

**Open**

# **Cabinet**

# **Agenda**

**6pm**  
**Wednesday, 13 October 2021**  
**Council Chamber**  
**Wyre Forest House**  
**Finepoint Way**  
**Kidderminster**



## Cabinet

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

<b>Councillor H Dyke</b>	<b>Leader of the Council &amp; Economic Regeneration, Planning &amp; Localism</b>
<b>Councillor G Ballinger</b>	<b>Deputy Leader &amp; Culture, Leisure &amp; Community Safety</b>
<b>Councillor N Martin</b>	<b>Housing, Health, Well-being &amp; Democratic Services</b>
<b>Councillor M Rayner</b>	<b>Finance &amp; Capital Portfolio</b>
<b>Councillor J Thomas</b>	<b>Operational Services</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 25 October 2021.*

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 Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. 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)

Wyre Forest District Council

Cabinet

Wednesday, 13 October 2021

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>
1.	<b>Apologies for Absence</b>	
2.	<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.	
3.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 14 September 2021.	6
4.	<b>CALL INS</b> a verbal update will be given on any decisions which have been "called in" since the last meeting of the Cabinet.	
5.	<b>Items Requiring Urgent Attention</b>  To consider any item which, in the opinion of the Chairman requires consideration at the meeting as a matter of urgency.	
6.	<b>Public Participation</b>  In accordance with the Council's Scheme for Public Speaking at Meetings of Full Council/Cabinet, to allow members of the public to present petitions, ask questions, or make statements, details of which have been received by 12 noon on 4 October 2021. (See front cover for contact details).	

<b>7.</b>		
<b>7.1</b>	<b>Councillor H Dyke</b>	
	<p><b>Local Plan - Main Modifications consultation</b></p> <p>To consider a report from the Corporate Director: Economic Prosperity and Place which informs Members of the progress with the examination of the new Local Plan and to seek approval to conduct a public consultation upon the Inspector's Schedule of Proposed Main Modifications to the Plan and documentation produced under delegated authority.</p> <p>The appendices to this report can be found at:  <a href="https://www.wyreforestdc.gov.uk/reviewreportdocs2109">https://www.wyreforestdc.gov.uk/reviewreportdocs2109</a></p> <p>To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 7 October 2021. <b>(TO FOLLOW)</b></p>	11
<b>8.</b>	<p><b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b></p>	
<b>9.</b>	<p><b>Exclusion of the Press and Public</b></p> <p>To consider passing the following resolution:</p> <p>"That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of "exempt information" as defined in paragraph 3 of Part 1 of Schedule 12A to the Act".</p>	

Part 2

Not open to the Press and Public

<b>10.</b>		
<b>10.1</b>	<b>Councillor J Thomas</b>	
	<p><b>Redevelopment of land, Market Street, Kidderminster</b></p> <p>To consider a report from the Corporate Director: Economic Prosperity and Place to apprise Cabinet of the current position and dialogue with the land owners regarding the proposed exchange of land assets and acquisition of land, Market Street, Kidderminster.</p> <p>To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 7 October 2021. <b>(TO FOLLOW)</b></p>	-
<b>11.</b>	<p><b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b></p>	

WYRE FOREST DISTRICT COUNCIL

CABINET

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

14 SEPTEMBER 2021 (6PM)

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**Present:**

Councillors: H E Dyke (Chairman), G W Ballinger (Vice-Chairman) and M Rayner.

**Observers:**

Councillors: N J Desmond, M J Hart, S Miah, F M Oborski MBE and C Rogers.

**CAB.25 Apologies for Absence**

Apologies for absence were received from Councillors: N Martin and J W R Thomas.

**CAB.26 Declarations of Interests by Members**

No declarations of interest were made.

**CAB.27 Minutes**

**Decision: The minutes of the Cabinet meeting held on 6 July 2021 be confirmed as a correct record and signed by the Chairman.**

**CAB.28 Call Ins**

No decisions had been called in since the last Cabinet meeting.

**CAB.29 Items Requiring Urgent Attention**

There were no items requiring urgent attention.

**CAB.30 Public Participation**

There was no public participation.

**CAB.31 Future High Streets Fund**

A report was considered from the Corporate Director: Economic Prosperity & Place which reports on progress with the proposed delivery models for the commercial development sites which will be enabled through the Future High Streets Fund (FHSF) works and on the future operation of the Former Magistrates' Court (FMC) building.

