

WYRE FOREST DISTRICT COUNCIL

COUNCIL

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

20TH FEBRUARY 2020 (6PM)

Present:

Councillors: S Miah (Chairman), P W M Young (Vice-Chairman), J Aston, G W Ballinger, C J Barnett, J F Byng, V Caulfield, S J Chambers, A Coleman, R H Coleman, B S Dawes, N J Desmond, H E Dyke, P Dyke, C Edginton-White, N Gale, S Griffiths, I Hardiman, P Harrison, M J Hart, K Henderson, L J Jones, A L L'Huillier, N Martin, F M Oborski MBE, T L Onslow, M Rayner, C Rogers, S E N Rook, D R Sheppard, J W R Thomas, A Totty and L Whitehouse.

The Chairman welcomed everybody to the meeting and thanked the members of the public who were in attendance.

A moment of silence was observed in memory of former District Councillors June Salter and Lin Henderson who both have passed away since the last Council meeting.

The Chairman spoke about this week's devastating floods, following Storm Dennis, which have unfortunately directly affected residents and properties in our district. He said our hearts go out to everyone whose home or business has flooded. Wyre Forest District Council will continue to do everything in its power, working closely with emergency services and other agencies, to offer support so everyone directly affected can get back home, get their businesses back up and running and back to normal as soon as practically possible. On behalf of Council, he thanked staff of the Council and all agencies, voluntary bodies and local residents who have been and will continue to work tirelessly to support residents and businesses during this time.

He added that all members were pleased to see that the Council acted quickly to make immediate financial help available to all those directly affected by flooding. Although flood warnings remain, it does appear that the worst may be over, although we should not be complacent. We will continue to work with our partners to support our communities during incidents such as this.

He added that Colleagues will have seen that a motion will be discussed at next week's full council which will give members the opportunity to discuss the flooding incident in detail at that time.

C.57 Apologies for Absence

There were no apologies for absence

C.58 Declarations of Interests by Members

Councillor C Edginton-White declared a Disclosable Pecuniary Interest (DPI) in agenda item 4 – Wyre Forest District Local Plan (2016-2036), as she has a financial interest in one of the sites within the plan and will be leaving the meeting.

Councillor L Whitehouse declared a Other Disclosable Interest (ODI) in agenda item 4 – Wyre Forest District Local Plan (2016-2036), as his Grand-father owns Rock Works and he feels it right to leave the room.

Councillor A Totty made the following statement in respect of agenda item 4 – Wyre Forest District Local Plan (2016-2036);

I am a ward councillor for the area that includes the Kidderminster East Extension and am also Chairman of the Offmore Comberton Action Group, Local plan sub group, which opposes the part of that extension immediately behind the Offmore estate. In both capacities I have been vocal in my objection to the allocation of this site, appearing online and in the press, as a consequence I am unable to come to this meeting with an open mind. As such, I have predetermined my view and shall now withdraw from the meeting.

Councillors C Edginton-White, L Whitehouse and A Totty left the meeting at this point, (6.07pm).

C.59 Public Participation

In accordance with the Council's scheme for public participation at meetings of Full Council, the following members of the public addressed the meeting at this point.

Rachel James on behalf of Claire Wood – Blakedown Resident

Thank you for the opportunity to speak. As a resident of Lynwood Drive in Blakedown, my family will be directly impacted by both elements of the amendment to the local plan proposed at Blakedown station. I addressed the Overview & Scrutiny Committee a couple of weeks ago raising my concerns about the safety of the proposals.

I learnt four things during that Committee meeting...

Firstly, that you, Wyre Forest District Council, were forced into this amendment by Worcestershire County Council – a fact admitted by your own Spatial Planning Officer.

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And secondly therefore, it is clear that the consultation process was conducted only because you had a legal obligation to do so. You never had any intention to pay any heed to the evidence, views, counter proposals or potential comprises submitted as part of that consultation exercise. You knew the plan would simply get rejected by Worcestershire County Council if it did not contain the development at Blakedown station. Ergo the consultation exercise was simply to tick a box.

Thirdly, I learnt that many of you are as unhappy with the local plan, for a variety of reasons, as the villagers of Blakedown are. Your own Sub-Committee for the review of the Local Plan could not even bring themselves to endorse it. Talk about damned with faint praise.

