
Report to Bromsgrove District Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE
BROMSGROVE DISTRICT PLAN**

Document submitted for examination on 12 March 2014

Examination hearings held between 16 June 2014 and 24 March 2016

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Abbreviations Used in this Report

AA	Appropriate Assessment
AAP	Area Action Plan
ADR	Area of Development Restraint
AHVA	Affordable Housing Viability Assessment
BDC	Bromsgrove District Council
BDLP	Bromsgrove District Local Plan (adopted 2004)
BDP	Bromsgrove District Plan (the plan being examined)
CIL	Community Infrastructure Levy
DEFRA	Department for Environment, Food and Rural Affairs
DtC	Duty to Co-operate
EA	Environment Agency
ELR	Employment Land Review
FRA	Flood Risk Assessment
GBBR	Green Belt Boundary Review
GBSLEP	Greater Birmingham and Solihull Local Enterprise Partnership
GTAA	Gypsy and Traveller Accommodation Assessment
HGDS	Housing Growth Development Study
HGESHAA	Hewell Grange Estate: Setting of Heritage Assets Assessment
HMA	Housing Market Area
HNAR	Housing Needs Assessment Report (August 2014)
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
MM	Main Modification
NWHNR	North Worcestershire Housing Need Report (April 2014)
OAN	Objectively Assessed (Housing) Need
PPG	Planning Practice Guidance
RBC	Redditch Borough Council
RPG	Registered Park and Garden
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SNPP	Sub-National Population Projections
SOCG	Statement of Common Ground
SPZ	Source Protection Zone
SRN	Strategic Road Network
STW	Severn Trent Water Ltd
SuDS	Sustainable Drainage Systems
WCC	Worcestershire County Council
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Bromsgrove District Plan provides an appropriate basis for the planning of the District, providing a number of modifications are made to the plan. Bromsgrove District Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted. The examination has considered updated information in respect of the objective assessment of the housing needs of both Bromsgrove and Redditch and the justification for the selection of sites to meet these and other growth needs. The report should be read alongside my report into the examination of the Borough of Redditch Local Plan No. 4.

All of the modifications to address this were proposed by the Council but where necessary I have amended detailed wording or added further clarification. I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- clarification of the approach towards providing for the remaining housing needs of Bromsgrove District during the plan period and meeting future housing needs arising from the West Midlands conurbation;
- clarification of the trigger for, and the scope of, the Council's proposed Green Belt Boundary Review;
- inclusion of updated housing supply information;
- inclusion of updated retail capacity information;
- amendments to Green Belt policy in order to accord with national policy;
- clarification of the policy approach towards Gypsies and Travellers in the light of updated evidence submitted during the examination;
- increased emphasis on the role of the Strategic Road Network;
- introduction of additional policy safeguards in respect of flood risk and pollution control;
- clarification of the approach to nature conservation designations in line with national policy;
- amendments in line with national policy changes regarding wind energy, affordable housing contributions and technical standards for housing; and
- introduction of additional requirements for a number of site allocations in respect of matters including heritage assets, water quality, flood risk and transport.

Introduction

1. This report contains my assessment of the Bromsgrove District Plan (BDP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It considers whether the Plan is sound and whether it is compliant with the legal requirements. At paragraph 182, the National Planning Policy Framework (the Framework) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for the examination is the Bromsgrove District Plan (BDP) Proposed Submission Version 2011-2030 which was published for consultation in September 2013.
3. The examination has been carried out alongside the examination of the Borough of Redditch Local Plan No. 4 (BORLP4). Joint hearing sessions have been held, including two days (16 and 17 June 2014) that considered, in respect of both the BDP and BORLP4, the Duty to Co-operate (DtC), objective assessment of housing needs and the approach to meeting additional housing needs from the West Midlands conurbation. These matters were addressed by my Interim Conclusions paper dated 17 July 2014¹, the findings of which in respect of the BDP are summarised in the sections of my report dealing with the DtC and Main Issue 1. The examination of the BDP was paused at that point to enable the Council to respond to my comments in respect of the objective assessment of housing need: this is considered in more detail below.
4. The matter of the approach of both Bromsgrove District Council (BDC) and the Borough of Redditch (RBC) to the selection of sites to meet the growth needs of Redditch has been the subject of considerable debate. Following the main BORLP4 hearing sessions in September 2014, I issued a Post Hearings Note dated 3 October 2014² that, among other matters, highlighted a potentially serious flaw in this methodology. This referred in particular to a site proposed for allocation within Redditch (Webheath) and a cross-boundary site (Brockhill West) that had not been allocated in either Plan. In response, the Councils requested that both Local Plan examinations be paused while further information was prepared. The relevant documentation, to which I refer in more detail below, was published during 2015 and joint hearings were held on 23 and 24 June 2015. Further concerns arising from those sessions were set out in an additional Inspector's Post-Hearings Note dated 10 July 2015³. An additional package of evidence and documentation was issued by both

¹ Document ED/12.

² Document ED/19.

³ Document ED/35.

Councils in December 2015: this was the subject of two further joint hearings held on 23 and 24 March 2016⁴.

5. Given the strong inter-relationship between the BDP and the BORLP4, and the joint nature of much of the evidence that has been submitted by the Councils, the present report should be read in conjunction with my report on the examination of the BORLP4. Many documents are shared between the two examinations (notably those listed as CDX, ED and OED) while others relate specifically to the BDP examination (notably the CDB core documents).
6. My report deals with the main modifications that are needed to make the Plan sound and legally compliant: they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council has requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
7. The main modifications that are necessary for soundness and legal compliance all relate to matters that were discussed at the examination hearings or were considered as written representations. Following the last of the above-noted hearings, the Council prepared a schedule of proposed modifications. Those modifications that are necessary for soundness (the main modifications) have been taken from that schedule, with some amendments as described in this report, and have been subject to public consultation. I have taken account of the consultation responses in coming to my conclusions in this report: as such, the main modifications differ in some respects from those that were the subject of the consultation exercise.
8. The Council is required to maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is then required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the local plan. In this case the, Submission Policies Map⁵ is supported by a document listing the changes from the adopted proposals map to the new policies map arising from the BDP⁶. The main modifications that are now recommended do not require any further changes to be made to this document.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. BDC comments on this in its Duty to Co-operate Statement⁷. This describes the activities that it has undertaken with other bodies in order to maximise the effectiveness of Plan preparation. This

⁴ The timeline of both examinations is summarised in Appendix i to the Narrative on the Site Selection Process for Growth Areas at Redditch (January 2016) – document OED/46a.

⁵ Document CDB1.8.

⁶ Document CDB1.9.

⁷ Document CDB1.4.

includes co-operation with Redditch Borough Council (RBC), which has taken place to a high degree, as is evidenced most notably by the joint working in respect of meeting housing needs from the Borough of Redditch, as well as by the co-ordination in regard of the submission of the two Plans and the holding of joint examination hearings. As is noted below, BDC has participated in the Strategic Housing Land Availability Assessment (SHLAA) for the Borough of Redditch that has been an important input of the assessment of the capacity of the Borough to accommodate new housing.