The Leader of the Council presented the report and formally moved the

recommendations for approval. She said the report provided evidence of the good progress that had been made with the initial arrangements for the delivery of the FHSF. She acknowledged that everyone wanted to see work happening on the ground, but the Cabinet were confident that all the initial hard work was needed and would contribute to the successful end project that everyone wants.

She drew members' attention to key issues outlined in the report with included items such as the submission of the planning application for the FMC building and the need to develop an operating model for the overall management of the creative hub.

The Leader thanked the Chairman of the Overview and Scrutiny Committee, Councillor M Hart, and the Committee for their thorough scrutiny of the report. She thanked Jon Elmer, Delivery Manager - NWEDR, for answering all the questions from the Committee in a knowledgeable and informative way.

The Cabinet Member for Culture, Leisure and Community Safety seconded the proposal.

Councillor Hart presented the recommendations from the Overview and Scrutiny Committee. He said the Committee were unanimous in their support for the proposal.

**Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 2 September 2021:**

**Cabinet AGREED to delegate to the Corporate Director: Economic prosperity & Place, in consultation with the Cabinet Member for Economic Regeneration, Planning & Localism and the Corporate Director: Resources the appointment of Public Sector Plc (PSP Facilitating Ltd) to work in collaboration with the Council's officers to bring forward the business cases for the development sites at the Bullring and Worcester Street/Bromsgrove Street locations.**

**CAB.32 Local Lettings Plans and Rural Housing Policy 2021**

A report was considered from the Head of Strategic Growth to recommend the adoption of the new Local Lettings Plans and Rural Housing Policy. This will align the policy with the Home Choice Plus Allocations Policy and the emerging Local Plan 2016 – 2036 policies and replaces the existing Wyre Forest District Council Local Connection Policy 2013.

The Leader presented the report and formally moved the recommendation for approval.

Councillor Hart presented the recommendations from the Overview and Scrutiny Committee which fully supported the recommendation.

The proposal was seconded by Cabinet Member for Culture, Leisure and Community Safety.

**Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 2 September 2021:**

**Cabinet DECIDED to adopt the Local Lettings Plans and Rural Housing Policy 2021.**

**CAB.33 Worcestershire's Homelessness and Rough Sleeping Strategy 2019 – 2022**

A report was considered from the Corporate Director: Economic Prosperity and Place to agree that the modified Homelessness and Rough Sleeping Strategy 2019-2022 is publicly consulted on in advance of adoption and the preparations for a new strategy for 2022. The current strategy has been amended to take into consideration the changes in dealing with homelessness, as a consequence of Covid 19.

Councillor Hart presented the recommendations from the Committee which fully supported the Cabinet proposals.

The Leader formally moved the recommendations for approval which was seconded by the Cabinet Member for Culture, Leisure and Community Safety.

**Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 2 September 2021:**

**Cabinet DECIDED to:**

- 1.1 Agree the proposed amendments to the Homelessness and Rough Sleeping Strategy 2019 – 2022 are publicly consulted on from 20 September for 6 weeks.**
- 1.2 Delegate to the Corporate Director: Economic Prosperity and Place, in consultation with the Cabinet Member for Housing, Health, Wellbeing and Democratic Services to determine the final form of amendments to the strategy following any changes arising as a consequence of the consultation and that the final amendments to the strategy no later than 31 December 2021.**
- 1.3 Agree that the final amendments to the strategy determined in accordance with 1.2 above be adopted by the Council as soon as they are finalised.**

**CAB.34 Budget Monitoring First Quarter 2021-22**

A report was considered from the Corporate Director: Resources on the Council's financial performance for quarter 1 ending 30 June 2021 and presented the current projected outturn position for the 2021-22 financial year. The report provided forecasts on the capital programme 2021-22 and the final capital outturn for 2020-21 against programme.

The Cabinet Member for Finance and Capital Portfolio presented the report and formally moved the recommendations for approval.



The Cabinet Member for Finance and Capital Portfolio gave a summary of the report and outlined the key issues. She advised that the quarter 1 forecast for the outturn position for 2021-22 showed a welcome saving of £305k compared to the original budget. She added that the Funding Gap Refresh showed improvement with an estimated overall gap of £2m in 2023-24, however there was no room for complacency; the funding gap remained a significant challenge that must and was being addressed.

