

Examination of the South Worcestershire Development Plan Review

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Mr D Rudge

Interim Director

South Worcestershire Development Plan Review

Dear Mr Rudge

Examination of the South Worcestershire Development Plan Review

1. Further to the submission of the South Worcestershire Development Plan Review (the Plan) we have commenced the Examination with initial reading of the Plan, the supporting evidence base and representations. Based on what we have read so far, we have a number of initial questions and requests for further information and clarification, which are set out below. These questions are posed to seek clarity and potentially narrow down the focus of our Examination. The Councils are asked to provide brief responses with reference to the main relevant evidence.
2. The Councils responses to these points will help to inform the matters, issues and questions (MIQs) for subsequent discussion at the hearings, and the timetable for the examination. We are not inviting further submissions from any other party at this stage and will set out in due course when representors may make further submissions.

The Plan being examined

3. We confirm that we are examining the South Worcestershire Development Plan Review Regulation 19 Publication Document, which was published for consultation in November 2022. The evidence base for the Examination is published in the online document library. In this letter we request that further documents are added to the library, which inevitably will expand as our Examination progresses. Representors will be able to reference these documents in the preparation of any hearing statements and they may be discussed during hearing sessions.

Duty to Co-operate

4. We note in the Statement of Common Ground with Tewkesbury Borough Council reference to a Planning Statement (September 2017) and a Memorandum of Agreement (March 2022), entered into by Wychavon District

and Tewkesbury Borough Councils regarding the provision of a 500 dwelling contribution from a site at Mitton within the administrative boundary of Wychavon District Council which would help to meet housing need of Tewkesbury Borough Council.

- Q1 Please provide these documents via the examination library.
- Q2 With regard to the Statement of Compliance with the Duty to Cooperate (CD19) would you please provide further details about who the Councils have co-operated with and on which strategic matter(s), the nature and timing of the co-operation (e.g. by including meeting notes), and the outcomes of the co-operation, such as jointly commissioned evidence documents, including how it has influenced the Plan.

Statements of Common Ground

5. In your letter which accompanied the submission of the Plan, it was explained that the Councils are working on a number of Statements of Common Ground with stakeholders and site promoters. We encourage this as it would help us in the preparation of our MIQs.
- Q3 Please provide an indication what Statements of Common Ground are being prepared and when they would be published. Also, would you please advise whether you intend to propose any main modifications to the Plan which would be necessary to address matters of soundness raised by representors, and if so, when?

Local Development Scheme

6. We note that the Councils are presently working to update the Local Development Scheme.
- Q4 When is this document to be published?

Habitats Regulations Assessment

7. We have read the comments by Natural England regarding the Habitats Regulations Assessment (HRA).
- Q5 To assist us in drafting our MIQs, would you please advise us of your response to the points raised by Natural England and how you intend to address them through the Plan and/or HRA?
- Q6 Please direct us to where we may find in the evidence base that the issue of nutrient neutrality has been addressed with particular regard to those parts of the Malvern Hills District Council area which fall within the catchment of the River Lugg component of the River Wye SAC.

Housing Land Supply

8. The Councils have requested that the appointed Inspector confirms that the South Worcestershire Councils have a five year housing land supply on

adoption of the Plan as per paragraph 74 of the National Planning Policy Framework (NPPF).

9. The Planning Practice Guidance¹ sets out that:

When confirming their supply through this process, local planning authorities will need to:

- be clear that they are seeking to confirm the existence of a 5 year supply as part of the plan-making process, and engage with developers and others with an interest in housing delivery (as set out in Paragraph 74a of the Framework), at draft plan publication (Regulation 19) stage.
- apply a minimum 10% buffer to their housing requirement to account for potential fluctuations in the market over the year and ensure their 5 year land supply is sufficiently flexible and robust. Where the Housing Delivery Test indicates that delivery has fallen below 85% of the requirement, a 20% buffer should be added instead.

Q7 To assist us in deciding whether we would be able to confirm housing land supply in this Examination, would you please clarify as to whether it was made clear that the Councils are seeking to confirm the existence of a 5 year supply as part of the plan-making process? If so, direct us to the parts of the evidence base which support this, along with providing other evidence such as notification letters etc). In addition, please provide the evidence that the Councils engaged at the Regulation 19 stage with developers and others with an interest in housing delivery in this regard.

Q8 In order to either establish a five year supply of deliverable housing sites through the Plan, or for us to determine whether there is otherwise a five year housing supply on adoption, we need up to date evidence in respect of housing land supply. Would you please provide housing land supply data for the year to March 2023, to include sufficient information for us to determine whether the listed sites which make up housing land supply, would meet the definition of deliverable as set out in the NPPF? We include our suggested format for this information in Appendix 1. Please also provide an updated housing trajectory as per NPPF 74. You should also provide an up to date calculation of housing land supply.

Q9 Our initial reading indicates that there has been supply in the first year of the plan period in excess of the proposed housing requirement. Would the Councils please advise whether you wish that any oversupply in the plan period to date should be taken into account in the calculation of 5 YHLS.

¹ PPG Housing Supply and Delivery Paragraph: 010 Reference ID: 68-010-20190722

Q10 Where would be find the evidence as to whether at least 10% of the proposed housing requirement would be accommodated on sites no larger than one hectare as per NPPF69?

SWDPR20: Meeting the Needs of Travellers and Travelling Showpeople

10. We note that SWDPR20 refers to sites being identified in a Traveller and Travelling Showpeople Site Allocations Development Plan Document (DPD) unless identified through SWDPR20C. We understand from the Local Development Scheme that progress has been made with preparing such a DPD.