10. Co-operation has also taken place with other local planning authorities in a wide range of matters that are described in more detail in the above-noted background paper. With RBC, BDC has participated in joint working in respect of the evidence base for assessing housing needs – both in the context of the Worcestershire Strategic Housing Market Assessment (SHMA) (involving all Worcestershire authorities) and the updated evidence base (also involving Wyre Forest DC). Ongoing co-operation with other statutory bodies, notably the Environment Agency, Highways England (formerly the Highways Agency) and the local highway authority (Worcestershire Council Council), has resulted in the preparation of statements of common ground in respect of the BDP and BORLP4 examinations.
11. BDC is a member of the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) and is involved in the ongoing Joint Strategic Housing Needs Study, which will inform the approach of both BDC and RBC towards meeting future needs arising from the West Midlands conurbation.
12. No objections have been raised in respect of any failure to meet the Duty to Co-operate by any of the bodies prescribed in relevant legislation for the purposes of section 33A(1)(c) of the Act. Taking these matters together, I am satisfied that Duty has been complied with.

Assessment of Soundness

Main Issues

13. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified the following main issues upon which the soundness of the Plan depends.

Main Issue 1: Are the Local Plan's housing policies based on adequate and up-to-date evidence and a clear understanding of housing needs in the market area? Is it clear how the Local Plan has addressed the matter of meeting that part of its housing requirement that is not presently provided for, as well as meeting anticipated future housing needs arising from the West Midlands conurbation? Does an adequate supply of housing land exist in line with national policy?

Objective Assessment of Housing Needs

14. Among other matters, paragraph 47 of the National Planning Policy Framework (the Framework) states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the

Framework's policies. Guidance on undertaking an objective assessment is set out in the PPG. This clarifies that need for housing refers to the scale and mix of housing and the range of tenures that is likely to be needed in the housing market area over the plan period – and should cater for the housing demand of the area and identify the scale of housing supply necessary to meet that demand. It should address both the total number of homes needed based on quantitative assessments, but also on an understanding of the qualitative requirements of the market segment. The PPG adds that assessing development needs should be proportionate and does not require local councils to consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur⁸.

15. The PPG explains that this exercise is an objective assessment of need based on facts and unbiased evidence and that constraints should not be applied to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints. Such considerations should be addressed at a later stage when developing specific policies⁹. As such, a clear distinction must be drawn between the objective assessment of housing needs and the eventual determination of a Local Plan housing requirement.
16. The housing needs assessment that underpinned the Plan as submitted is broadly derived from work undertaken in 2012 as set out in the SHMA¹⁰. The SHMA's methodology has been considered in the context of the examination of the South Worcestershire Development Plan (SWDP), for which it also provides part of the evidence base. In his initial Interim Conclusions (October 2013), the Inspector concerned supported in principle the approach of beginning with trend-based projections and then modifying them to take account of the effect of job growth forecasts. However, he identified particular shortcomings in the way that the SHMA had been carried out, finding in particular that there was a lack of clear evidence to support the assumptions made in scenario SS2 and a high degree of sensitivity in the model to changes in those assumptions.
17. The SWDP Inspector's concerns are generally accepted by BDC and RBC. With Wyre Forest District Council, they commissioned the North Worcestershire Housing Need Report (NWHNR)¹¹. At the initial hearing session that considered objectively assessed housing needs (OANs), BDC stated that the overall needs total for Bromsgrove District was considered to be 6,390 dwellings (net) over the above-noted 19 year period. However, this figure has been the subject of further consideration in the light of my Interim Conclusions paper: I return to it below.
18. Before doing so it is necessary to address three general concerns that have been raised about the methodology of both the SHMA and the NWHNR. The first of these relates to the way in which housing completions between 2006

⁸ PPG paragraph ID 2a-003-20140306.

⁹ PPG paragraph ID 2a-004-20140306.

¹⁰ Documents CDB7.2a-b.

¹¹ Document CDB13.3.

and 2011 have been considered. Both studies present household growth data over the period 2006-2030, while both Plans cover the period 2011-2030. In deriving final housing needs figures for the Local Plan periods from the output of the relevant scenarios, both reports deduct the houses that were completed between 2006 and 2011. Given that building rates were comparatively low during those 5 years, this has resulted in somewhat higher annual averages for the period 2011-2030.

19. It is argued by representors seeking to reduce housing requirements that the period 2006-2011 should effectively be discounted on the basis that there was oversupply prior to 2006 in respect of the 2001-2011 Structure Plan period. The Councils have provided additional clarification in respect of this matter¹². The base date from the 2012 SHMA was aligned to the plan period of the West Midlands Regional Strategy Phase 2 revision. Given the policy context applying at the time, this was understandable. In order to be consistent, it was necessary for the NWHNR to adopt the same base date as the SHMA. In any event, it is clear that the SHMA sought to assess housing need over the period beginning from that base date. It is therefore both appropriate and consistent with national planning policy to ensure that under-supply during the period following the SHMA's base date is properly provided for.
20. The second general concern relates to the definition of the housing market area (HMA). It is argued by some representors that objectively assessed needs should be considered on the basis of an HMA that includes the West Midlands conurbation rather than the Worcestershire HMA. However, the Council accepts that Bromsgrove lies within a wider market area that includes the West Midlands and that the Worcestershire HMA is not perfectly defined. I agree that such definition is not an exact science and, moreover, that it is clear from both the SHMA and the NWHNR that relationships beyond the county boundary have been considered. A specific sensitivity scenario (SS4) was applied to address the potential for an increased level of in-migration from the conurbation taking into account expected high levels of economic growth and population increase. Furthermore, the principle of providing for additional housing to meet the conurbation's needs has also been accepted. Given the practical difficulties of extending the SHMA to cover the substantial number of local planning authority areas which relate to Bromsgrove in terms of migration and travel to work data, I therefore agree with the Council that its approach to HMA definition is both pragmatic and robust.
21. A third concern relates to the headship rates that have been adopted in the NWHNR. This adopts an 'option C' combination, which applies CLG 2011-based headship rates up to 2021, reverting to the 2008-based rate of change thereafter. This method was endorsed by the SWDP Inspector in his October 2013 Interim Conclusions paper. While it is argued that circumstances have since changed and that (in summary) this assumption is too conservative, it seems to me that the stance that he adopted, and that has been followed in the NWHNR, remains justified. Specifically, it is important to note that the 2011-based projections were interim and applied to only a 10 year period.

¹² Document M01/1a.