She added that the report presented early estimates and the ongoing position would undoubtedly be different as there were many variables that the Cabinet will continue to monitor and report on.

The Leader seconded the proposals.

**Decision: Cabinet**

**1.1 NOTED the projected budget variations and comments outlined within the report and appendices 2 to 5.**

**1.2 NOTED the proposal that a net neutral amendment is made to the revenue budget, for the additional funding in respect of the Levelling up fund of £125,000 as set out in paragraph 9.2.**

**CAB.35 Exclusion of Press and Public**

**Decision: "Under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of "exempt information" as defined in paragraphs of Part 1 of Schedule 12A to the Act.**

**CAB.36 Capital Portfolio Fund – Development Funding Proposal**

A confidential report was considered from the Corporate Director: Economic Prosperity and Place to agree a business case to support the development of new temporary accommodation from the Capital Portfolio Fund and s106 funding.

The Cabinet Member for Finance and Capital Portfolio presented the report and drew members' attention to the recommendations from the Overview and Scrutiny Committee from its meeting on 9 September 2021.

The Leader formally moved the recommendations for approval, which were seconded by the Cabinet Member for Culture, Leisure and Community Safety.

Councillor Hart said that the Committee were unanimous in their support for the Cabinet proposals.

**Decision: In line with the exempt recommendations from the Overview and Scrutiny Committee from its meeting on 9 September 2021:**

**Cabinet AGREED:**

- 1.1 The business case for the development of “the Land” as set out in the confidential report to be funded from a combination of the Capital Portfolio Fund, Evergreen Investment, Better Care Fund and s106 money.**
- 1.2 To delegate authority to the Corporate Director: Economic Prosperity & Place in consultation with the Corporate Director: Resources, the Solicitor to the Council and the Cabinet Member for Finance and Capital Portfolio to agree the appointment of the partner as set out in the confidential report, through an appropriate procurement framework, to enable project management and oversight of the delivery of the project.**
- 1.3 To delegate authority to the Head of Strategic Growth to take the steps under the legislation specified in the confidential report arising from the use of the site for the proposed development.**
- 1.4 To delegate authority to the Head of Strategic Growth in consultation with the Cabinet Member for Operational Services to take the steps under the legislation specified in the confidential report arising from the use of the site for the proposed development.**

There being no further business, the meeting closed at 6.37pm.



**CABINET**  
13th October 2021

**Subject: Wyre Forest District Local Plan (2016-2036)**

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Councillor Helen Dyke – Leader & Cabinet Member for Economic Regeneration, Planning and Localism
<b>RESPONSIBLE OFFICER:</b>	Corporate Director: Economic Prosperity & Place.
<b>CONTACT OFFICER:</b>	Kate Bailey – Head of Strategic Growth
<b>APPENDICES:</b>  <i>The appendices to this report can be found at:</i> <a href="https://www.wyreforestdc.gov.uk/revi-ewreportdocs2109">https://www.wyreforestdc.gov.uk/revi-ewreportdocs2109</a>	Appendix 1 – Consultation documents: <ul style="list-style-type: none"> <li>• ED57 - Schedule of Proposed Main Modifications to the Wyre Forest District Local Plan (2016-2036) (July 2021)</li> <li>• ED58 - Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (September 2021)</li> <li>• ED59 - Schedule of proposed changes to the policies map to reflect the proposed main modifications to the draft Local Plan (July 2021)</li> </ul> Appendix 2 – Supporting documents: <ul style="list-style-type: none"> <li>• ED53 - Schedule of Additional (Minor) Modifications to the Wyre Forest District Local Plan (2016-2036) (July 2021).</li> <li>• ED54 - Schedule of Appendix B Map updates (July 2021)</li> <li>• ED55 - Correction Note for document SD03: Amendments to Pre-Submission Policies Map (July 2021)</li> <li>• ED56 - Wyre Forest District Council Five Year Housing Land Supply at 1<sup>st</sup> April 2021</li> </ul> Appendix 3 – Statement of Representation Procedure