Q11 Would you please explain the purpose and scope of SWDPR20 in meeting the accommodation needs of Travellers and Travelling Showpeople, and how it is intended to relate to the Site Allocations DPD?

Q12 Whilst SWDPR20 sets out minimum and longer term requirements for permanent Traveller pitches and Travelling Showpeople plots, is it intended that the Plan before us would demonstrate the supply of specific deliverable sites sufficient to provide 5 years' worth of sites against the proposed requirements and on specific, developable sites, or broad locations for growth for years 6 to 10 and, where possible, for years 11-15 as per paragraph 10 of the Government's Planning Policy for Traveller Sites? If so, where is the evidence for this?

11. The Procedure Guide for Local Plan Examinations in paragraph 1.12 states: Evidence base documents, especially those relating to development needs and land availability, that date from two or more years before the submission date may be at risk of having been overtaken by events, particularly as they may rely on data that is even older. The South Worcestershire Gypsy and Traveller Accommodation Assessment (GTAA) (HOU3) was published in October 2019.

Q13 Given the time which has passed since that document was prepared, does the GTAA provide robust evidence to establish accommodation needs? Is it your intention to provide updated evidence, including that in terms of the supply of pitches and plots?

Q14 What, if any, are the implications of *Smith & Others v SSHCLG & NW Leicestershire DC [2021] EWHC 1650 (Admin)* for the Plan?

Q15 Why are the accommodation needs of Travellers and Travelling Showpeople being dealt with through this Plan and a DPD, unlike other forms of housing need which are being addressed solely through the Plan before us?

Strategic Policies

12. Policies SWDPR 01 to 10 are listed as Strategic Policies.

Q16 Would you please confirm whether these Policies constitute strategic policies as per NPPF21 and 22, and whether other Policies of the Plan are considered to be non-strategic policies as per NPPF28?

Green Belt

13. The NPPF in paragraph 140 says once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.

Q17 So that we can understand what the Plan is proposing in respect of Green Belt boundaries, would you please prepare a Green Belt Topic Paper which makes clear the extent of alterations proposed to Green Belt boundaries and the exceptional circumstances for such alterations?

Transport

14. We note from the Infrastructure Delivery Plan (IDP) that at the time of its preparation, the Highway Authority did not have a Countywide Transport Model available. Therefore, various existing models were utilised. We understand that a Worcestershire Strategic Transport Model has been developed and will be used to undertake a sensitivity assessment of the infrastructure identified in the IDP.

Q18 When will you be able to provide the outcome of the sensitivity analysis? We ask that as it may have a bearing on our MIQs and scope and timing of the hearings.

Q19 Please advise us where in the evidence base we may find the outcome of any transport modelling regarding the proposed development at Mitton (SWDPR 54). Are the Councils working to prepare a Statement of Common Ground with Gloucestershire County Council (as neighbouring Highways Authority) and the site promoter/s in this regard?

Q20 Please advise us where in the evidence base we may find the outcome of any assessment of the policies of the Plan on the strategic highway network? Will this matter be the subject of a Statement of Common Ground with National Highways?

Q21 The submitted Plan follows a rail based strategy with proposed growth aspirations directed towards the most sustainable, larger settlements in the Plan Area that have or will have a railway station. We note that new or upgraded railway infrastructure is proposed, and that a number of representors have questioned the delivery of this. Are you able to provide any updates on the provision of the identified rail infrastructure and its delivery, and do you intend to provide a Statement of Common Ground with Network Rail?

The Malvern Hills Acts

15. We see that a number of representors, including the Malvern Hills Trust, have referred to proposed development schemes potentially requiring use of registered common land in the ownership of the Malvern Hills Trust and covered by the Malvern Hills Acts.

Q22 Where in the evidence base could we find where the potential effects of the provisions of the Malvern Hills Acts, and the land ownership of the Malvern Hills

Trust on the delivery of the proposed allocations have been considered? In this regard, we would welcome the preparation of a note explaining the scope of the Malvern Hills Acts and their potential effect upon development and the provision of infrastructure as proposed in the Plan. Do you intend to provide a Statement of Common Ground with the Malvern Hills Trust?

Sites of Special Scientific Interest

Q23 We note the view of Natural England that a number of proposed site allocations have the potential to affect Sites of Special Scientific Interest (SSSIs). Please direct us to where in the evidence base we may find an assessment of whether proposals are likely to have an adverse effect on a SSSI.

Conclusion

16. Please publish this letter on the Examination website. It would be helpful if you could provide an indication of when you will be able to respond to our questions via the Programme Officer. Following receipt of your responses to the above, we will be able to advise you on how we consider that the Examination shall proceed.

Yours sincerely

P Lewis and S Dean

INSPECTORS

Appendix 1: Local Plan 5 Year Supply Site Proforma

The following information should be provided for every site that the Council assumes will contribute to current 5 year supply (from 1 April 2023).

A. All sites with detailed planning permission, and sites of <10 homes and <0.5ha that have outline planning permission

Site name					
Local plan ref					
Total capacity					
Plan period completions					
Five year completions					
	2023/24	2024/25	2025/26	2026/27	2027/28
Completions					

These sites can be considered deliverable unless there is clear evidence that homes will not be delivered within five years.

B. Other sites (including those of at least 10 homes or at least 0.5ha with outline permission, with a grant or permission in principle, allocations, or identified on brownfield register)

Site name					
Local plan ref					
Total capacity					
Plan period completions					
Five year completions					
	2023/24	2024/25	2025/26	2026/27	2027/28
Completions					

Clear evidence relating to:

Developers delivery intentions including anticipated start and build out rates
Current planning status and progress towards the submission of an application
Progress with site assessment work
Site viability
Availability: ownership, any existing uses, etc
Infrastructure provision