

OVERVIEW & SCRUTINY BOARD INVESTIGATION

TRANSPORT PLANNING REVIEW FINAL REPORT

February 2019



Bromsgrove
District Council
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Foreword from the Chairman

Councillor Luke Mallett

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Summary of Recommendations

After consideration of the evidence available and interviewing witnesses the Overview and Scrutiny Board has proposed the following recommendations, supporting evidence can be found within the main body of this report.

Recommendation 1

- a) That Worcestershire County Council's Highways Team consult with the relevant County Councillor, when consulted in respect of any planning applications. This should be done as a matter of course, as they may have more detailed local knowledge of a particular area.
- b) BDC Members will continue to receive the weekly list of all planning applications.

Recommendation 2

That as part of the response to a planning application the Worcestershire County Council's Highways Team should include a full breakdown of the costs of any infrastructure work which needs to be carried out and provide details of how this work would be funded.

Recommendation 3

That it is recognised that the relationships between Worcestershire County Council and this Council and its parish councils and residents has not been positive and that although the journey to improvement has begun, the improvements to the culture and ways of working need to be ongoing to ensure that the improvements continue.

Recommendation 4

That Worcestershire County Highways Team recognises that there is no "one size fits all" approach. They should remain open minded and flexible in considering the approach to the analysis of planning applications before reaching any conclusions.

Recommendation 5

At the earliest possible stage of the Strategic Transport Assessment the Project Officers from Worcestershire County Council and this Council arrange a briefing for Members in order to provide details of the scope of the Strategic Transport Assessment, the process and relevant timelines.

Recommendation 6

That this Council is fully represented on the Project Team of the Strategic Transport Assessment to be undertaken, by both officer and Member representation.

Recommendation 7

That, throughout the process of the Strategic Transport Assessment, the Strategic Planning Steering Group holds regular meetings dedicated to this with representatives of Worcestershire County Council in attendance, in order to provide updates and listen and taken on board the views of this Council's Members.

Recommendation 8

That the Overview and Scrutiny Board recognises the current need for the additional transport support from Mott MacDonald. However it requests that the Leader and Cabinet make every effort to seek re-imburement of those costs from Worcestershire County Council.

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Background Information

The need for a review of the infrastructure in the Bromsgrove District has been something which has been discussed at length over a number of years at various levels. The frustrations of both Members and residents, in a number of areas in particular, have also been well documented.

The most recent discussions, which have culminated in this report being commissioned, arose from a number of Council meetings, the first on 26th April 2017 when the Council debated the Council's response to the Worcestershire County Council's Local Transport Plan 4 (LTP4) consultation. Further issues were raised and discussed in detail when the minutes of this meeting were received at the Council meeting on 21st June 2017. At this meeting, it was agreed that Mott MacDonald or a similar organisation would be appointed to undertake independent traffic data monitoring. A notice of motion was then submitted at the Council meeting held on 20th September, which was withdrawn at the meeting, following agreement that a full report would be brought forward to the Council meeting in November 2017 for discussion.

A full timeline summarising when relevant matters have been discussed at various meetings is attached at appendix 1.

It had initially been agreed at the Council meeting held on 20th September 2017 that a report would be presented to full Council in respect of a number of the issues raised in relation to infrastructure within the District and the work of Worcestershire County Council Highways (WCC). However, it was subsequently agreed by the Group Leaders that it would be more appropriate for the Overview and Scrutiny Board to consider the matter. At the Overview and Scrutiny Board meeting held on 27th November 2017 a briefing paper was tabled, which contained details of the areas to be covered by that report. On consideration of that paper, the Board did not believe it went far enough in addressing all the issues which had been raised over recent months. Particular reference was made to the work which had been carried out by Mott MacDonald and the analysis of traffic counts and the Barham model, together with a response from WCC on the points which had been tabled at a previous Council meeting. Following lengthy discussion the Board agreed that what was proposed to be in the report was not sufficient and did not respond to all the questions raised by Members. It was therefore agreed that the matter be included on the Overview and Scrutiny Board's work programme with all relevant stakeholders invited to attend a future meeting in order to give them the opportunity to respond to the questions raised.