## 1. Purpose of Report

- 1.1 The purpose of this report is to:
- 1.2 Inform Members of the progress with the examination of the new Local Plan and to seek approval to conduct a public consultation upon the Inspector's Schedule of Proposed Main Modifications to the Plan and documentation produced under delegated authority.
- 1.3 Agree the Inspector's Schedule of Proposed Main Modifications to the Wyre Forest District Local Plan (2016-36) (shown in Appendix 1 of this report as document ED57) for the purposes of the proposed consultation.
- 1.4 Agree the Schedule of proposed changes to the policies map to reflect the proposed main modifications to the draft Local Plan (July 2021) (shown in Appendix 1 of this report as document ED59).
- 1.5 Agree the Schedule of Additional (Minor) Modifications to the Local Plan (shown as a supporting document (ED53) in Appendix 2 of this report) to accompany the proposed consultation.
- 1.6 Note the consultation supporting documents in Appendix 2 of this report.
- 1.7 Note the Statement of Representation Procedure in Appendix 3 of this report.

## 2. Recommendation

To ensure that Wyre Forest District Council continues to progress a new Local Plan for management of development in the District, it is recommended that Cabinet **AGREE** the following:

- 2.1 To approve the Inspector's Schedule of Proposed Main Modifications to the Wyre Forest District Local Plan (2016-2036) (ED57) and the subsequent changes to the Policies Map (ED59) (together with the associated supporting documents, including the Sustainability Appraisal (ED58)) (all documents listed in Appendix 1 to 2) for the purposes of the statutory consultation.
- 2.2 That the Corporate Director: Economic Prosperity & Place be authorised to conduct a public consultation on the Inspector's Schedule of Proposed Main Modifications and the relevant supporting documents, including the Sustainability Appraisal.
- 2.3 To delegate authority to the Corporate Director: Economic Prosperity & Place in consultation with the Cabinet Member for Economic Regeneration, Planning and Localism to make any such necessary arrangements for that consultation including final review of any detailed modifications issued by the Inspector following the close of the consultation.

### **3. Summary**

- 3.1 Since 2015, Wyre Forest District Council has been working towards the preparation of a Local Plan for the period 2016 – 2036. The Local Plan sets out the policies and plans to guide future development within Wyre Forest District up to 2036. It will be the statutory document against which individual planning applications are determined. The Local Plan therefore has a key role in shaping the future of the district.

### **4. Introduction**

- 4.1 This report is seeking the approval of Cabinet that the Council publish for public consultation the Main Modifications to the Wyre Forest District Draft Local Plan 2016 – 2036.
- 4.2 The Wyre Forest District Local Plan 2016 – 2036 (Local Plan) will be the statutory development plan, which sets out a spatial development strategy for accommodating future development growth alongside the planning policies used to determine planning applications.
- 4.3 The Local Plan covers the period 2016 – 2036 and on adoption will replace the Council’s currently adopted development plan documents. The Local Plan allocations meet the need for 5,520 new homes and 29 hectares of employment land. To keep the Local Plan up to date, there is a requirement in the NPPF for it to be reviewed within five years of its adoption.

### **5. Independent Examination of the Local Plan**

- 5.1 Following four rounds of formal public consultation in the period 2015-19 and the agreement of Full Council at a special meeting held on 20<sup>th</sup> February 2020, the Local Plan was submitted to the Secretary of State for independent examination on 30<sup>th</sup> April 2020. The Local Plan underwent four weeks of formal hearing sessions in January/February 2021, which were led by the appointed Planning Inspector.
- 5.2 The documents submitted for Examination included the Local Plan itself (SD01) (which can be found at [Local Plan \(2016-2036\) Submission Document \(excluding Policies Map\)](#)) as well as a draft ‘Table of Modifications for consideration by the Planning Inspector’ (SD12) and a draft ‘Table of Additional (Minor) Modifications’ (SD11). Both of these documents (SD12 and SD11) can be found on the Council’s website in the Examination Library under the heading ‘Submission Documents’.
- 5.3 Following the hearing sessions, the Planning Inspector issued an advice note on the ‘Preparation of the initial draft schedule of Main Modifications’ (ED46) for the Council in February 2021. This advice note can be found in the Examination Documents as ED46 ( [Microsoft Word - preparation of the Initial draft schedule of main modifications, Wyre Forest District LP.docx \(wyreforestdc.gov.uk\)](#) ). In this advice note, the Inspector gives advice to the Council about the preparation of the draft schedule of proposed main modifications to the Local Plan. The

Inspector's 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 and should be compiled in a separate schedule as 'additional (minor) modifications'.

