

Wyre Forest Local Plan Pre-Submission response

4. Do you consider the Local Plan is:

4.1 Legally Compliant	Yes
4.2 Sound	No
4.3 Complies with the Duty to co-operate	Yes

5. If you do not consider the Local Plan is sound, please specify on what grounds

Positively Prepared	Yes
Justified	No
Effective	No
Consistent with National Policy	No

6. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to co-operate. Please be as precise as possible.

6.1 It is the view of Bromsgrove District Council (BDC) that unfortunately The Wyre Forest Local Plan (WFLP) is unsound, BDC do not consider that the plan is Justified, Effective, or Consistent with National Policy.

6.2 The objection focuses on Policy 12 - Strategic Infrastructure and Policy 13 - Transport and Accessibility in Wyre Forest and the evidence base which purports supports them, most notable the Infrastructure Delivery plan (IDP) and the Transport Modelling Report (TMR).

6.3 Para 16 of the NPPF requires that plans should:
b) be prepared positively, in a way that is aspirational but deliverable;
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

Policy 12 is a generic policy for the requirement of infrastructure to support the plan, and Policy 13 begins to provide more detail on what infrastructure is required. It is the view of BDC that policies 12 and 13 fail to satisfy b) and d) of the above policy. For the reasons expanded on in the paragraphs 6.6 to 6.19 below concerning the evidence base, BDC fail to see how the infrastructure requirements are **deliverable**. BDC also fails to see and how the policy is **clear and unambiguous** on what infrastructure is required, and when and how it is to be delivered. Of particular concern in relation to the clarity of the policy are the inconsistencies between the IDP requirements and the requirements in the policy.

6.4 Para 20 of the NPPF states

Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

It is BDCs view that the concerns expressed about the evidence at para's 6.6 to 6.19 identifies that the WFLP and its evidence base does not at this stage clearly identify in a robust manner the infrastructure required or the impacts of the infrastructure, and therefore the plan is inconsistent with the requirements of para 20 of the NPPF.

6.5 Para 104 of the NPPF states Planning policies should:

b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;

c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

It is BDCs view that in relation to b) and c) above that issues identified with the evidence base at paras 6.6 to 6.19 below shows, that there is not robust evidence which has allowed for any routes to be identified and protected for the bypasses in relation to Hagley and Mustow Green. And that lack of robust evidence, which also include un-costed schemes in the IDP, does not allow for a sufficient strategy for investment in infrastructure to be developed and aligned, therefore the WFLP is not consistent with the requirements of para 104 of the NPPF.

6.6 Paras 6.3 to 6.5 above show how the policies in the WFLP are inconsistent with the requirements of the NPPF, BDCs soundness concerns are also related to the ability of the WFLP to be judged as being justified and effective, this primary concern relates to the evidence base supporting Policies 12 and 13.

6.7 It appears from the published evidence base the main supporting evidence for the transport and infrastructure policies in the WFLP are the IDP and the TMR. Reference is made in both May 2017 and October 2018 versions of the IDP to a transport evidence paper. It has been confirmed by Wyre Forest District Council (WFDC) that there is no transport evidence paper. The May 2017 IDP also states

It should also be noted that local impacts of individual potential development sites can be more easily identified; however, the cumulative impact of development on both the local and wider strategic network is difficult to quantify without undertaking modelling. As detailed above, the WFTM will be used to fully assess all development sites, both individually and cumulatively, to ensure a robust assessment of the likely transport related infrastructure is identified and all appropriate multimodal infrastructure identified to support the preferred option.

For the reasons expanded on below BDC, do not consider that this stated intention of the previous version of the IDP has been undertaken.

6.8 The WFLP contains development allocations across the District, there are some significant allocations to the eastern and north eastern side of Kidderminster. These sites have been in the public domain for a considerable period of time and were part of the preferred options presented by WFDC. BDC responded to the preferred option plan, expressing concern about the possible implications of development in these locations on transport infrastructure in Bromsgrove. At the time BDCs concern was the lack of evidence to allow BDC to make an informed decision on the implications for the district. Sadly little work appears to have been done to strengthen the evidence base and therefore BDCs concern remains.

6.8 turning specifically to the Transport Modelling Report (TMR) BDC has concerns that

- a) The Wyre Forest Transport model is a multi-modal model but only the highway assignment model has been used.
- b) There is a mis-match between the development assumptions in the Wyre Forest Local Plan Review (2016-2036) – Transport Modelling Report and the Wyre Forest District Council IDP.
- c) A simplistic approach to trip generation has been adopted. A single rate assumed for all residential development and a single rate assumed for all job / employment types.
- d) It is not clear whether there has been any optimisation of the highway network in the future year network.
- e) There is no definition provided of “capacity” or “congestion”.
- f) In the Appendix, information on housing is not provided for mixed use development. Housing capacity is provided for residential areas, but the number of jobs assumed for employment is not provided.