22. As already noted, I considered the Council's OAN figure in my Interim Conclusions paper (July 2014)¹³. The arguments are set out in detail in that paper. In summary, I did not accept the Council's view that the OAN figure of 6,390 dwellings, which derived from the output of a scenario based upon population projections (SNPP-2010), represented an adequate assessment of OANs as required by national policy. Indeed, that scenario was itself presented in the NWHNR for 'benchmark' purposes: the NWHNR went on to examine various sensitivity scenario projections, stating that scenarios SS3 and SS4 'are considered to provide the most realistic reflection of likely labour market and demographic realities'¹⁴. While I considered that an alternative scenario (SS4) represented a more robust demographic-led assessment of likely housing needs for the District than the SNPP-2010 scenario, I raised concern that sole reliance on either of the demographic-led scenarios (SNPP-2010 or SS4) would give an inadequate picture of the implications of projected changes in the labour market.
23. In this context, the Framework requires that the assessment of housing should take full account of relevant market and economic signals. As the PPG makes clear¹⁵, employment trends should be taken into account. Specifically, plan makers should make an assessment of the likely change in job numbers based on past trends and/or economic forecasts as appropriate and also having regard to the growth of the working age population in the housing market area. The PPG adds that where the supply of working age population that is economically active (labour force supply) is less than the projected job growth, this could result in unsustainable commuting patterns (depending on public transport accessibility or other sustainable options such as walking or cycling) and could reduce the resilience of local businesses. In such circumstances, the PPG states that plan makers will need to consider how the location of new housing or infrastructure development could help address these problems.
24. In the case of Bromsgrove, all three employment growth forecasts contained in the NWHNR suggest a substantial growth in jobs numbers, ranging from some 10% to 13% for the period 2012-2030. As already noted, the NWHNR set out a sensitivity scenario (SS3) that used this labour market research to derive assumptions about the degree to which overall labour market conditions will impact upon future activity and employment rates and, therefore, the local supply of labour. The average case output for scenario SS3 suggested a net need of 9,760 dwellings within Bromsgrove over the above-noted period. This 'jobs-led' scenario suggested a much higher level of housing need in the District than either of the demographic-led scenarios. However, as described in my Interim Conclusions paper, it did not take into account the potential for jobs growth to affect local commuting patterns.
25. As noted above, the PPG raises a concern that where labour force supply is less than the projected job growth, this could result in unsustainable commuting patterns and could reduce the resilience of local businesses. In

¹³ Document ED/12.

¹⁴ Paragraph 4.7 of the NWNHR – document CDB13.3.

¹⁵ PPG paragraph 2a-017-20140306.

the present case, Bromsgrove District is already characterised by significant net out-commuting. Given that the District is therefore, in effect, a net exporter of labour, it could be argued in principle that a local growth in jobs within the District might act to 'rebalance' existing commuting patterns rather than exacerbate unsustainable patterns as referred to in the PPG.

26. In that context, I noted that the housing forecasts set out in the NWHNR held the commuting ratio constant over the forecast period 2012-2030. Given that this ratio fell in Bromsgrove between 2001 and 2011 when job numbers in the District increased – in contrast to Redditch where both the ratio and the number of jobs remained broadly constant – the rationale for this assumption was unclear.
27. In response to the above concerns the Council commissioned the BDP Housing Needs Assessment Report (August 2014) (HNAR)¹⁶, which also took into account the most recent 2012-based Sub-National Population Projections (SNPP). The 'benchmark' 2012-based SNPP suggests a significantly lower population growth than the previous 2010-based projection.
28. The HNAR examined the matter of the commuting ratio in the light of my comments above. A variety of reduced commuting ratios were introduced into the jobs-led Core Scenarios and Sensitivity Scenarios, creating 18 different annual dwelling requirements¹⁷. Once employment forecasts were averaged, and completions and a vacancy rate taken into account, the resulting dwelling requirement ranged from 3,710 to 9,200. The highest of these relates to the base SS3: however, as this takes no account of a fall in the commuting ratio I share the Council's view that it represents an unrealistic assessment. Similarly, the lowest figure in this range relates to sensitivity scenario SS3d: this results in a highly unlikely balance between in- and out-commuting.
29. Accordingly, the Council has taken an average of the three remaining updated scenarios (SS3a, b and c) to establish its base figure of 5,540 dwellings over the Plan period. This is broadly comparable to the equivalent 'benchmark' output of 5,280 dwellings from the SNPP-2012¹⁸.
30. As already noted, it is necessary to take full account of relevant market and economic signals. In the present case it is clear that specific market signals, notably affordability, have worsened over time – for example, in households in the lower earning quartile¹⁹. Accordingly, the Council has decided that the above-noted figure should be increased by 20% (55 dwellings annually), a figure that it considers is based on reasonable assumptions and consistent with the principle of sustainable development. This leads to the Council's

¹⁶ BDP Housing Needs Assessment: Report in response to Inspector's Interim Conclusions – document ED14.

¹⁷ Table 3 of document ED/14.

¹⁸ See table 4 of document ED/14.

¹⁹ Appendix B to document ED/14.

conclusion²⁰ that its assessment of the level of objectively assessed housing needs has been amended to a figure of 6,648 dwellings.

31. I am satisfied that this assessment is appropriately justified. As set out above, it is necessary to take a realistic view of trends in commuting patterns in order to ensure that appropriate account is taken of economic factors when assessing housing needs in line with the PPG's advice. As already noted, the employment growth forecasts relate to jobs growth within the District: it is important to ensure that there is not a mismatch between forecast jobs growth and future labour supply. The PPG seeks to avoid unsustainable commuting patterns. Specific guidance on how demographic-based assessments should be amended in the light of market signals is not set out in national planning policy. However, the Council has clearly undertaken an assessment of local based factors and I have no substantive reason to disagree with the 20% uplift that it has applied.
32. The Council proposes changes to reflect this updated evidence base [**MM2; MM13**]: these are needed in order to be effective, justified and consistent with national policy.

Housing Requirement

33. Notwithstanding the above, the Council wishes to retain the figure of 7,000 dwellings as the Local Plan housing requirement. In the Council's view, the additional 350 dwellings (approximately) will provide greater flexibility in housing provision consistent with the Framework's aim of boosting significantly the supply of housing, as well as including an additional element for affordability. I have no reason to take a different view. Bearing in mind the presence of significant constraints to development in both the BDP and BORLP4 areas (as discussed elsewhere in both reports) I consider that the adoption of this figure represents, in principle, positive planning in line with paragraph 157 of the Framework. However, the Plan as submitted does not seek to allocate land to deliver this full amount of housing: provision is only made for some 4,700 dwellings, with the remainder to come forward through a Green Belt Boundary Review (GBBR). The Council also acknowledges that additional provision will be required to meet the needs of the West Midlands conurbation. I now turn to address these matters.

Approach to Meeting Future Housing Needs

34. It is common ground that the West Midlands conurbation, and specifically the City of Birmingham, is expected to experience unprecedented levels of economic growth and population change over the period of the BDP and BORLP4. As already mentioned, BDC, along with other GBSLEP members (and additional local planning authorities), is participating in a Joint Strategic Housing Needs Study which will inform the approach towards meeting future needs arising from the West Midlands conurbation. At the time of writing, the final phase of this exercise is yet to be completed and agreed. The present

²⁰ Letter from BDC to the Inspector dated 25.9.14 – document ED/15a.

position is therefore that the distribution of the likely shortfall within the wider sub-region has yet to be determined.