- 5.4 In the advice note (ED46), the Inspector explains that the proposed Main Modifications schedule will include i) the modifications suggested by the Council in document SD12 (unless they have been superseded/amended during the course of the examination), ii) some of the modifications suggested by the Council in document SD11, which the Inspector considers necessary for soundness, and iii) re-drafted policy, text and tables/graphs as appropriate to address the soundness points raised by the Inspector during the examination. In addition, the proposed Main Modifications also address issues that were raised by the Inspector in her initial questions document ED6.
- 5.5 There were also further Main Modifications identified by the Planning Inspector at the hearing sessions which mainly comprise detailed policy wording which are also required for reasons of 'soundness'.
- 5.6 Main Modifications can only be proposed if they are required to make the Local Plan 'sound' and the issue should have already been discussed at the examination hearing sessions. Main modifications, where relevant, should also be shown on the policies map which accurately illustrates geographically the application of the policies within the Local Plan.
- 5.7 Other minor modifications, such as typographical errors and numbering changes are categorised as Additional (Minor) Modifications which are not the subject of public consultation. However, it is good practice that they are published alongside the consultation on Main Modifications as a supporting document.
- 5.8 The Schedule of Proposed Main Modifications to the Wyre Forest District Local Plan (ED57) and the Schedule of proposed changes to the policies map to reflect the proposed main modifications to the draft Local Plan (July 2021) (ED59) are attached at Appendix 1. The Schedule of Additional (Minor) Modifications (ED53) is attached at Appendix 2. It should be noted that these schedules supersede all previously published versions of the suggested modification schedules (SD12 and SD11) submitted as part of the Examination. All schedules should be read alongside the Submission version of the Local Plan (SD01), which is the version of the Local Plan they are seeking modifications to.

## **6. The revised National Planning Policy Framework (NPPF)**

- 6.1 On 20<sup>th</sup> July 2021 the Government published a revised version of the NPPF. This latest version replaces the previous version of the NPPF published in February 2019. The revised NPPF includes no transitional provisions for local plans that were submitted for examination after 24<sup>th</sup> January 2019. Since one of the tests of soundness of local plans is consistency with national planning

policy, the Council has had to consider whether the revised NPPF has any implications for the Wyre Forest Local Plan 2016-2036. Where implications have been identified, they have been addressed as part of the main modifications.

## 7. The Main Modifications

7.1 The Schedule of Main and subsequent changes to the policies map are attached at Appendix 1. Although, not subject to consultation the Schedule of Additional (Minor) Modifications are set out at Appendix 2, alongside some additional supporting documents. A summary of the key proposed main modifications is summarised in Table 1 below.

Table 1: Key Proposed Main Modifications

Ref	Policy	Key Proposed Main Modification
MM5.1	Policy 5A	Policy 5A (Sustainable Development) deleted as it paraphrases the NPPF and is not necessary to include in the Local Plan. Also, it may give rise to conflict with future amendments to NPPF.
MM6.4 MM6.8	Policy 6A	Policy 6A. Over-allocation of housing changed from 15% to 20%, and total housing supply increased to 6715, mainly through amendment to the capacity of sites and reallocation from employment to housing.
MM8.1	Policy 8A	Policy 8A. Density for all developments expected to minimum 35 dwellings per hectare (dph). Indicative densities added for Kidderminster town centre (70dph), Kidderminster near town centre and railway station (50+dpa), Stourport (50dph) and Bewdley (35dph).
MM8.2	Policy 8B	Policy 8B. Affordable housing provision required for 'major development sites' or sites in rural areas of more than 5 dwellings. ( <i>This is equivalent to the previous policy which required affordable housing for 10+homes or more than 0.5 hectare.</i> )
MM8.2	Policy 8B	Policy 8B. Vacant building credit no longer requires site to not have been in continuous use for any 6 months for 5+ years. ( <i>This is unlikely to significantly affect the deliverability or sustainability of the policy.</i> )
MM8.4	Policy 8C	Policy 8C. Rural exception sites only permitted if 100% affordable.
MM10.1	Policy 10A	Policy 10A. Small scale (<500 m <sup>2</sup> gross) of retail, commercial or leisure uses in rural areas to be supported. ( <i>These points were moved from Policy 10B since Policy 10B is about town centre development. The policy clarifies that area is gross, not net. No significant change overall.</i> )
MM14.1	Policy 14	Policy 14. Land between Kidderminster and Stourport to be safeguarded and implemented as