Fourthly, and back to my original safety concerns, I learnt that you relied on Worcestershire County Council's Road Safety Report – as confirmed again by your Spacial Planning Officer.

It may interest you to know that Churchill & Blakedown Parish Council had a meeting with the Highways Officer who prepared the report on the development for Worcestershire County Council. At which it became evident that his report was flawed. The Officer in question had clearly not done his homework on the volume of trains going through Blakedown – 154 per day to be precise. During the meeting, held at the Station Signal Box, he professed himself to be 'surprised' by both the frequency and duration of the level crossing closures – the barriers can remain closed for up to 15 mins at a time.

He also admitted that he had failed to spot that there was a primary school in the vicinity.

As you can imagine, none of that fills us with confidence as to the validity and accuracy of the remainder of his findings.

Add to the fact that his report is to back up an amendment to the Local Plan that, by your own admission, Worcestershire County Council are pushing through. I think it hardly likely that their own report was going to find fault with their proposed amendment – don't you? Turkeys after all do not vote for Christmas.

We do not recognise the need for Blakedown to be responsible for fixing the transport problems for either Kidderminster or more broadly Worcestershire.

*This is not democracy in action.
True consultation has not taken place.
You have bowed to the demands of Worcestershire County Council.
The villagers of Blakedown deserve better.*

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The Wyre Forest electorate deserve better.

And I expect more both of you, our elected officials and of those who serve in our local authority.

So my question to you this evening is when are you going to step up; defend your electorate and do what is right for both Blakedown and Wyre Forest?

Richard Benney – Chairman of Churchill & Blakedown Parish Council

This relates to Policies AM 36.10 and 36.11 regarding car parking in Blakedown.

Our detailed objections are reproduced in Appendix D, but in summary we have obtained legal advice from Counsel at Landmark Chambers, professional planning advice, and transport advice which is that the Submission Plan should not pass scrutiny for the following reasons:

It is

- Unsound – it is not consistent with the NPPF and does not demonstrate exceptional circumstances for the removal of Green Belt*
- Unjustified and Not Legally Compliant:*
- it has not fully examined alternatives,*
- is not based on proportionate or accurate evidence,*
- and proper sustainability and environmental appraisals have not been undertaken.*
- It contradicts the Council's 2017 Green Belt Review*
- The Station Drive site was not proposed in the Call for Sites process despite the County Council saying it was*
- The Council has said it does not want to build more houses on Green Belt than is necessary*
- The Objective Assessment of Housing Needs did not require large scale development in Blakedown or any of the rural villages.*
- The Neighbourhood Plan provides for small scale development but specifically resists large scale development such as this.*
- If there had been an exceptional urgent need for a large-scale development in Blakedown, it would have been included at the Preferred Options stage*
- It demonstrates a failure to consult properly and a failure to cooperate with adjoining authorities to develop a combined strategy to deal with infrastructure issues*
- It has no regard to the adopted Neighbourhood Plan covering the area*
- It uses outdated housing need evidence in particular*
- Why does The Plan continue to use the 2016 based household projections when NPPF and PPG require the assessments to be based on 2014 figures?*
- This artificially inflates housing from 248 to 276 houses per annum and 640 for the Plan period after the 15% allowance*
- If these 600 are removed there would be far less need to develop on Green Belt land*

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- *The parking and transport policies are supported by lately submitted transport papers, the technical accuracy of which is disputed, and the latest one is a study of Hagley.*
- *Depending whose report you read we need 10, 80 or 250 parking spaces?*
- *The most recent evidence in LTP4 suggests only 79 which could be accommodated in Station Yard*
- *The transport evidence is flawed*
- *In support of the Plan the Council uses a recently published study of the A456 in Hagley – NOT Blakedown!*
- *It fails to consider alternatives, such as station expansion and parking provision at Hartlebury or the Safari Park which could better serve the south and rural west of the District and the towns of Bewdley and Stourport.*
- *These could improve rail transport and reduce car journeys for the rural west and south of the District or towns of Bewdley and Stourport where almost 30% of the population lives. or even in Kidderminster where 53% of the population lives*
- *Using a small village to overcome the sustainability issues of District wide problems undermines the sustainability of this Plan.*
- *The Plan lacks a basic level of detail, practicality and knowledge of the local area such as train frequency, the level crossing, access to the site, proximity to a primary school, the existing traffic on the A456 and the unsuitable network of lanes that run from Lea Castle.*

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.