6.9 In relation to the Wyre Forest District Council IDP, the following observations are made.

- a) There is a mis-match between the development assumptions in the Wyre Forest Local Plan Review (2016-2036) – Transport Modelling Report and the Wyre Forest District Council IDP.
- b) No reference to modelling 5 years ahead, albeit the IDP refers to national guidance that states that the IDP should be clear for at least 5 years ahead
- c) There is reference to options consultation but no reference to modelling of options.

- d) The document states that where the deliverability of critical infrastructure is uncertain alternative strategies should be assessed. It is not clear if the testing of alternative strategies has been undertaken in the (highway) modelling.
- e) There is no definition provided of “capacity” or “congestion”, so it is not clear how infrastructure needs have been identified.
- f) Not clear how network capacity has been maximised albeit the document states that there is a need to demonstrate that capacity has been maximised.
- g) Not clear on how infrastructure needs have been identified as there is no reference provided to an appraisal or sifting process or definition of need.

6.10 The reason why these elements are a concern and lead to a conclusion of unsoundness relates to the identification of additional congestion on the A456 through Hagley in Bromsgrove. Also the identification of additional congestion on the A448 at Mustow Green which the main route between Bromsgrove and Kidderminster is a similar concern. Both these locations have now been identified as requiring bypasses. It must be stated that in principle BDC does not necessarily object to these bypass proposals, providing they are underpinned by robust evidence of need and more importantly delivery. But for BDC to get to this position it needs to be clear that these proposals are the correct form of mitigation when considered against other options in these locations, and it needs to be clear what the wider cumulative impacts of these proposals are on transport infrastructure. This is important because once the need for them is robustly established; it needs to be clear how these and other proposals will be funded and delivered in a coordinated way. The WFLP requires infrastructure to align with allocated development as they progress to provide the correct mitigation, although it does appear no actual phasing appears in the plan. BDC is unable to establish that a robust process has been undertaken in identifying these schemes as the correct schemes. BDC is also unable to form any view based on the evidence of the likelihood of these scheme being enable or delivered by the WFLP

6.11 In more detail BDC cannot understand the assessment process that has been undertaken to determine the bypass is needed. The adopted Local Transport Plan 4 LTP4 highlights that a review of the junctions in Hagley should take place, to be funded by developers and the LTP. Notwithstanding the technical concerns highlighted at para 6.8 above, the results of the TMR appears to show further congestion in Hagley. The LTP4 junction review requirement appears to have now been superseded by a bypass, there appears to be no evidence to support the need other than the model report. The IDP states *‘Using this information WCC have been able to undertake an assessment of the probable impact on the local and wider network and produce a list of the infrastructure required to support the level of growth. This assessment has been undertaken using the Wyre Forest Transport Model (WFTM).’* The TMR does not mention the mitigation required, it simply shows where the network is affected by development, there are no other published reports referencing the WFTM. Therefore trying to work out how all the schemes have been assessed as being the required, and appropriate mitigation for the level of impact is impossible to do based on the published evidence. The same applies to the Mustow

green scenario where a junction enhancement scheme has been replaced with a bypass. Policy 13 of the WFLP still refers to a junction enhancement scheme, this is the inconsistency referred to at para 6.3 above.

6.12 It is a fact that the IDP schemes haven't been modelled for their impact, as they are not referenced in the TMR. So it is unclear not only what impact a Hagley bypass will have in reducing congestion in Hagley but it is not clear what impact a Hagley bypass might have on other locations, these impacts maybe both positive and negative. The same can be said for the bypass around Mustow Green. For example the Mustow Green Scheme might have an impact on Bromsgrove Town if it increases the volumes which are able to use the A448. Similarly the enhancement scheme on the A450 corridor might have an impact on Hagley if it improves the attractiveness of this route, how would / has that then be factored into the bypass proposals at Hagley. It is accepted that transport planning / modelling is not an exact science, and there will always be impacts of schemes which will not be able to be quantified. In this instance again appears to be is no work which attempts to identify how all these transport schemes work together to mitigate the cumulative impacts of all the developments in Wyre Forest. For these reasons alone BDC does not feel that the WFLP is sound, as key proposals required both within the district but also outside are not robustly justified.