35. Notwithstanding this uncertainty, the BDP recognises that there may be a need to assist the City of Birmingham in achieving its housing target. Policy BDP4.2 commits BDC to undertake a Local Plan review including a full review of the Green Belt in advance of 2023. In addition to identifying land to help deliver the objectively assessed housing needs of the West Midlands conurbation within the current plan period (to 2030), the policy also requires the identification of land to meet the shortfall between the Council's stated housing supply and the above-noted 7,000 dwelling target.
36. This approach has attracted a significant level of objection from the development sector. Some representors consider that it renders the plan unsound to an extent that the examination should progress no further until the GBBR is carried out. Others seek amendments to ensure that such a review is undertaken immediately following adoption. However, while the scale of the shortfall arising from the City of Birmingham Development Plan is now somewhat clearer, the distribution of additional housing within the wider sub-region – including Bromsgrove District – has yet to be agreed by the local planning authorities concerned.
37. As such, it seems to me that it would be premature to initiate a GBBR until there is greater certainty about the full scale of housing provision that will be required within Bromsgrove District. Delaying the present examination would be unlikely to assist the delivery of those development sites that *are* proposed for allocation in the BDP, including those that are required to meet the needs of the Borough of Redditch. It therefore appears prudent that the GBBR should not be undertaken until relevant and robust evidence is available – notably the completion of the GBSLEP Joint Strategic Housing Needs Study. However, it is also essential – in line with national policy – that an adequate supply of housing land is maintained during the intervening period.
38. Clearly, the GBBR will also include a 'known' element, namely the outstanding shortfall in respect of Bromsgrove District's own housing needs. Subject to the Council's ability to demonstrate an adequate supply of housing land during the intervening period (with particular reference to paragraph 49 of the Framework) – a matter that I consider below – I see no reason in principle why it is necessary to allocate land to meet all of the Plan's requirements at the outset. As already noted, the Plan period runs to 2030: to allocate specific sites for all of this period at the present time would be in excess of the Framework's requirements.
39. In addition, there are advantages in incorporating such an exercise into a single GBBR that can also consider housing needs arising from the conurbation as well as identifying land to be safeguarded for the longer term – i.e. 2030-40. Multiple reviews of the Green Belt would be avoided, thereby addressing the Framework's requirement (paragraph 83) that Green Belt boundaries should be considered having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.
40. Nevertheless, I agree with some representors that there is scope for greater clarity to be given about both the timing and scope of the GBBR. Policy BDP4

should give greater certainty about the triggers for the GBBR – specifically in respect of, first, the outcome of the GBSLEP Strategic Housing Needs Study and, second, the need to ensure that a five year housing land supply is maintained during the intervening period. It is also necessary to clarify that the GBBR will be progressed through a review of the Local Plan. This is accepted by the Council, which proposes modifications accordingly. However, additional clarity about the triggers for the GBBR is needed within policy BDP3.1 and I have added text from the suggested amendment to paragraph 8.28 accordingly. In the main modifications consultation exercise, concern was raised by some parties about the suggested removal of the 'prior to 2023' deadline from policy BDP3.1. The evidence before me, including the Council's comments at the relevant hearing session, suggests that the triggers referred to above are likely to be in place well before that date. However, I appreciate that the presence of a deadline provides some certainty to the process and I agree that it is necessary for soundness reasons that it is made clear that the review will be completed by 2023 at the latest. Nevertheless, given that the exercise may well take place before that date, I agree with the Council that this date should only be included as an ultimate deadline. The relevant changes **[MM4; MM18; MM20-22; MM24; MM29-30]** are recommended for reasons of effectiveness

41. In respect of the scope of the GBBR, the BDP implies a contradiction. Policy BDP4.3 requires the review to follow the approach in the policy BDP2's settlement hierarchy. As noted below, the evidence underpinning the District's settlement hierarchy²¹ does not include an assessment of those parts of the West Midlands urban area outside the District that immediately adjoin the District boundary. The main urban area does not appear within the hierarchy itself. However, paragraph 8.31 of the BDP states that land along the northern boundary of the District that adjoins the West Midlands conurbation will be considered within the GBBR.
42. The Council's response to this concern (in its final schedule of modifications) is to suggest that paragraph 8.31 should be changed to say that consideration of the above land would be subject to the evidence showing that this is the best location for growth. However, I do not feel that this modification is needed for soundness reasons: I have seen no evidence that this land should not be at least considered as part of the future GBBR along with other areas of the Green Belt. Nevertheless, I agree with the Council that the paragraph should refer explicitly to the GBSLEP Strategic Housing Growth Study. I also agree that policies BDP4.3 should be amended to delete the reference to the BDP settlement hierarchy and state instead that the GBBR will follow sustainable development principles. Additional text is also needed to policy BDP2 along those lines. However, in order to be consistent with the proposed change to policy BDP4.3, it is necessary to delete references to the GBBR being in accordance with the settlement hierarchy from paragraph 8.29 and policy BDP2. These changes **[MM4; MM9; MM25-26; MM28; MM31]** are needed for reasons of effectiveness and consistency with national policy.

²¹ Notably document CDB6.1.

Housing Land Supply

43. As already noted, the BDP does not identify sufficient land to meet its 7,000 dwelling housing requirement. The July 2013 Strategic Housing Land Availability Assessment (SHLAA)²² identifies sites for some 4,624 dwellings. This has been subject to review during the examination period and the overall supply figure has increased to some 4,729 dwellings – equivalent to between 12 and 13 years supply based upon the annual average requirement of 368 dwellings. The components of this supply have been set out in more detail in the Council's evidence²³. A substantial part of this supply is contained in the Bromsgrove Expansion Sites allocated in policy BDP5A. Justification for the windfall allowance of 40 dwellings per annum, which has been increased from the figure of 30, is set out in the more up-to-date assessment of five year housing land supply, discussed below. This increase is based upon evidence of increased recent windfall rates that take account of dwellings delivered through permitted development rights – notably relating to agricultural buildings. Bearing in mind the rural nature of much of the District, a modest increase of 10 dwellings per annum in the windfall estimate appears realistic – and is well below the current rate of delivery.
44. Taking these matters together, I am satisfied that the Council's revised assessment is robustly based. The Council proposes changes to update the Plan in this regard **[MM14-19]**: these are needed in order to be effective and justified. Clearly, as already discussed, there remains a substantial shortfall between the identified supply and the overall housing requirement that will need to be addressed by the proposed GBBR and Local Plan Review.
45. In respect of the five year land supply position, an updated position statement was issued in April 2014²⁴. However, in view of the delay that had occurred to the examination, I asked the Council to produce a further update. This was published for consultation in December 2015²⁵. A number of concerns were raised by respondents in respect of that document and a further update (dated 4 March 2016) was attached to the Councils' joint statement for the March hearings²⁶. This presents the land supply position at 1 March 2016 and represents the most up-to-date picture of land supply for the District.
46. It is first necessary to consider whether there has been a record of persistent under-delivery of housing in the terms of paragraph 47 of the Framework. Although annual completions declined in recent years, falling below an annual average calculated from the Worcestershire County Structure Plan (1996-2011) target after 2006/7, high levels of delivery early on in that period (notably between 2000/1 and 2004/5) meant that the Structure Plan target was comfortably exceeded by 2011²⁷. While a shortfall remains in the current

²² Document CDB7.5

²³ Hearing statement by BDC (document B2/1) pages 7-9; updated supply information in document S/1 (joint BDC/RBC statement).

²⁴ Document CDB13.5.

²⁵ Document OED/46d.

²⁶ Appendix 2 to document S/1.