The following chapters of this report will provide information on the investigation which was carried out by the Overview and Scrutiny Board, together with a chapter in respect of Lessons Learnt and finally a Chapter on Going Forward and doing things differently, together with how this could be achieved.

Chapter 1

The Investigation

As highlighted in the background information provided it is clear that this subject has been both well documented and discussed at length on many occasions. This Chapter will therefore concentrate on discussions held at four key meetings, three public meetings of the Overview and Scrutiny Board held on 27th November 2017, 15th January 2018 and 24th May 2018 and a fourth meeting held in private on 23rd October 2018. The purpose of the private meeting was to enable a more open and honest discussion between a small group of Members from the Overview and Scrutiny Board supported by the Strategic Planning and Conservation Manager and officers from WCC, with the hope that the matter could be brought to a satisfactory conclusion for all concerned.

27th November 2017

At this meeting, under the Work Programme item, Members considered a briefing note from the Strategic Planning and Conservation Manager which summarised the general position in relation to the work of the consultants providing transport planning advice to the Council, following the resolutions made at the Council meetings in April and June 2017. It responded to concerns raised by Members at the September 2017 Council meeting and highlighted the way forward to ensure current planning applications could be considered by the Planning Committee and the ongoing strategic work which would require further resourcing. It was agreed that any report would, in the first instance be considered by the Board prior to its consideration at Council.

Whilst it was anticipated that the initial report would come forward to the December meeting, the Chairman and Members were concerned that it would not address all the issues which had been raised over a number of months. The aim of the meeting therefore had been to ensure that all areas discussed would be included and if it was felt necessary, the timescale would be extended to ensure that happened.

The minutes from the Council meeting on 20th September 2017 provided a detailed record of those areas discussed. This included the data which had been gathered in previous months, the importance of the relevant officers from WCC being present at any future meeting where these matters were discussed in order to give them an opportunity to put forward any response. The release of the data sets was also discussed and it was questioned why WCC were unwilling to share this information even through a Freedom of Information application had been made.

Members highlighted that it was important that consideration be given to the future needs of Bromsgrove in the form of forward planning and ensuring that not only the current data was accurate but ensuring that modelling was

carried out in order to see what the position would look like as far ahead as 2030 due to the impact of future developments and projections.

The main areas of concern were the need for an explanation and acknowledgement from WCC and its officers as to why the previous model assumptions appeared to be inaccurate and the impact that this had had on the Council and its residents. It was also felt important that any report produced should enable both Members and residents to understand the position and have confidence that the information being provided within it was correct.

In total there was over twenty bullet points highlighting areas of concern from Members, which it was felt needed to be addressed and included within any report. It was therefore concluded that before this process could move forward a meeting needed to be held with all relevant parties present in order to respond to those points and any further questions which arose from that meeting. However, whilst in agreement with this, Members were keen to ensure that the investigation was treated separately from the planning application process and that it did not prevent work being carried out on any planning applications coming forward or the Planning Committee decision making process. It was understood that the work commissioned by Mott MacDonald would mitigate this to an extent, however it was noted that there were financial implications for the Council by commissioning this work and at this early stage Members were already questioning whether it was appropriate to seek compensation of some sort from WCC in respect of those costs.

15th January 2018

Officers from this Council arranged for key officers from WCC to attend this meeting. They had been provided with a copy of the relevant minutes from previous meetings in order to give them an overview of the areas which would be covered and the questions they would be asked at this meeting.

Following introductions and WCC officers giving a steer as to what they saw as their role within the process (it was stated that they had already provided the Strategic Planning and Conservation Manager with information for his report and if further information was requested then discussions would take place to assist with the report). It was agreed that the best way forward was to take each bullet point from the previous meeting and allow WCC officers an opportunity to respond.