6.13 It could be seen as strange that BDC are objecting to a plan which on the face of it is providing a solution to a known issue; congestion in Hagley. The robust justification for a scheme is directly related to the ability to implement the required scheme. Therefore BDC cannot support the plan if, the need for the scheme is not justified to the extent that its ability to be implemented becomes clear and deliverable.

6.14 The Hagley bypass scheme as identified in the IDP does not have a cost associated with it, the Mustow Green bypass scheme has a £12 million cost associated with it. Neither scheme as far as BDC can ascertain has got a plan which shows the alignment of the road or any technical considerations. Purely by looking at a map, a bypass around Mustow Green would appear to be a shorter piece of road than a bypass around Hagley. Therefore we can only assume that the Hagley scheme will be in excess of £12 million, this is a significant amount of funding which does not have any certainty at this stage. BDC acknowledge that this is a very crude assumption to make on cost, and there are many issues such as underground services etc which can significantly affect the final amount. It is also accepted that as the detail of schemes are worked up more detailed cost estimates can be made. It appears the costs that have been used to inform the viability work, which is part of the evidence base to the plan, are not reflective of or have been informed by these schemes. The approach in the viability work is to use a typical infrastructure cost. However in this instance this typical cost cannot account for all the typical or abnormal costs, as so many of them are yet to be identified.

6.15 It is noted at para 12.3 of the WFLP that

The Council will consider wider infrastructure funding streams as part of the Local Plan Review process and in due course will consider the introduction of a Community Infrastructure Levy in conjunction with the latest Planning Obligations SPD, as adopted by the Council in September 2016.

6.16 BDC do not understand why the consideration of infrastructure funding streams would be left for a plan review to decide. This wording appears verbatim in the preferred option version of the plan and therefore maybe a drafting error. If this is the case then it would suggest that this plan should have considered the funding streams. BDC cannot see where this has been done with any rigour. If a CIL is the mechanism to fund the plans infrastructure, then it would need to be clearly timetabled, and then progressed in line with that timetable to ensure the benefits of having a CIL are realised from all the development in the plan. This would appear to be key for WFDC so many infrastructure schemes have been identified. The Local Development Scheme states that the position on a CIL will be considered alongside the preparation of the pre-submission plan. There is no timetable for the production of a CIL and the WFLP does not clarify the position on CIL. The inconsistent costing information and complete lack of costing in relation to the Hagley bypass, and an uncertain policy regime about infrastructure delivery casts doubt on the funding of a bypass for Hagley.

6.17 The IDP has a lot of high cost schemes in it, and a lot of possibly expensive schemes which have yet to be costed, including the Hagley bypass. If the evidence isn't robust to support the specific requirement for these schemes as a result of development, the likelihood of them being funded by developers or other mechanisms such as Central Government or LEP money is uncertain. Where there are lots of competing schemes it is expected that funding normally be directed at those which provide the greatest direct benefit, such as enabling housing development or providing for economic activity. From the information provided BDC has no way of understanding how much development from specific allocations impacts on Hagley to justify the bypass. This lack of information then makes it impossible to understand the likely level of developer contribution, and therefore if not fully developer funded the likely amount of other funding required. Without being able to understand how much housing and economic development proposals such as the bypass enable, it is impossible to form a view on the likely applicability to the funding streams that are available to infrastructure providers.

6.18 It is accepted that funding regimes are not fixed, and change as government policy is amended, meaning different levels of finance become available. With that in mind BDC accepts that it is not possible to have complete certainty on these issues at this stage in the planning process. But without being able to quantify the impact of individual developments on the scheme being tabled as mitigation, and then being able to quantify the impact of the mitigation even at a basic level BDC fails to see

how the plan can be seen as justified, and therefore also effective if the required funding for the mitigation remains such an unresolved issue.

6.19 In Conclusion it is regrettable that BDC has to object to the plan, but unless the mitigation required supporting the plan cannot be robustly evidenced, which in turn secures the ability for it to be delivered, it is the view of BDC that the plan is unsound as it is not justified, effective, and consistent with national policy.

7. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at 6 above where this relates to soundness. (NB Please note that any non-compliance with the Duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

7.1 BDC consider that the wording of policies 12 and 13 could be amended to strengthen them and provide more clarity in relation to the mitigation required. But as the fundamental issue is with the evidence which underpins these policies without a more robust evidence base BDC do not consider this plan can be made sound with simple policy wording changes.

8. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

~~No I do not wish to participate at the oral examination.~~
Yes I would like to participate at the oral examination.

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To hopefully aid the inspectors understanding of the particular local circumstances specific to the objections raised.