²⁷ Data in Appendix 2 to document S/1.

plan period (from 2011) there is a clear trend of increasing completion rates. Bearing in mind that a moratorium on new housing permissions was in place in Bromsgrove between 2003 and 2009 as a result of *oversupply*, it does not seem to me that a record of persistent under-delivery can be demonstrated. The PPG advises that the assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle²⁸. As such, application of a 5% buffer, in line with paragraph 47 of the Framework, is justified. A change to policy BDP3 **[MM23]** is required for reasons of effectiveness as a result.

47. Using the Sedgefield approach, applying a 5% buffer and applying the buffer to the outstanding shortfall, the Council states that there is a five year land supply of 2,933 dwellings against a requirement of 2,655 dwellings. This gives a 'headroom' of some 278 dwellings, resulting in a 5.52 years supply. As already noted I am satisfied that the windfall estimate is robust. While objections were raised to the inclusion of C2 uses in the housing supply data in the December 2015 topic paper, these have been excluded from the more recent calculations referred to above.
48. Particular concerns have been raised in respect of the Council's assumptions in respect of four specific sites – Perryfields Road, Whitford Road, the Finstall Training Centre and the Council House, Burcot Lane – and the lack of a 'lapse rate' (or discount) in respect of undeveloped sites. In respect of the first of these sites (Perryfields Road) an outline planning application has been submitted. Phasing information has been provided by the developer²⁹, which has informed the Council's estimated delivery trajectory. This suggests a delivery of 822 units in five years, assuming a site start (40 units) in 2017/18. Bearing in mind the Council's commitment to the timely determination of planning applications, following previous scrutiny of its performance, I am satisfied on balance that this start date appears realistic.
49. Evidence³⁰ submitted by the same developer in respect of the Foxlydiate site (discussed below) suggests that a build rate of at least 120 market dwellings per year would also be achievable at Perryfields Road. The inclusion of other elements, such as affordable housing and housing for the elderly would be likely to enable additional dwellings to be delivered. Build rates in excess of this figure have been achieved at a number of sites in the locality³¹: the highest of these being some 195 dwellings per year at Oakalls, Bromsgrove. To my mind, such local evidence – supported by the recent trend of increasing completion rates already noted – is to be preferred to the more generic national figures advanced by some of the representors. Nevertheless, I have seen little evidence that would justify assuming annual delivery rates in excess of 200 units from the Perryfields Road site. This would reduce the anticipated yield from this site from 822 dwellings to 623 dwellings – equivalent to a

²⁸ PPG ID 3-035-20140306

²⁹ Appended to Appendix 2 of document S/1.

³⁰ Document ED/47a, Appendix 4.

³¹ Document ED/47, para 3.13.

reduction of 199 units³².

50. The estimated annual build rates for the Whitford Road do not exceed 120 units and to my mind appear realistic. While the site has been the subject of a planning appeal dismissal and subsequent High Court challenge³³, it is clear from comments made at the examination hearing by Worcestershire County Council (WCC) that the developer is working closely with the local highway authority to resolve outstanding issues. A further planning application has been submitted. Given that a reduced level of delivery is anticipated in the first year (2017/18) I am satisfied on balance that the Council's assumptions are realistic.
51. The two remaining sites relate to previously-developed land. It was confirmed at the hearing that both are now vacant. The Council does not expect delivery from either site to commence until 2018/19. This estimate appears suitably cautious.
52. The Council has reviewed its historic data to consider whether the application of a 'lapse rate' should be applied. Information relating to the last 5 years shows that there has been a generally low rate of lapsed permissions³⁴. The average figure was 2.8%. While there was a lapse rate of almost 20% in one year (2010/11) this related to a time when total outstanding commitments were low and recessionary factors were applicable. As already noted, the rate of annual housing completions is rising. I have seen no specific evidence that the developments included in the Council's five year land supply are unlikely to come forward. I therefore agree with the Council that there is no need to apply a broad brush 'lapse rate' discount.
53. Drawing the above together, I consider that as a result of the reduction that should be applied to the assumptions relating to the Perryfields Road site, the Council's overall five year housing land supply total should be reduced by some 199 units (to a figure of 2,734 dwellings). Given the 'headroom' noted above, this means that I am satisfied that the Council is at present able to demonstrate a five year land supply. However, the margin for error (some 79 dwellings) is not substantial. This places particular importance on the need for the Council to progress the GBBR and Local Plan review in a timely manner, as discussed above.

Conclusion – Main Issue 1

54. Subject to the changes recommended above, I therefore conclude that the Local Plan's housing policies are based on adequate and up-to-date evidence and a clear understanding of housing needs in the market area, that it is clear how the Local Plan has addressed the matter of meeting that part of its housing requirement that is not presently provided for as well as meeting anticipated future housing needs arising from the West Midlands conurbation

³² This calculation assumes yields of 200 units in 2018/19 and 2019/20 and a yield of 183 units in 2020/21 (to recognise that this is an 11 month period).

³³ Document S/3a.

³⁴ Pages 34-36 of Appendix 2 to document S/1.

and that an adequate supply of housing land exists in line with national policy.

Main Issue 2: Is the Local Plan's settlement hierarchy and proposed distribution of development sufficiently clear and adequately justified? Is the decision to accommodate some of the growth needs of Redditch within Bromsgrove District appropriately justified? Is the methodology for selecting sites, including land required to meet the growth needs of Redditch, robust and transparent?

Settlement Hierarchy

55. Policy BDP2 explains that there are four main facets to the delivery of housing within the District. In summary, these are: development of previously-developed sites within settlement boundaries; expansion sites around Bromsgrove Town; development sites in or adjacent to large settlements; and affordable housing exception sites within rural areas. The Council proposes to clarify that these are not set out in priority order **[MM8; MM9(part)]**; this is needed for reasons of effectiveness. The policy makes reference to the settlement hierarchy set out in table 2 of the Plan. It is unclear from the Plan's layout as to whether the table forms part of the policy itself. The Council confirms that it is intended that the table should fall within the policy and proposes a modification accordingly **[MM9(part)]**.
56. The Council also accepts that additional clarity is needed in order to clarify which areas are considered to be parts of the settlements of Barnt Green and Wythall for the purposes of the policy **[MM10]**. In this context, I note the concern of some representors that Lickey is in a different parish from Barnt Green and has different facilities. I have no reason to disagree. However, bearing in mind the particular scope of policy BDP2 there is no soundness reason to justify two distinct settlement boundaries: in physical terms the two built-up areas, which are surrounded by the Green Belt, are contiguous.
57. The Council also proposes to delete the column headed 'suitable development' from table 2 **[MM11; MM55]**; given that the Council accepted at the relevant hearing session that the uses listed in this column are not intended to amount to a prescriptive list, this change provides necessary clarity. The acceptability of any particular use in any particular settlement will clearly depend upon the policies of the Plan as a whole along with site-specific considerations. All of the above changes to policy BDP and table 2, including deletion of a reference to villages highlighted in blue that is no longer needed **[MM12]**, are recommended for reasons of effectiveness.
58. The main evidence base supporting the settlement hierarchy is the Settlement Hierarchy Background Paper³⁵. Within its scope, this is a generally robust document that justifies the hierarchy set out in table 2. I do not therefore agree with those representors who seek to have the status of particular settlements amended. However, while the Background Paper considers settlements within the District, it excludes (as already discussed) from detailed

³⁵ Document CDB6.1.

evaluation those parts of the West Midlands conurbation that are outside, but adjoin, the District boundary. Given that, with the exception of land around Redditch (to which I return below) it is not proposed at present to review the Green Belt boundary, this approach appears justified in the context of the Plan as submitted. While an allocation is proposed at Frankley (policy BDP5B), this relates to a previous Area of Development Restraint (ADR). Housing and employment sites that were allocated at Longbridge through the Longbridge Area Action Plan (AAP) (adopted in 2009 by BDC and the City of Birmingham Council)³⁶, related to the specific circumstances arising from the closure of the MG Rover car plant.