The first initial part of the meeting concentrated on the data sets, their release and explanations as to why these had been withheld. It was explained that as there were a number of applications still in progress they had not, on legal advice at WCC, been able to release that data. However, following further discussions they had been informed that this was now possible and were happy to share this information outside of the meeting. The traffic count data, which had been gathered in previous months, was also highlighted, as Members had raised concerns, as this had been different to that expected, in fact some had been expected to show a reduction in traffic numbers when in

fact they had shown an increase. With this much variance Members again raised concerns around how this would impact on data for future years when the revised assumptions fed into the planning process. WCC officers explained that the data was merely a snapshot and not used to forecast future needs. This was done by using national data and recognised modelling in respect of traffic growth, together with a significant amount of detailed analysis. It was further explained that there was a high cost to such modelling and currently there was a limited number of areas which were undergoing such work.

Members continued to questions WCC officers in respect of the data and modelling used and it was noted that in some cases this had been out by as much as 8%. The continued concern was what the impact of such varying data would be on future modelling. WCC officers responded that they were aware of the lack of confidence from the Bromsgrove Members and that they hoped this and future meetings could address some of the concerns and help to restore that confidence.

Members went on to question WCC officers in respect of both the use of BaRHAM and its cost to WCC. WCC officers advised that this model had been built for one particular case, but had begun to be used for areas outside of its original purpose and was subsequently withdrawn, the consultants who had built it had accepted that the cost to WCC was zero.

Following discussions around the general data and modelling, Members went on to discuss the impact on a number of recent developments in Hagley and whether the data used had been accurate and whether the appropriate infrastructure had been put in place to mitigate the growth. Members were led to believe that funds available to WCC had been spent elsewhere within the County but that Bromsgrove had not benefitted from these. WCC officers confirmed that a number of the points raised would be addressed again and that it was important that everyone looked very hard at future growth and forthcoming big issues around existing growth to ensure that the right plans were put in place to address these and to ensure that the Council got as much benefit as possible from the highways and other infrastructure strategy.

This led on to discussions around clarification of the budget that WCC held and the practicalities around its distribution. It was questioned how the existing budget was allocated across the County and that some areas appeared to receive a disproportionate amount of funding compared to others.

The Head of Planning and Regeneration also commented on the discussions and made particular reference to confirmation by WCC that the BaRHAM model was not fit for purpose. She also commented that she took comfort from the data provided by Mott MacDonald for a number of planning applications moving forward. Once again, the cost of this was raised by Members and the possibility of recouping some, if not all of this, from WCC. She also made a number of interesting points, which resonated with Members, in particular she reiterated the lack of confidence in WCC Highways and the importance of the developers being aware of the new dimension to

working together to ensure that lack of confidence was repaired and she stressed the need for WCC to work collaboratively with this Council to ensure that transport issues were identified and considered fully so that going forward the appropriate sites for development were identified.

Members also discussed Air Quality in a number of areas, together with the Air Quality Management Areas which were already in place within the District. Worcestershire Regulatory Services officers were in attendance and discussed how unacceptable levels of pollutants could be addressed and the impact on the health of residents. The types of monitoring were also discussed and the levels set nationally, together with long term health implications and the Council's legal duty to reduce emissions. This is an area which the Board has taken an interest in previously, with a Task Group being established in 2012 and a detailed report going to Cabinet in September 2013. The Board has always shown a keen interest in ensuring that the appropriate monitoring is carried out and have pre-scrutinised a number of reports on the subject over recent years.

At the end of the meeting a summary of the main areas covered and actions arising were given to ensure it was clear as to what was expected from WCC officers at the next stage of the investigation.

24th May 2018

Members had continued to receive verbal updates at previous meetings and had been advised that the delay in receiving the final report had been due to the lack of appropriate responses to the points raised by Members, being provided to the Council's officers by WCC officers.