		Burlish Country Park. Development proposals that would prejudice the provision of the country park will not be permitted.
MM15.3	Policy 15B	Policy 15B. Proposals should aim to improve water quality, not just protect it. Requested by Environment Agency ( <i>see SofCG in Examination Library SD10j</i> ).
MM16.4	Policy 16B and Policy 16C	Policies 16B and 16C. Reasoned justification lists site allocations where implications on waste management facilities and/or minerals need to be considered and measures possibly put in place. Requested by Worcestershire County Council ( <i>see SofCG in Examination Library SD10a</i> ).
MM18.2	Policy 18B	Policy 18B. Infill development in villages and rural settlements should only be to meet local needs and should not be inappropriate development in the Green Belt.
MM20.1	Policy 20A	Policy 20A. New information about requirements for community facilities. ( <i>This simply clarifies and documents what would happen in practice.</i> )
MM22.1	Policy 22A	Policy 22A. Removal of requirement for development in Primary Shopping Frontage area to not result in an adverse cluster of non-retail uses at ground floor level (the 'more than two out of seven rule' previously set out in the reasoned justification).
MM22.7	Policy 22C	Policy 22C. Removal of policy on change of use from retail to alternative uses to reflect Use Class Order Policy. ( <i>Policy removed</i> ).
MM22.8	Policy 22D	Policy 22D. As MM10.1, also existing retail and commercial units in village or neighbourhood centres to be safeguarded.
MM27.11	Policy 27E	Policy 27E. Policy changed from overall promotion of a canal towpath to a statement that development in proximity to the canal should develop a pedestrian and cycle route.
MM30.6	Policy 30.5	Policy 30.5. Land at Bromsgrove Street - change of allocation to include Creative Hub and rationalisation of car parking.
MM30.7	Policy 30.6	Policy 30.6 Timber Yard - Information added about design of future bridge.
MM30.10	Policy 30.11	Policy 30.11 Sladen School Site allocated for mixed use (school + residential) rather than solely residential.
MM30.13	Policy 30.16	Policy 30.16 Severn Grove Shops (FPH/15) – removal of need to replace shopping facilities.
MM30.17	Policy 30.21	Policy 30.21 Land at Low Habberley (WA/KF/3) – addition of requirement that the impact of development on the nature reserve and Local Wildlife Site should be balanced through biodiversity



		net gain, and impact on bats and brown hare need to be considered.
MM30.18	Policy 30.22	Policy 30.22 Land rear of Zortech Avenue to be allocated for Gypsy and Traveller accommodation.
MM30.19	Policy 30.24	Policy 30.24 Rock Works (BHS/17) - change of allocation from carpet heritage to residential.
MM30.25	Policy 30.29	Policy 30.29 Former Burlish Golf Course, allocated for travelling showpeople, needs drainage and sewerage measures to be agreed, and the scale of development should meet only the specific housing needs of the existing family.
MM31.3	Policy 31.2	Policy 31.2 Lea Castle Village – Requirement for a heritage survey added.
MM32.3	Policy 32.2	Policy 32.2 Comberton Lodge Nursery – site to remain in Green Belt.
MM33.4	Policy 33.4	Policy 33.4 Queens Road shops (AKR/10) - removal of need to replace shopping facilities.
MM33.14	Policy 33.18	Policy 33.18 Parsons Chain (MI/3) - change of allocation from mixed use to residential with care home.
MM34.2	Policy 34.1	Policy 34.1 Bewdley Fire Station – change of allocation from residential to food store with residential apartments above.
MM34.3	Policy 34.4	Policy 34.4 Catchem’s End (WA/BE/3) –western parcel, adjacent to All Saints Church, to remain in Green Belt as open space.
MMA.1	Annex 1	The NPPF (para 21) requires Local Plans to make explicit which policies are strategic policies. Annex 1 sets out the strategic policies in the Local Plan.

## 8. Sustainability Appraisal

- 8.1 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 Local Plan has been the subject of 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.
- 8.2 At the Pre-Submission Publication stage of the Local Plan a SA/SEA was undertaken and made available for the Regulation 19 consultation. The Sustainability Appraisal 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 at each plan making stage and was submitted to the Planning Inspectorate for examination purposes alongside the Local Plan in April 2020.