59. However, given the absence of detailed consideration of the West Midlands conurbation, the BDP settlement hierarchy forms an incomplete basis for the forthcoming GBBR. The comparative merits, in sustainable development terms, of – for example – extensions to the conurbation compared to further development in and around settlements within the District are not made explicit. As already noted, I agree with the Council that such an exercise should be based upon sustainable development principles, and I recommend changes accordingly (as set out above). For consistency, I also recommend that references to the BDP settlement hierarchy forming the 'approach' or the 'guiding principles' of the GBBR should therefore be deleted. Clearly, however, this is a matter to be addressed in the forthcoming Local Plan review. For the avoidance of doubt, this report takes no view on the relative merits of any particular strategy that may be considered at that stage.
60. It has been suggested that the Plan should include specific housing targets for each settlement. However, I share the Council's view that – at the present stage – such an exercise would be arbitrary and unrealistic. The development potential of individual settlements will necessarily involve assessing a number of detailed site-specific factors. Given the extent of the Green Belt within the District, the GBBR will be an important factor in that assessment.

Meeting the Growth Needs of Redditch within Bromsgrove District

61. Particular concern has been voiced about the principle of accommodating some of the growth needs of Redditch within Bromsgrove District. Paragraph 18 of the Framework requires that in order to be 'sound' a plan should, among other matters, be positively prepared. It explains that this means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, *including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development* (my italics). Bearing in mind the inability of the Borough of Redditch to meet its full development needs within its own boundaries (as described in my report on the BORLP4), the principle of Bromsgrove District accommodating some of the growth needs of the neighbouring authority is clearly in line with national planning policy.
62. As I explain in the BORLP4 report, I am satisfied that the broad approach of

³⁶ Document CDB2.7.

seeking land to meet the growth needs of Redditch in the form of urban extensions to the existing built-up area is justified. Given that the built-up area is so tightly constrained by the administrative boundary of the Borough of Redditch, the decision to assess potential sites in neighbouring local authority areas – as well as within the Borough – is also justified.

63. As set out in that report, a robust assessment of suitable sites within Redditch has been carried out, for example through successive SHLAA exercises. It is notable that BDC has verified the Redditch SHLAA and that it does not dispute the SHLAA methodology or findings. A significant number of sites have been allocated for development within Redditch although, as set out in my BORLP4 examination report, these are not sufficient to meet the BORLP4's overall housing requirement.
64. For these reasons, it seems to me that the approach that has been taken by BDC and RBC fully accords with the spirit and intentions of the Duty to Co-operate, as described at the start of this report. Paragraph 179 of the Framework states that local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans. It adds that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework. The broad approach of the BDP and BORLP4 towards meeting the growth needs of Redditch accords with national policy in this regard. I consider the details of this exercise below.

Site Selection Methodology – Meeting the Needs of Bromsgrove District

65. It is first however necessary to consider the sites that have been identified to meet the needs of Bromsgrove District. The allocations proposed in the BDP in this regard generally relate to land that has previously been considered as having, at least in principle, longer term development potential. Many of the greenfield sites are presently identified as Areas of Development Restraint (ADRs) and do not lie within the Green Belt. As already noted, a full Green Belt Boundary Review (GBBR) is yet to be undertaken.
66. The broad approach to the distribution of development to meet the needs of Bromsgrove District comprises three main strands. First, three sustainable urban extensions are proposed to the west and north of Bromsgrove itself – the Bromsgrove Town Expansion Sites (policy BDP5A). Second, a number of additional development sites are identified in other settlements around the District: these focus primarily upon second tier 'large settlements' identified in the above-noted hierarchy, including Alvechurch, Barnt Green, Catshill, Hagley and Wythall (policy BDP5B). Allowance is made for affordable housing on rural exception sites by policy BDP9. Finally, town centre regeneration sites are identified in policy BDP17.
67. The resulting approach appears justified in line with the submitted evidence base. In particular, it takes account of a number of studies of development and strategic site options, notably the Analysis of Proposed Strategic Sites, Development Options for Bromsgrove District (both December 2010), and the

Area Assessment Study (September 2013)³⁷. As noted below, the identification of town centre regeneration sites follows earlier work on an Area Action Plan (AAP) that has been taken forward into the present Plan.

68. A significant number of additional Green Belt sites have been promoted for development by representors. It has also been suggested that the existing village envelopes should be removed. However, given that I have concluded that the Council's strategy of seeking to meet a proportion of its future housing needs (along with needs arising from the West Midlands conurbation) through a future GBBR and Local Plan review is justified, it follows that there is no soundness reason to consider such proposals at the present time. Indeed, in the absence of a GBBR, it seems to me that there is at present insufficient evidence to undertake a robust comparative assessment of the sites or boundaries concerned. For the avoidance of doubt, and with the exception of those sites that have been considered in the context of meeting the needs of Redditch, my report makes no comment on the merits of 'omission sites'.

Site Selection Methodology – Meeting the Needs of the Borough of Redditch

69. The exercise to identify land to meet the growth needs of Redditch (BDP policy RCBD1.1), and – in respect of the BDP – the identification of the site at Foxlydiate in particular, has been the subject of a significant level of objection. These matters have been discussed at a number of joint examination hearings. I comment on the site selection methodology in some detail in my report into the BORLP4 examination, which should be read in parallel with the present report. In the present report, I focus specifically upon the implications of the site selection exercise for the BDP – notably the decision to identify the major site at Foxlydiate in preference to an alternative location for a development of a broadly similar scale at Bordesley. It should however be noted at the outset that the proposed allocation of Green Belt land for housing at Brockhill (policy RBCD1.1 Site 2), which adjoins the BORLP4 strategic site of Brockhill East (BORLP4 policy 46) has proved to be uncontroversial.
70. As explained in my BORLP4 report, the up-to-date position in respect of the process and the supporting evidence base is set out in the Narrative on the Site Selection Process for the Growth Areas at Redditch (the Narrative) prepared by both BDC and RBC in January 2016³⁸. Section 16 of the Narrative sets out the Councils' conclusions on the choice of those sites that have been selected for allocation and those that have been rejected.
71. The process that has been undertaken to reach that position is summarised in sections 8 and 9 of the Narrative. This refers to, and expands upon, a number of key documents, notably the Housing Growth Development Study (HGDS)³⁹

³⁷ Documents CDB6.2a, 6.2b, 6.3a and 6.3b.