The Chairman advised Members that the matter had been discussed at WCC and as a result it had been agreed that WCC officers and Councillor K. Pollock, the Cabinet Member for Economy and Infrastructure should attend the meeting. There was also a report presented to the Board which had been produced by the Council's retained highways consultants, Mott MacDonald. This report had been produced in response to a request from the Board to examine the study undertaken by JMP who were commissioned by WCC to examine the need for a Western Distributor/Bypass. It was noted that Councillor Pollock had not agreed with the conclusions in the Mott MacDonald report. It was confirmed that the JMP report had been funded by WCC and was not connected to any developers.

Concerns which had been raised as far back as 2016 were referred to and showed that there had been a consistent view that the review had been flawed as it had not taken the right approach or used the correct methodology and this document had been relied on to make decisions. In particular reference was made to the Council District Plan and it was clarified that this had been adopted and the key therefore was to ensure that the appropriate highways mitigation was in place and it was therefore important to thoroughly understand the infrastructure as part of that work.

Reference was made to a scenario where a new development had been agreed despite public concerns about the impact of it on local roads and infrastructure. In that case the WCC Highways had accepted, without question, the views of the consultants who, it was understood, had been paid for by the developer, to consider the mitigation required. It was confirmed that the Mott MacDonald report had not been shared with JMP although it was suggested that it would be useful if it was and they be asked for their views on it.

Councillor Pollock had expressed sympathy for the local District Councillors and residents who experienced traffic issues on a daily basis. He referred to a number of projects, including the Highways England M5 Motorway project at junctions 1 and 2 and that there had been little regard for the impact on the local areas when traffic had been diverted off the motorway.

It was suggested by the Portfolio Holder for Planning Services and Strategic Housing that the Mott MacDonald report be sent back to JMP and that they be asked to rectify the report that they had produced and consider if the information within it was correct or not or alternatively it was suggested that JMP be asked to put together a new report responding to the questions raised.

Concerns were raised by the Head of Planning and Regeneration that the report requested by the Board was more of a highways engineer role and therefore suggested that it may be more appropriate for that report to take a more holistic approach as opposed to getting entrenched in the detail of particular areas and problems.

23rd October 2018

Following the various discussions and the delays in getting information from WCC it was decided that a small group of Members of the Overview and Scrutiny Board (Councillors S. Colella, P. Thomas and S. Webb) and chaired by the Overview and Scrutiny Board Chairman (Councillor L. Mallett), together with the Strategic Planning and Conservation Manager would arrange to meet with WCC officers to try to bring this matter to a satisfactory conclusion for all concerned.

This meeting was planned for 23rd October and at the beginning of it the Chairman highlighted three key areas which he felt should be covered by the report, which are the areas detailed in chapters 2 and 3 of this report.

Frank and open discussions were held at this meeting and the Strategic Planning and Conservation Manager questioned whether there was any value in looking back over the previous minutes and concerns raised by Members as these had been so well documented and he felt it may now be more useful to look forward and find ways in which to address the issues raised and ensure that they were not repeated. However, Members were of the view that in order to move forward it was important to understand the historic part of the process and why issues that had built up over time had resulted in the

Council's current position. This would then allow the Council, its officers and Members to move forward and ensure that similar mistakes were not made in the future. Members were of the view that it was important to recognise the danger of history repeating itself. It was however acknowledged that there may be some questions that were not able to be answered.

Members went on to discuss case studies which validated the use of Mott MacDonald "checking" the work of the Highways team and it was agreed that that fed into some of the questions which had previously been put forward and was there as a supporting challenge. It also provided Members with the confidence to make the right decisions with future planning applications, knowing that this work had been carried out. This again brought Members back to the discussion around the ongoing cost of Mott MacDonald's work and the long term financial impact to the Council and whether this cost should be reimbursed by WCC.