“Exceptional Circumstances” required by NPPF have not been demonstrated to remove the Station Drive site from the Green Belt

The risk in supporting the flawed policies in this Plan is the intervention of the Planning Inspector. That could leave the District unable to manage development across its administrative area as it wishes, and potentially damage the Council’s image and reputation if a plan is not adopted in time.

The Submission Plan should not proceed to examination in its current form. If it does, then we will submit to the Inspector that its preparation has not complied with the legal requirements, it is unsound, and that its deficiencies are incapable of rectification within the examination process.

Sue Fowler – Blakedown Resident

I am Sue Fowler, resident of Blakedown for more than 30 years. I also spoke at the Oversight and Scrutiny Committee meeting a fortnight ago. Then I was trying to make clear the dramatic and detrimental impact the introduction of station car parking 26 times the size of the current provision together with a (for us) large scale housing development will have on

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Blakedown as a village. I also tried to open a route to compromise between Wyre Forest and Blakedown residents, but, as the term is clearly not understood, that door remains firmly shut, adding further credence to our impression that the consultation exercise in the autumn of 2019 was a sham.

At the O&S Committee and at the Cabinet meeting last week, I heard several Councillors express their great reluctance to build any more houses than are strictly necessary on Green Belt land. Well, I have very good news for you – you don't need to build 50 houses on Green Belt in Blakedown, because they aren't necessary – there is no urgent need for large scale development of either social or private market housing in Blakedown. Just look at the Neighbourhood Plan – there's provision for small scale development, but nothing of this size. Look at the Inspector's Review of the Local Plan back in 2003, which specifically confirmed that the Land off Station Drive should remain Green Belt, and that the fact that there is a railway station does not justify further housing development, particularly in this Green Belt location. Look at Wyre Forest's own original Pre-Submission Plan - if these 50 houses were necessary, they would certainly have been allocated back in 2018 after the Green Belt Review, not in June 2019 as a knee jerk reaction to demands from Worcestershire County Council.

We've been told categorically that there will be no changes to the Submission Plan in its current version before examination. My question tonight is – can you confirm that, if (or, we shall try to ensure, when) this particular Amendment to the Plan fails at examination, there will be no change to the Green Belt boundary in Blakedown?

Mike Pitt – Blakedown Resident

My name is Mike Pitt a resident in Mill Close, Blakedown

This development would be on Green Belt Land but seems to pay little attention to the NPPF, in particular that 'planning policies and decisions should protect and enhance valued landscapes. Moreover at the edge of the northern boundary of the site is an area designated a Local Wild Life site including marshlands, pools and wet woodland and is associated with the Churchill and Blakedown streams and pools system.

A WCC environmental report was prepared in connection with the Plan. With regard to the site at Station Drive it states 'The LWS in Blakedown is a highly sensitive habitat which must be protected from development and associated impacts'. There is also mention that some protected species have been reported in the area including Badgers, bats, otters etc.

Marmaris who own the land had previously put in plans to develop this site for car park spaces and houses and it was refused by the Inspector. The Inspector stated that there were no exceptional circumstances why this area

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should be released from Green Belt. Nothing in our view has changed since these plans were rejected.

It appears that some of the councillors/planners did not realise how close the local school is to the proposed development. It is unfortunate that the Education Department chose to assign this school on a Main Road for expansion. The School has been forced to make arrangements with the Sports Committee to use their Car Park as a Drop-off point. The entrance to the Car Park is a narrow drive at the side of the school which is as little as 20 meters away from Station Drive.

The number of children attending Blakedown Primary school has increased by nearly 50% in last 4 years now totalling some 163 and many of these children are transported to the school by parents from outside the area. This has already an effect on the A456 and surrounding roads, the 325 extra vehicles created by the 2 car parks and housing will make the congestion even greater.

