

Wyre Forest Local Plan Statement of Common Ground

Relevant Portfolio Holder	Councillor Adam Kent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Wards Affected	All Wards
Ward Councillor Consulted	Yes
Non-Key Decision	Yes

1. SUMMARY OF PROPOSALS

- 1.1 Wyre Forest District Council (WFDC) submitted the Wyre Forest Local Plan Review (WFLP) to the Planning Inspectorate on 30th April 2020. The Council has submitted a number of representations to this plan which focussed on the lack of a robust transport evidence base to support the proposals in the plan.
- 1.2 Since these representations were submitted officers have sought to resolve this issue with WFDC, but unfortunately this has not been possible. A requirement of the National Planning Policy Framework is for the authority responsible for preparing a Local Plan to prepare a Statement of Common Ground (SoCG) with other plan making authorities. The purpose of the SoCG identifies the matters which councils have in common or in dispute and helps the inspector to form a judgement on the matters for the examination to focus on, and whether or not the duty to cooperate has been met. The SoCG at appendix A has been prepared by officers at WFDC, BDC and Worcestershire County Council. Whilst a lot of the plan's policies are not in dispute and are common ground, in the main the SoCG focuses on the areas in which **BDC disagrees** with the position of WFDC and WCC.

2. RECOMMENDATION

- 2.1 **That Cabinet recommends to Council, that the Statement of Common Ground at Appendix A, is signed by the Leader of the Council and submitted to WFDC for consideration by the Local Plan Inspector.**
2. **That Delegated Authority is given to the Head of Planning, Leisure and Regeneration to ensure that BDC is represented at the Examination in Public element of the Wyre Forest Local Plan review.**

3. KEY ISSUES

Financial Implications

- 3.1 There are no direct financial implications associated with this report.

Legal Implications

- 3.2 WFDC has submitted its plan in accordance with Regulation 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012.
- 3.3 It is important that the Bromsgrove District Council continue to engage in this process, the SoCG will help the inspector clearly identify the matters for detailed discussion at the Examination in Public of the WFLP.

Service / Operational Implications

- 3.4 The submission version of the WFLP is in effect the final version of the plan and that which will be considered by the planning Inspectorate at the Examination in Public (EiP). The EiP is likely to happen towards of the end of 2020 when the Covid19 pandemic has subsided enough to allow for it to take place in a traditional manner, or suitable technological solutions have been put in place to replace traditional EiP hearings.
- 3.5 BDC has responded to previous versions of the WFLP, at preferred option stage in August 2017 and at the first pre submission representations period in December 2018, and the second pre submission stage in October 2019. At all stages the Council has expressed concerns that the transport implications of the proposed development sites in Wyre Forest were not able to be quantified; and therefore possible mitigation strategies not properly identified. As a result it is not entirely clear how the schemes in the Infrastructure Delivery Plan (IDP) have been developed to mitigate the impacts, when the impacts have not been clearly shown in the evidence available. In addition to this, no modeling has been done with the mitigation in place to demonstrate if the schemes do indeed mitigate the impacts. This is still the view of BDC officers.
- 3.6 The SoCG appended to this report is not the version that currently appears on the examination website. WFDC submitted a version which they and WCC were in agreement with, but not BDC officers. The attached version is now agreed by officers of all parties, and it is our understanding that the inspector will be invited to consider the version

attached to this report and not the currently submitted version. Whilst the differences are minimal the changes requested by BDC officers were felt important enough to allow for the more positive recommendations at the beginning of this report, rather than a recommendation to not agree anything with WFDC.

- 3.7 The format of the SoCG follows the structure of the representations submitted by BDC to the WFLP, the third column in the table 1 and table 2 of the SoCG is the joint response of WFDC and WCC in 2020 to the comments submitted, by BDC in 2018 and 2019. Therefore some of the rebuttals and comments against the representations have been written significantly after the original comments were submitted. The intervening time period has rendered some of the original BDC comments less significant as issues have been resolved along the way. There are a significant number of points raised in the BDC representations which when taken together focus on the main theme, i.e. the lack of a credible transport evidence base. Without this evidence base it is not possible to conclude on some issues, or suggest policy changes as these would need to be informed by the evidence. This point is important because when these points are responded to in isolation as they are in the table, it could appear that BDCs comments are not robust. Whilst difficult to avoid this approach it obscures the main issue, i.e. that it's the evidence which informs the plan which in our view, is deficient.
- 3.8 In BDC's October 2019 representation, concerns were raised that additional work which had been agreed was not provided to support the pre submission representation period. This work focuses on the Hagley area, and is titled 'Transport Demand in the Hagley Area'. It is this work which has caused more recent debate between officers about the plan making process being undertaken. It is the clear view of BDC officers that this work, whilst being undertaken by WCC, was agreed by WFDC, and as such forms part of the evidence base to support the plan. Further to that, as part of the evidence base it should have formed part of the documents available at the representations stage which closed in October 2019. The Transport Demand in the Hagley Area document is dated January 2020. It appears to be the view of WFDC that this was a piece of work requested by BDC of WCC, and as such doesn't form part of the evidence base to support the plan although, it does appear attached to the statement of common ground. The exact status of this document is something that it is hoped will be clarified as part of the examination process, because WFDC seem to be trying on one hand to distance themselves from this work but also use it to attempt to defend the plan in this SoCG. With no formal opportunity to comment on this work BDC asked Mott Macdonald to provide observations and these can be seen at appendix B. It was hoped by BDC officers that this document would be appended to the SoCG but WFDC refused. BDC will now submit this report separately

to the Examination process at the appropriate time. Neither WFDC or WCC will be providing comment on the MM report.

- 3.9 On balance whilst issues remain between the parties, it is felt that the SoCG is an appropriately drafted to allow the inspector to focus on the issues at hand, in the level of detail that BDC officers consider necessary. Therefore is recommended that the leader of the Council formally signs this document.

Customer / Equalities and Diversity Implications

- 3.10 There are no Customer / Equalities and Diversity Implications associated with this report.

4. RISK MANAGEMENT

- 4.1 The risks associated with not signing the SoCG are not significant but in signing it will help the planning inspector clearly focus on the issues in hand at the examination in public.

5. APPENDICES

Appendix A – WFLP SOCG
Appendix B – MM note on WFLP

6. BACKGROUND PAPERS

- WFLP Pre submission Document
- WFLP Infrastructure Delivery Plan
- WFLP evidence base
- BDC response to WFLP December 2018
- BDC response to WFLP October 2019

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