Members also discussed with the WCC officers both the data and modelling used, in particular the traffic surveys undertaken in May/June 2018 and how the information was gathered. The methodology used by WCC was also discussed in detail and again the accuracy of the data which was produced from it. Particular sites in some Wards were discussed and it was questioned as to why data collected by a developer was not checked and verified before being used in the decision making process.

Problems arising from developments which were in addition to those initially identified were also discussed and it was highlighted that these would not be included in the original plans. This showed that developers did not look at the wider picture, but just at the initial impact from their development. Whilst it was suggested that it would not be in the developers' interest to do this, it was something which needed to be looked at more closely to get a true picture of the impact of any development.

WCC Officers confirmed to Members that the developers put forward their proposals and the WCC responded to what had been provided. It was not for WCC to question what had been put before then. However, if there was any particular concern arising from the proposals then they would pass the information to an independent consultant and challenge its content. Members suggested that WCC officers needed to be flexible in their approach and ways of working to ensure the right decisions were being made.

One of the most important areas discussed was the use of local knowledge. It was noted that WCC officer on occasion contacted the County Councillor for a particular area and it was suggested that whilst this was useful, that the Ward Councillor would have much more detailed knowledge of an area which could prove invaluable to officers. This would also allow for concerns to be raised formally at an early stage and would show Members that their view was being taken seriously.

Members continued to reiterate that their concern was the understanding (or lack) of the base situation in Bromsgrove and lack of confidence in the various

models used, which had been confirmed by these being found to be not fit for purpose. There were very specific underlying problems in Bromsgrove, not just the number of vehicles or growth, but roads and junctions which were already at capacity and this was “growth” above and beyond that expected and led by the motorway network and commuter traffic. The set of circumstances were so unusual that they made the current infrastructure unbearable. It was further questioned as to whether WCC corporately were taking responsibility for mistakes which had been made both in the recent past and historically, which had had a detrimental impact on Bromsgrove District.

Further discussions took place around the delivery of the infrastructure in certain areas and the ways in which it could be funded. Members discussed SIL and IDP payments and the consequences should contributions not be in place. It was suggested that developments should not be moved forward if they did not have details of how the infrastructure would be funded included within them. Whilst it was understood that WCC would try to get as much of the funding as possible from the developer the concern was that if WCC did not have the funds to complete the work needed then it would not be carried out. Members further questioned how WCC could agree to a development when they were aware that the developer contribution would not be sufficient to fully fund the infrastructure needed and they themselves did not have the funds available to cover the balance.

Members went on to suggest that as part of the planning applications, where the Highways Team was consulted, a breakdown should be included of where the money for covering the work needed would come from and should clearly state how the gap would be met. Members believed that it was important for this to be included as it would give them the confidence that not only was it recognised that the work needed to be carried out but that there was a commitment to make it happen. This could also be used as the beginning of a tracking process that once the development was completed, that the necessary work had been carried out, as Members believed that there should be a clear audit trail which showed that this had been followed through.

WCC officers stressed their concern that the Council’s confidence remained very low and they hoped to be able to work with officers and Members to repair the damage which had been done.

Chapter 2

Lessons Learnt

Chapters 2 and 3 of this report can be broken down into four specific areas for discussion:

- Questions and answers to those questions
- Lessons learnt
- Confidence going forwards including doing things differently to achieve that.
- Future priorities and the plan making process.

Whilst future priorities and the plan making process have been dealt with separately and in more detail, under Chapter 3, confidence going forwards is also touched upon within this Chapter and is an area which Members have come back to on numerous occasions. The ongoing lack of confidence felt towards WCC has been highlighted by the continued use of Mott MacDonald and the need of the Council to seek that support to enable them to continue carrying out its every day duties as the planning authority.

It is acknowledged that there have been issues to tackle over recent years; it is considered that ensuring a new way of working going forward is the key element to focus on and not forensic investigations into the past.