8.3 There is a requirement for the proposed main modifications to be the subject of a Sustainability Appraisal (SA). This has been undertaken by an independent consultant through a new SA report (September 2021) (ED58). The SA report (September 2021) has been produced to assess the proposed main modifications to the Local Plan. The SA has considered the implications of the main modifications and whether the proposed changes alter the conclusions of the original SA (SD04). The SA report can be found in Appendix 1 of this report as document ED58.

## **9. Consultation on the Main Modifications**

- 9.1 After they are agreed, the next step is for the Schedule of Proposed Main Modifications to the Local Plan (ED57) and subsequent changes to the Policies Map (ED59) to be published for public consultation, alongside the accompanying Sustainability Appraisal report (ED58) (Appendix 1 documents). As part of this consultation the Schedule of Additional (Minor) Modifications (ED53) and some additional supporting documents will also be published for information (Appendix 2 documents).
- 9.2 Effectively the Main Modifications consultation is a technical process on behalf of the Inspector which is undertaken by the Council. As such, Officers are not proposing to undertake consultation or engagement activities that took place before the Local Plan was submitted for examination. However, hard copies of the consultation documents will be made available in the district's three public libraries (i.e. Kidderminster, Stourport-on-Severn, and Bewdley).
- 9.3 All consultation responses received by the Council for the Main Modifications consultation will be submitted to the Planning Inspector. At the close of the consultation, the Inspector will consider all the representations received and will decide whether any further recommended modifications are necessary as a result.
- 9.4 All necessary statutory bodies and members of the public on the Local Plan consultation database will be notified of the consultation. Information will be provided via the Council's website and social media. The statutory consultation period is six weeks and Officers propose to run the consultation from 14<sup>th</sup> October 2021 to 26<sup>th</sup> November 2021. The Council's Response Form must be used and those wishing to respond to the consultation will be encouraged to use the online consultation portal system. Late responses to the consultation will not be accepted.
- 9.5 The timeframe would then allow the Inspector sufficient time to consider the representations received and incorporate her findings within her final Inspector's report on the examination of the Local Plan. Subject to the Inspector's overall findings, Officers anticipate that the Local Plan could be adopted in Spring 2022.

## **10. Conclusion**

- 10.1 The Local Plan will provide an up-to-date statutory development plan for all future decisions in Wyre Forest District for the period up to 2036. It has been the subject of extensive and wide-ranging consultation and independent examination over the past few years since the Local Plan review began back in 2015. Consultation on the Main Modifications is the final stage in this process to allow the Council to receive the Inspector's final report and for the Council to adopt the Local Plan.

## **11. Schedule of Additional (Minor) Modifications**

- 11.1 The Schedule of Additional (Minor) Modifications (ED53) is set out in Appendix 2 of this report. The schedule shows the proposed minor changes to the Local Plan and Policies Map, which includes minor amendments, i.e. typographical edits, formatting and factual amendments to the Local Plan that are necessary for clarity and consistency. It should be noted that these changes will not materially affect the policies in or soundness of the Plan and will be considered by the Planning Inspector at examination stage.

## **12. Consultation**

- 12.1 Corporate Leadership Team.
- 12.2 The Local Plan is being considered by the Local Plans Review Panel on 6<sup>th</sup> October 2021 and Overview and Scrutiny Committee on 7<sup>th</sup> October 2021. The Committee's recommendations will be reported to the Cabinet.

## **13. Related Decisions**

- 13.1 Previous stages of development and consultation on the local plan, as set out in this report.

## **14. Implications**

### **14.1 Financial Implications**

- 14.2 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.

- 14.3 Without an up to date Local Plan the Council is increasingly vulnerable to planning applications in areas where it may wish to resist development. The cost of trying to resist developments is generally far higher than the cost of negotiating developments by an up to date Local Plan.

### **14.4 Legal and policy implications**

- 14.5 The legal framework for the preparation, submission, examination and adoption of a Local Plan is set out in the Planning & Compulsory Purchase Act 2004 (as amended). Detailed regulatory requirements are contained in the Town & Country Planning (Local Planning (England) Regulations 2012.
- 14.6 The powers of the Inspector to recommend modifications at the request of the Local Planning authority are established in Section 20 of the Planning & Compulsory Purchase Act 2004 (as amended). The Council requested that the appointed Inspector exercise these powers when the Local Plan was submitted in April 2020.
- 14.7 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, 2021) 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 and other statements of national planning policy, where relevant.
- 14.8 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.
- 14.9 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.
- 14.10 To date, the Examination of the emerging Local Plan has been conducted in accordance with the resolutions of Full Council of 20<sup>th</sup> February 2020.