³⁸ Document OED/46a

³⁹ Document CDX1.1. While this took account of earlier studies, notably the Joint Study into the Future Growth Implications for Redditch Town to 2026 prepared by White Young Green in December 2007 (document CDX1.5), it represented an entirely independent assessment.

(January 2013) and the Addendum to the HGDS (the HGDS Addendum)⁴⁰ (November 2014). Both of these documents were accompanied by Sustainability Appraisals (SA). In addition, the SA that accompanied the BORLP4 (dated September 2013)⁴¹ was subject to a 'refresh' in November 2014 and a further revision in May 2015⁴² in the light of the additional work that had been undertaken by the Councils during the examination period. While the BDP SA was also 'refreshed' at that time⁴³, BDC clarified at the relevant hearing (June 2015) that this does not in itself contain a detailed assessment of growth options for Redditch within the BDP area, referring instead to the BORLP4 SA. In principle, this seems to me a suitably pragmatic approach: I see no benefit in duplicating such an exercise and the BDP SA (as updated) provides appropriate cross-references to the relevant documentation.

72. The starting point for the HGDS search exercise was the identification of some 20 broad areas around the urban area of Redditch⁴⁴. However, as set out in my report into the BORLP4 examination, the HGDS excluded areas (included in ADRs) that were proposed for allocation for housing and employment uses in both plans. As explained in my BORLP4 report, this represented a potentially serious flaw in the methodology and, as a result, I requested that further work should be undertaken. In response, both Councils issued the HGDS Addendum. As set out in my Post Hearings Note dated 10 July 2015, this document – although lacking in some clarity – provides sufficient justification in respect of the conclusions of the appraisal of the initial broad areas⁴⁵.
73. The HGDS Addendum takes forward seven areas for consideration in more detail (the focussed area appraisal) – namely areas 3, 4, 5, 6, 8, 11R and 18. Areas 4, 5, 6, 8 and 11R all lie wholly (or mainly) within Bromsgrove District: areas 3 and 18 are discussed in more detail in my report into the BORLP4 examination. In my Post-Hearings Note dated 10 July 2015, I expressed a concern that the conclusions of the focussed area appraisal in the HGDS Addendum lacked a sufficient explanation of why the options that were eventually selected for development had been selected. However, as noted above, additional detail has been provided by the Narrative document – notably at section 16.
74. As discussed in my BORLP4 report, the difference between Redditch's housing requirement and the capacity to accommodate new housing within the Borough amounts to some 3,400 dwellings during the periods of the BDP and BORLP4. I agree with the view of the Councils (expressed at the hearing session in March 2016) that, bearing in mind the various factors discussed elsewhere in my reports on both Plans, achievement of this figure effectively requires one of two potential large sites identified within the focussed area appraisal to be allocated as part of the preferred strategy. These are the sites

⁴⁰ Document CDX1.47

⁴¹ Document CDR1.11 in the BORLP4 examination.

⁴² Document OED/33a

⁴³ Document OED/34

⁴⁴ These are set out in Map 1 (page 16) of the HGDS (document CDX1.1).

⁴⁵ This is summarised in paragraphs A4.84 to A4.87 of the HGDS Addendum – document CDX1.47.

within areas 4 (Foxlydiate) and 8 (Bordesley). The HGDS calculates their capacities to be some 2870 and 2451 dwellings respectively. While both of these figures have been subject to further refinement, I am satisfied that they are broadly indicative of the likely yield bearing in mind the need to take account of other constraints – not least the need to establish a new defensible Green Belt boundary. Clearly, however, neither site would be sufficient on its own: additional land is required to reach the 3,400 dwelling target. (I address the merits of an alternative approach involving neither of these sites below.)

75. The choice of which of these two large sites to allocate has not been straightforward. While the eventual Foxlydiate allocation (policy RCBD1.1 Site 1) has been subject to a considerable level of objection, I have seen no evidence that a decision to allocate land at Bordesley instead would have been any less controversial. Indeed, towards the end of the examinations, some representations were submitted from communities in the locality of Bordesley indicating their objection to any change along such lines.
76. To my mind, choices of this nature are a necessary part of the local planning process. Subject to meeting the soundness criteria set out in the Framework, such decisions are best made at the local level by local planning authorities. Nevertheless, the role of a local plan examination is to consider whether such choices are appropriately justified.
77. In the present case, the merits of Foxlydiate and Bordesley are considered in the HGDS, with a clear conclusion being drawn in the Narrative document⁴⁶. This helpfully clarifies which factors weighed more heavily in the area selection process and which were not individually important in determining the final outcome. In summary, I share the view of both Councils that the following main distinctions between these two alternatives can be identified:
 - While both sites would involve encroachment into the Green Belt, the analysis within the HGDS demonstrates that stronger and more defensible Green Belt boundaries can be achieved at Foxlydiate than at Bordesley.
 - Although located further from the town centre than Bordesley, Foxlydiate is better related to the existing urban area because it adjoins an area of existing built development at Webheath, while Bordesley is separated from the main urban area by Arrow Valley Park. Notwithstanding the ability to create routes through this area of green infrastructure or to access the town centre along the A441, I share the view of the Councils that development at Bordesley would not represent a natural extension of the town. I agree that it would be physically more isolated from the main urban area than development at Foxlydiate.
 - While development at Foxlydiate would reduce the open gap between Redditch and Bromsgrove, a significant amount of separation would

⁴⁶ Document OED46/a, section 16.

remain. There is less separation between Redditch and Alvechurch. As such, development at Bordesley would erode the separation of settlements to a somewhat greater extent than development at Foxlydiate.

- On the assessment of the HGDS, Foxlydiate offers the potential to accommodate more housing than Bordesley, thereby reducing (although not avoiding) the need for sites to be found elsewhere.
- Development at Bordesley offers the potential to assist in the provision of the Bordesley bypass, which – if constructed – would amount to a significant transport improvement on the A441 corridor⁴⁷.

78. In respect of the potential for a Bordesley bypass, the Councils note that there is no evidence about either the likely costs of such a project or how it would be funded and delivered in practice⁴⁸. Representations on behalf of the site's promoter indicate that the relevant land is in their control and that development at Bordesley could assist in delivering the bypass. A route is indicated on indicative masterplans for the site's development⁴⁹. However, it is unclear whether such development would fund the full costs of any bypass or whether additional public funding would be required. A previous planning permission for a Bordesley bypass has now lapsed. These factors reduce the weight that I can attach to this matter as a factor supporting the selection of the Bordesley site.

79. The HGDS notes that part of the Foxlydiate site, notably the land north of the bridleway between Curr Lane⁵⁰ and the A448 has a greater than 60% likelihood of being best and most versatile agricultural land. Post-1988 agricultural land classification information in respect of part of the Foxlydiate site is available on the MAGIC website (DEFRA) but this information is not presented in respect of other land around Redditch. Representors have raised concern that given that it is known that grade 1 agricultural land is present at Foxlydiate, the site cannot be allocated until other areas around Redditch have been surveyed to a comparable standard. However, it is clear from the HGDS that the potential for other sites around Redditch to include the best and most versatile agricultural land has also been recognised. Recognised data sources have been used (see later in this report). I have no reason to doubt the view of the Councils that this is not a factor that materially distinguishes between the above-noted alternatives. As such, their approach accords with paragraph 112 of the Framework.