As highlighted in the previous chapter at a number of Overview and Scrutiny Board meetings specific questions have been posed by Members, the questions and where possible the answers were eventually responded to formally by WCC in a document, Formal Response to BDC – Overview and Scrutiny Committee dated July 2018. It should be noted that's some of the questions posed are not questions that can be answered. Notwithstanding this Members were in many cases disappointed with the responses received and have continued to press for more detailed and appropriate answers to the questions they have raised, together with an acknowledgment from WCC that they were to blame for some of the mistakes that had clearly been made.

From the Council's perspective a key lesson to be learnt is the level of evidence and analysis that can be generated when considering the provision of transport infrastructure.

WCC have accepted that there were issues with some of the work that has been undertaken by them in recent years, particularly around the input into the previous Whitford Road application and subsequent appeal inquiry, and the commissioning and production of the BaRHAM model. This acceptance was welcomed and it is hoped that WCC's commitment to the processes outlined below will ensure that Member confidence can be restored in the work undertaken by WCC Highways.

Although engagement does take place at the moment, WCC officers have committed to higher levels of engagement with both BDC Members and officers to ensure that confidence can be restored.

A number of previous reports have been produced and circulated which review work undertaken by WCC or their consultants, such as BaRHAM and the Western Distributer feasibility assessment; these have been listed in the background papers section of this report.

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Chapter 3

Going Forward, Future Priorities and the Plan Making Process (doing things differently)

The Board acknowledges that there is a need to move forward and for the confidence in Worcestershire County Council (WCC) to be rebuilt and restored. The previous chapter it was discussed how lessons can and must be learnt from the mistakes made and the need for this to be acknowledged by WCC. It is also important for them to assist in the process of rebuilding that confidence in order for both Councils to be able to work together in the future.

From the information that the Board has received it believes that the future priorities can be broken down into two specific areas

- Progressing planning applications
- Strategic Transport Assessment

The progression of the current large scale planning applications needs to remain a focus. These allocations are contained within the Bromsgrove District Plan (BDP) which remains sound only relatively recently being adopted in January 2017. The detailed work which is currently being progressed to provide the technical solutions to allow for these schemes to come forward needs to continue. This work is being done to satisfy the policies contained within the BDP. It is envisaged that Mott MacDonald will continue their role in advising the Council on this over the coming months.

Strategic Transport Assessment

Members will be aware of the recent consultation on the Issues and Options for the Bromsgrove District Plan review. Within that documentation sections were included on:

- Growing the economy and the provision of strategic infrastructure
- Transport

These sections begin to set the scene for what challenges need to be overcome as the plan review progresses. The responses to the issues and options consultation are still being assessed and will be reported back to Members in due course through the Strategic Planning Steering Group. These sections of the issues and options contain questions which will provide the Council with some evidence on what and where there are issues with transport across the District. The key here is evidence, and this is what the Strategic Transport Assessment (STA) will provide.

Discussions have and continue to take place between this Council and WCC about the scope and content of an STA. Officers and Members at both

organisations have committed to producing an STA which will directly inform the content of the Bromsgrove District Plan review as the plan progresses.

What is an STA?

An STA is recommended by the Planning Practice Guidance (PPG) as a tool to inform the plan making process. The PPG provides some detail on what a STA should contain but, it is not prescriptive on the exact details and approach, therefore it is important that the approach taken is robust and comprehensive.

The Board are advised that the discussions to date have been positive and agreement has been reached on exploring a three stage approach to the STA which is outlined below. It must be stressed though that this approach could change in response to the evidence available and the requirements of the plan making process. Those three stages are detailed below.

Historically planning authorities have provided WCC with development sites; they have then been assessed and information provided on what infrastructure is required to enable the site, this is the “predict and provide” approach. This approach, although not necessarily the wrong approach, has not worked particularly successfully in Bromsgrove due to the complexity of the transport network.

The iterative evidence based approach which is now being progressed will allow for a much more robust analysis of site options which can be tested against current and future transport conditions.

