this is removed. The policy needs to be strengthened to protect all existing retail uses from loss to residential. This will allow the policy to be used to refuse prior notification applications under the Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p>In the emerging Wyre Forest District Local Plan Policy 22G refers to hot food takeaways.</p>
Paragraph 5.28	<p>Reference to the Post Office which closed in 2018, at the present time there is no Post Office in Cookley or Causall.</p> <p>The Settlement Hierarchy document has been updated for the WF emerging Local Plan. The most up-to-date version should be used and referred to here.</p>
Paragraph 5.31 (CCNDP Objective 4)	<p>It states that the neighbourhood area has a limited number of recreational facilities. However for a village area it has many recreational facilities. At the village hall/sports club there are a wide range of facilities that include football pitches, a cricket pitch, bowling green, MUGA and a BMX track.</p> <p>It is welcomed that the Parish Council supports the reinstatement of tennis courts at the recreation ground.</p>
Paragraph 5.31 (CCNDP Objective 5)	<p>This has the same numbering so there are 2 chapters numbered 5.30 and 5.31.</p> <p>The wording in Parish Council Supporting Actions relating to addressing car parking and speeding traffic issues arising from Titan Works could be worded to refer to these issues in the vicinity of Titan Works as this sounds less negative to the Titan works.</p>
Paragraph 5.32	<p>This paragraph refers to the Core Strategy. This should be the Wyre Forest District Local Plan Pre-Submission document</p>
CCNDP12 Lea Castle Village	<p>This policy should be removed in its entirety because it is in conflict with policy in the Wyre Forest District emerging Local Plan.</p>
Further Comments	<p>An SEA screening assessment will need to be undertaken as soon as possible. This will need to be submitted to Wyre Forest District Council who will then undertake a consultation with the three Statutory bodies which are Natural England, Historic England and the Environment Agency. Regardless of whether an SEA is required, it is always good practice for a Neighbourhood Plan to have produced a Sustainability Appraisal report.</p> <p>Reference should also be made to whether a Habitat Regulations Assessment is required. Reference can be made to the HRA screening assessment that was undertaken for the Wyre Forest District emerging Local Plan. This can be found on the Wyre Forest District website.</p>

	<p>The draft Neighbourhood Plan does not refer to flood risk within the Neighbourhood Plan area. Flood risk of developed areas within the neighbourhood plan area is relatively low and confined to localised areas of surface water flooding despite the Stour bisecting the plan area, existing development is set back sufficiently from the river itself and its associated flood plain not to be affected by flooding. Future development should be steered away from any areas believed to be at risk of flooding from any source. This is covered by national and local plan policy but given the prominence of the Stour in the Neighbourhood Plan Area reference to flood risk could be made in the Neighbourhood Plan.</p>
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