## 15. Risk Management

- 15.1 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.
- Failure to meet the Government’s Housing Delivery Test.

## **16. Equality Impact Needs Assessment**

16.1 The Council is conscious of the importance of the Public Sector Equality Duty 2010 in preparing the Local Plan and a full EIA screening has been undertaken. The EIA indicates that a number of the policies included within the Local Plan have a positive effect in helping to promote equality and eliminate discrimination. However, the EIA screening highlighted that there is a potential adverse impact to the Gypsies and Travellers community arising from the 2014 Gypsy and Traveller Accommodation Assessment (GTAA). The Council therefore undertook a refresh of the GTAA study and provided the updated GTAA study to the Inspector as part of the examination of the Plan.

## **17. Wards affected**

17.1 All wards within the district are affected.

## **18. Appendices**

18.1 Appendix 1 – Consultation documents:

- ED57 – Schedule of Proposed Main Modifications to the Wyre Forest District Local Plan (2016-2036) (July 2021)
- ED58 – Sustainability Appraisal of the main modifications to the Submission Wyre Forest District Local Plan (August 2021)
- ED59 – Schedule of proposed changes to the policies map to reflect the proposed main modifications to the draft Local Plan (July 2021)

18.2 Appendix 2 – Supporting documents:

- ED53 - Schedule of Additional (Minor) Modifications to the Wyre Forest District Local Plan (2016-2036) (July 2021)
- ED54 – Schedule of Appendix B Map updates (July 2021)
- ED55 – Correction Note for document SD03: Amendments to Pre-Submission Policies Map (July 2021)
- ED56 - Wyre Forest District Council Five Year Housing Land Supply at 1<sup>st</sup> April 2021

18.3 Appendix 3 – Statement of Representation Procedure

## **19. Background Papers**

19.1 Wyre Forest District Local Plan (2016 – 2036) Submission document (January 2020) (SD01): [Local Plan \(2016-2036\) Submission Document \(excluding Policies Map\)](#)

Appendix B Maps (SD01 appB): [SD01-AppB-Local-Plan-2016-2036-Submission-Document-January-2020-MAPS\\_opt-1-.pdf \(wyreforestdc.gov.uk\)](https://www.wyreforestdc.gov.uk/SD01-AppB-Local-Plan-2016-2036-Submission-Document-January-2020-MAPS_opt-1-.pdf)

- 19.2 Wyre Forest District Local Plan (2016 – 2036) Policies Map (January 2020) (SD02): [SD02-Submission-Policies-Map-Jan-2020.pdf \(wyreforestdc.gov.uk\)](https://www.wyreforestdc.gov.uk/SD02-Submission-Policies-Map-Jan-2020.pdf)
- 19.3 Amendments to the Wyre Forest District Local Plan Pre-Submission Publication document (2019) (LPP26): [Amendments-document-2019.pdf \(wyreforestdc.gov.uk\)](https://www.wyreforestdc.gov.uk/Amendments-document-2019.pdf)
- 19.4 Local Plan Review Pre-Submission Publication document (October 2018) (LPP18): [Local Plan Pre-Submission Publication \(October 2018\) \(wyreforestdc.gov.uk\)](https://www.wyreforestdc.gov.uk/Local-Plan-Pre-Submission-Publication-October-2018.pdf)
- 19.5 Local Plan Review Preferred Options document (June 2017) (LPP11): [Preferred-Options-Document-June-2017.pdf \(wyreforestdc.gov.uk\)](https://www.wyreforestdc.gov.uk/Preferred-Options-Document-June-2017.pdf)
- 19.6 Local Plan Review Issues and Options document (September 2015) (LPP04): [Local Plan Issues and Options Paper \(September 2015\) \(wyreforestdc.gov.uk\)](https://www.wyreforestdc.gov.uk/Local-Plan-Issues-and-Options-Paper-September-2015.pdf)

**Officer Contact Details:**

Name: Kate Bailey

Title: Head of Strategic Growth

Contact Number: 01562 732560