The children's safety is paramount we have also had one child fatality in the village going to school and just recently a child was knocked down outside the school.

The level crossing near the site is already dangerous. Network Rail risk assessment of Blakedown level crossing is 4 where a score of 13 is the lowest. As stated by Network rail any new development will result in this score being lowered.

I would hope that the councillors here today will not make the decision on a political basis but on the basis of conserving the Green Belt and the LWS and the safety of all our children.

The Chairman thanked the members of the public for their participation.

C.60 Wyre Forest District Local Plan (2016-2036)

Council considered a report from the Corporate Director: Economic Prosperity & Place to agree the submission of the proposed Wyre Forest District Local Plan (2016-2036) and Policies Map for forwarding to the Secretary of State (including all supporting evidence base).

The Cabinet Member for Economic Regeneration, Planning & Capital Investments presented the report and formally moved the recommendations for approval. She said that in recommending this Local Plan to Council, she recognised that for many members it has been necessary to make compromises; no member wants to see any more development of the Green Belt than absolutely necessary but the council must ensure that it maintains a supply of new housing otherwise it runs the risk of not maintaining our five year land supply and falling foul of the housing delivery test; either of which could actually undermine the value of the plan and expose the whole district to

unwanted development.

She explained that this Local Plan has been in preparation since 2018 and it is now time to submit it to the Planning Inspectorate to hold an examination in public which will consider whether we have a 'sound' plan. She added that we have passed the point now of deliberating on which sites to include or exclude. All of that has been thoroughly consulted on; from the Preferred Options consultation back in Summer 2017 to the more recent Pre-Submission consultations in 2018 and again in 2019. She said that 'soundness' means that the Plan is; positively prepared; justified; effective and consistent with national planning policy, enabling the delivery of sustainable development.

The Cabinet Member for Economic Regeneration, Planning & Capital Investments said that she was pleased to commend the suite of documents that make up the Submission Plan to Council as meeting those tests of 'soundness'. She added that we know there will be matters that some people disagree with and that there are those who will seek to challenge whether the Plan is 'sound'; that will be what the Inspector examines when we submit the Plan. There is no place for us now to consider any amendments to the Plan that would undermine its 'soundness'.

She further explained that the provision of parking at Blakedown is crucial to the Plan using sustainable transport options. It and Kidderminster are the only stations in our District and it is important that we show that we are prepared to promote them for sustainable transport purposes. If we didn't do that we'd immediately face formal objections from Worcestershire County Council as Highways Authority. It would also undermine our plans for other highway infrastructure improvements, such as the A450 and Mustow Green, as the Department for Transport will only support funding for new road schemes where there is demonstrable support given to sustainable transport as well. She added that it would be a glaring omission recognised by any Planning Inspector if there was not additional car parking to support use of the station and a housing allocation for meeting Blakedown's housing growth requirements. Any inspector would want to know why we were not taking the opportunity to use this transport hub fully.

In relation to the recent meeting of the Overview and Scrutiny Committee meeting, the Cabinet Member for Economic Regeneration, Planning & Capital Investments said that she was somewhat surprised to hear the Conservative group's suggested amendment to the Plan, which was that we should revert to the lower housing numbers based on the 2014 Household Projections. She was surprised not only because the higher numbers were in the Pre Submission consultation which was undertaken in 2018 under the previous Administration's leadership, but also because of the implications of using the 2014 projections. If such a change were to be made, it would render the plan before Council tonight unsound and it therefore could not be submitted to the Secretary of State. Such a change would mean a very considerable delay to the progress of the Plan and a not inconsiderable additional cost. It would not just be a consultation on housing numbers that would have to be undertaken: the Council would need to reconsider which sites it no longer wished to bring forward for housing development, which in

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turn would require further transport modelling, remodelling of the viability plan and a refresh of the Infrastructure Delivery Plan, as these are all related.