1: Establish baseline position

The first step is establishing a baseline i.e. a factual position of how the transport network operates, it is then possible to quantify the current issues, and then in turn quantify impacts of development more thoroughly. The types of data needed to build the evidence could include:

- Up-to-date traffic counts for peak periods including turning movements at junctions
- 12 / 24-hour automatic traffic counts
- Queue length surveys at junctions in that area considered to be critical
- Journey time surveys of key parts of the network
- Freight counts (if applicable and seen as a problem)
- Pedestrian and cyclists counts
- Capacity data for public transport services (rail and bus)
- Car park data
- Accident data on key parts of the network where development impacts are greatest
- Emissions/ Air Quality data

This data will allow this Council/WCC to properly see the constraints and opportunities on the network, which will help inform the spatial distribution of development. As this data collection/analysis work progresses decisions can be made on the correct assessment tools for stages 2 and 3. This is the iterative element, it is critical to make sure that the correct tools are procured to do the job, rushing to procure tools without a better understanding of the challenge could lead to the wrong tools being procured.

2: High level scenario testing

Once the baseline has been established testing of options at a high level can commence. The first level of testing is envisaged to be at a strategic level, testing zones, corridors or other large areas rather than individual sites. This will allow this Council to filter out areas which are likely to have a severe impact on the network which is unlikely to be mitigated. This will also allow the Council to begin testing large scale interventions such a new roads etc. The advantage of this approach is that these interventions are tested in a wider context in conjunction with other options and not in isolation as was done with the western distributor proposal.

3: Transport modelling

This is the more detailed modelling which will look more closely at sites; through this work the Council will clearly be able to quantify the specific impacts of larger development sites. Through this process the Council would also run development scenarios with the mitigation in place, to test that it actually does mitigate the impact of development. This various outcomes from this work will directly inform the preferred option plan.

The timescales for this work are being considered at the moment but it is likely to take up to 18 months to complete this work. This is normal and other evidenced base work which will inform the revised Plan will be developed alongside this evidence. In addition to this work, other transport related work is also taking place which has been summarised in below.

A key part of the STA's future success will be ensuring that BDC are fully represented at all stages and levels of the project. To that end terms of reference have been agreed whereby which the Council's officers are both project managing the STA alongside officers from WCC and other district planning authorities and the Council will also have membership of the board which is overseeing the project. Part of the terms of reference also requires regular update reports being produced to ensure the project stays on track.

Areas to Note

Financial and Legal Implications

For the immediate future the Council will still require the support of Mott MacDonald to ensure that the large planning applications are able to progress to Planning Committee and that the Strategic Transport Assessment will be fit for its intended purpose.

The Council as the local planning authority is under a statutory duty to determine planning applications within certain timescales unless varied by agreement with the developer. Failure to do so could lead to appeals for non-determination. Therefore the Council should do all it can to place itself in a position to determine planning permissions.

Service/Operational Implications

Over a considerable period of time there has and continues to be an enhanced level of scrutiny over how transport planning is carried out across Bromsgrove. Much of that scrutiny has been on the role of Worcestershire County Council. The triggers for this scrutiny have included the planning applications for both Whitford Road and Perryfields Road, as these are live applications this report can not address specific detailed issues in relation to them.

Risk Management

The main risk associated with this report is the ability of the Council to carry out its statutory planning function effectively. This function is both in relation to determining planning applications and producing a development plan. Effective transport planning is key to both functions if this does not take place then the risks of planning appeals and unsound plan become more heightened.

Conclusion

As can be seen from this report it is acknowledged by the Board that there has been issues previously with the way that Transport planning has been carried out in Bromsgrove. Whilst that is unfortunate, a new approach has been identified and detailed within the report and which, assuming all parties engage in it fully, will ensure that going forward transport planning will play a much more effective role in the wider strategic planning function of the Council.