The Cabinet Member for Housing, Health, Well-being and Democratic Services seconded the proposal. She said whilst all Members share the same concern about agreeing the development of our Green Belt, we are elected to face these difficult decisions and make the right choice for the district as a whole. She added that we must remember that by far the significant majority of the Green Belt will remain protected under the proposed plan. She said that as Cabinet Member with responsibility for housing, she was acutely aware of the need to continue to deliver housing in order to ensure that we can increase the number of affordable housing in the district. She added that in order to be able to do that, we need to maintain a higher level of new housing for the district as a whole; the 2016 household projection figures would enable us to do that. She reminded Members that in November 2019, Cabinet received a report from the Corporate Director: Economic Prosperity & Place, in response to the Council's agreed motion from Council in May 2019, which set out how the Council could deliver more social housing. She said that Members were advised that the most effective way would be to get the Local Plan adopted and she urged Council to agree the recommendations and take the next step in the Local Plan process.

On behalf of the entire Conservative Group, Councillor M Hart said that they had fully considered the matter and reflected upon the position we are in. He acknowledged the need for a property adopted Local Plan and the ramifications for not having one as no body wants hostile developments; particularly in the Green Belt, and it is absolutely essential that we have a five year land supply. He added that departure from using the standardised methodology will need to be fully justified. The Conservative Group were not persuaded that it is fully justified but won't at this stage be making any amendments. In conclusion he said, having had due regard to the legal and professional advice and having considered all of the arguments in particular in respect of the amended preferred options, the Group are not persuaded that the proposed Local Plan is sound.

Councillor Desmond said that failure to have an effective and sound plan would be dangerous for the authority and we absolutely need to have a five year land supply. He acknowledged that there has to be some strategic release of the green belt. However the Conservative Group has always maintained that there should not be one more house built on the green belt that is absolutely necessary. He said that he had concerns over the methodology of the housing numbers being 'sound' as the updated NPPF required us to use the 2014 household projection figures, not the 2016 figures. He added that the additional houses are completely unnecessary because the methodology is wrong and therefore he believed that using the lower figure is the right thing to do.

Upon a show of hands, the recommendations as set out in the report were agreed.

Decision: Council

- 1) Approved the proposed Wyre Forest District Local Plan (2016-2036) and Policies Map (together with the associated evidence base, including the Sustainability Appraisal) for the purpose of its submission to the Secretary of State for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004 (the PCPA 2004) (as shown in Appendix 1);**
- 2) Approved the Table of Additional (Minor) Modifications to the Wyre Forest District Local Plan (2016-36) and Policies Map (as shown in Appendix 2);**
- 3) Approved the submission documents prepared pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Local Planning Regulations) (see Appendix 3);**
- 4) Noted the technical study 'Traffic Demand in the Hagley Area (A456 Corridor)' (in Appendix 4) as a background paper (which has yet to be published by the County Council);**
- 5) Approved the 'Statements of Common Ground' with third parties such as statutory agencies and adjoining Councils (as shown in Appendix 5); and**
- 6) Delegated authority to the Corporate Director: Economic Prosperity & Place in consultation with the Cabinet Member for Economic Regeneration, Planning and Capital Investments for the following matters relating to the Local Plan:**
 - a) To take or authorise such steps as may be necessary for the independent examination of the Local Plan to be completed, including:**
 - i Proposing, requesting from and agreeing with the Inspector, at submission and through the examination, 'main modifications' to the wording of the Local Plan to ensure its soundness and legal compliance, in accordance with section 20(7C) of the PCPA 2004 (noting that 'main modifications' will subsequently be subject to public consultation prior to the completion of the examination and approved by Council);**
 - ii Agreeing 'additional (minor) modifications' to the wording of the Local Plan (noting that these will relate to minor changes which do not materially affect the policies in or soundness of the Plan and will subsequently be approved by Council at adoption);**

- iii Entering into 'Statements of Common Ground' with third parties such as statutory agencies and adjoining Councils;**
- iv Undertaking other tasks pursuant to informing and ensuring the effective running of the examination, including making submissions of hearing statements to the Inspector and providing to the Inspector such further or revised documents or information as may be necessary;**
- v Agreeing Topic Papers including but not limited to housing growth, viability and Green Belt release (noting that these are for explanatory purposes only); and**
- vi Publishing the recommendations of the Inspector in accordance with section 20(8) of the PCPA 2004 and Regulation 25 of the Local Planning Regulations.**

There being no further business, the meeting ended at 6.52pm.