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Timeline of Events

26 th April 2017	Council Minute No 109/16 – Council response to Local Transport Plan No 4 Consultation. Detailed discussions took place and Members aired their concerns around the impact of the proposed plan and the need for action to be taken in the Bromsgrove District.
21 st June 2017	Council Minute No 13/17 – discussion under the minutes from the meeting on 26 th April 2017. Members again discussed their concerns as length, reiterating those which had been raised at the previous meeting. It was agreed that Mott MacDonald or a similar organisation would be appointed to undertake independent traffic data monitoring.
20 th September 2017	Council Minute No 55/17 – Notice of Motion from Councillor L. Mallett in respect of the WCC's highways data from 2017. Following a lengthy debate the motion was withdrawn with the agreement that a report on the matters raised would be brought back to Council in November.
30 th October 2017	Overview and Scrutiny Board Minute No 51/17 – Pre-scrutiny of Centres Strategy led to request for briefing paper in respect of proposed footbridge over A38.
22 nd November 2017	Council Minute No 70/17 – Notice of Motion from Councillor P. MacDonald in respect of LTP4.
27 th November 2017	Overview and Scrutiny Board Minute No 66/17 – Verbal updated in respect of the Footbridge over the A38. Minute No 74/17 – briefing and discussion around the content of the report requested by Council at the meeting held on 20 th September 2017 and explanation that the Overview and Scrutiny Board would now co-ordinate this.

- 15th January 2018 Overview and Scrutiny Board
Minute No 79/17 – interview with officers from WCC who took away a number of questions from Members and agreed to provide responses.
- 26th March 2018 Overview and Scrutiny Board
Minute No 99/17 – a draft outline report of the areas to be covered was presented to the Board.
- 24th May 2018 Overview and Scrutiny Board
Minute No 7/18 – additional information. The matter had been discussed at WCC and Councillor K. Pollock the relevant Portfolio Holder, WCC Officers and a representative from Whitford Vale Voice (a local community group) attended. The report from Mott MacDonald in response to the JMP report was also considered in detail.
- 1st October 2018 Overview and Scrutiny Board
Minute No 46/18 – verbal update, reporting that the Chairman had met with the Strategic Planning and Conservation Manager to discuss the issues highlighted by the Board. It was agreed that a small Group of Members of the Board would meet with key officers from WCC to discuss these in more details and to move the matter forward.
- 22nd October 2018 Private Meeting
The Chairman, together with Councillors S. Colella, P. Thomas and S. Webb met with officers from WCC. The aim of the meeting was to talk through the current position in respect of having the appropriate information to allow the Strategic Planning and Conservation Manager to write the report which had been requested.
- 8th April 2019 Overview and Scrutiny Board
Consideration of this final report and if agreed it will go forward to Cabinet/full Council.

ACKNOWLEDGEMENTS

WITNESSES

The Board considered evidence from the following sources before making its recommendations:

Internal Witnesses:

Ruth Bamford – Head of Planning and Strategic Housing

Mike Dunphy – Strategic Planning and Conservation Manager

Councillors:

Kit Taylor – Portfolio Holder for Planning and Strategic Housing

External Witnesses:

Nigel Hudson – Worcestershire County Council

Karen Hanchett – Worcestershire County Council

Steve Hawley – Worcestershire County Council

Martin Rowe – Worcestershire County Council

Councillor Ken Pollock – Worcestershire County Council, Cabinet Member with responsibility for Economy and Infrastructure

BACKGROUND PAPERS

Worcestershire County Council LTP4 consultation documentation.

Worcestershire County Council Formal response to Bromsgrove District Council – Overview and Scrutiny Committee July 2018.

Reports and Minutes of meetings of Council and the Overview and Scrutiny Board as detailed in the timeline at appendix 1.

MM BaRHAM technical note

MM review of western distributor appraisal

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Legal, Equalities and Democratic Services
Bromsgrove District Council, The Council House, Burcot Lane,
Bromsgrove, Worcestershire B60 1AA
Telephone: (01527) 881288
Email: scrutiny@bromsgrove.gov.uk