80. Taking these factors together, and notwithstanding the potential transport advantages of providing a Bordesley bypass if this could indeed be secured, it seems to me that the Councils are justified in selecting Foxlydiate in preference to Bordesley.

⁴⁷ Document CDX1.12.

⁴⁸ Document S/1, pages 7-8.

⁴⁹ For example documents CDX1.8-1.9.

⁵⁰ Also referred to as Cur Lane in the documentation. The local signage uses 'Curr Lane'.

81. Other parties have suggested that a combination of smaller sites would be a preferable alternative to either of the above proposals. I do not agree. The reduced area 11 (11R) carried forward into the focussed area appraisal has similar drawbacks in term of separation from the main urban area and reduction of the gap between Redditch and Alvechurch to those identified in respect of Bordesley. It does not represent a preferable alternative. If area 11R is discounted, the remaining two sites (those identified at areas 5 and 6 – Brockhill West and East respectively) would – even if both were allocated – provide markedly less than the 3,400 dwelling target. The HGDS estimates the potential capacities of these at 1,560 and 672 dwellings respectively, leaving a shortfall of 1168 dwellings.
82. The choice of Foxlydiate means that land for some 600 additional dwellings is required to achieve the 3,400 dwelling target. In principle, either area 5 or 6 would be of sufficient scale to meet this requirement. For the reasons set out below, it seems to me that area 6 (Brockhill East⁵¹) has significant advantages over area 5 (Brockhill West).
83. As already noted, the BDP Brockhill East allocation (within area 6) – despite the loss of Green Belt land involved – has proved to be uncontroversial. It relates well to the existing urban fabric of the town and has relatively easy access to the town centre. A strong Green Belt boundary can be established. There are limited environmental constraints and there is no evidence that heritage assets would be adversely affected. The site adjoins an ADR within Redditch Borough (also allocated for development) thereby enabling a co-ordinated cross-boundary scheme to be achieved.
84. Land at Brockhill West (within area 5) is promoted by representors as an alternative site. The majority of this land lies within Bromsgrove District, although its southern section lies within Redditch Borough. I share the view of the promoters that this site has some advantages: it is well related to the existing built-up area with good accessibility to the majority of facilities. However, I agree with the Councils that it is less well placed than Brockhill East in that regard. The promoters of Brockhill West consider that, on an equitable assessment, the site performs better than both Foxlydiate (area 4) and the Webheath allocation proposed in BORLP4 (policy 48). However, for the reasons already discussed, Brockhill West cannot be considered as a reasonable alternative to a larger site – either alone or in combination with other smaller sites. I comment on the comparative merits of Brockhill West and Webheath in my report on the BORLP4 examination. In summary, the fact that Webheath does not lie within the Green Belt, is already (in part) the subject of planning permission for development and is not subject to the same heritage constraints as Brockhill West (see below) are strong factors supporting its allocation in preference to Brockhill West.

⁵¹ The site proposed for allocation in this area in the BORLP4 is called Brockhill East (BORLP4 policy 46) while that in the BDP (policy RCBD1.1, site 2) is called Brockhill. However, in this section of my report I have described the BDP Brockhill allocation as 'Brockhill East' in order to distinguish it from the omission site promoted by representors at Brockhill West.

85. The Councils' main concern with regard to Brockhill West relates to the effects of the proposal on the heritage assets of the Hewell Grange Estate - namely a Conservation Area, Registered Park and Garden (RPG) and various listed buildings and structures. These were the subject of a 2013 study by BDC that was prepared in the light of concerns from English Heritage (now Historic England) – the Hewell Grange Estate: Setting of Heritage Assets Assessment (HGESHAA)⁵². However, as set out in my Post-Hearings Note to the Councils dated 10 July 2015, there are particular concerns with this document. Notably, it reached a conclusion that 'substantial harm' (in the terms of the Framework) would be caused to the assets' significance. The Council accepted at the relevant hearing session that this should be changed to 'less than substantial'. While I have no reason to disagree with that assessment, it appears that the assessment of the site's merits in the HGDS had been made on the basis of an incorrect understanding of the level of harm that would be caused.
86. In addition, I raised concern that in view of the provisions of the Framework, and notwithstanding the statutory duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, a finding of 'substantial harm' (or, indeed, 'less than substantial harm') is not in itself a reason to necessarily rule out development. As is made clear by the Framework, such harm should be balanced against public benefits. It was not, at that stage, obvious where (or indeed whether) that balance had been undertaken. A further concern, to which I return below, was the absence of a full consideration of area 4 (Foxlydiate) – which also lies close to heritage assets at Hewell Grange – from this exercise.
87. The Council responded by publishing an updated version of the HGESHAA, along with an assessment of the balance between harm and public benefits⁵³. The robustness of these updated documents has been criticised by the promoters of Brockhill West, who have submitted alternative heritage evidence. I share some of the representors' concerns in respect of the updated HGESHAA. In particular, I disagree with its conclusion that 'any development of area 5 would therefore result in the *loss* of this part of the setting of the [heritage assets] ...'⁵⁴ (my italics). To my mind, this overstates the likely effect of development within a smaller section of the site (for example that part which lies within Redditch) that would be well-separated from the assets themselves.
88. Nevertheless, I agree with the Council that the agricultural surroundings of the heritage assets – notably the Registered Park and Garden (RPG) and Conservation Area⁵⁵ – provide a rural setting that contributes to the assets' significance. Development of the larger area suggested in the most recent representation⁵⁶ would extend close to the boundary of the Conservation Area

⁵² Document CDX1.38. The listed buildings and structures are set out in an appendix to that document.

⁵³ Documents OED/46b and OED/46g.

⁵⁴ Page 55 of document OED/46b.

⁵⁵ The heritage assets also include listed buildings – see document OED/46b.

⁵⁶ Document XB1/4a & 4b: Appendix 1 Concept Masterplans.

and RPG. As set out in the updated HGESHAA there is a significant amount of intervisibility – both from viewpoints within area 5 towards the woodland of the RPG and Conservation Area and from the edge of woodland over area 5 towards the urban area. As a result, the rural setting of the heritage assets would be markedly diminished by residential development in the larger area that is now suggested for development. While development in a smaller area, as described above, would enable a clear separation from the heritage assets to be maintained, the degree of intervisibility between much of area 5 and the heritage assets themselves means that even that level of development would result in some harm to the assets' setting.

89. Although such harm would be 'less than substantial' in terms of the Framework, it is still necessary that a balancing exercise should be undertaken. Given that the required housing can be provided at Brockhill East without such harm resulting, and bearing in mind the particular advantages of the Brockhill East site as summarised above, it seems to me that it cannot be shown that the public benefits arising from an allocation at Brockhill West would outweigh the harm to the heritage assets. I comment separately on the effect of the Webheath allocation in respect of heritage assets in my report into the BORLP4 examination.
90. Drawing all of the above together, I am satisfied that the selection of the sites proposed for allocation at Foxlydiate and Brockhill East in the BDP (policy RCBD1.1) is appropriately justified. I comment on the Foxlydiate site in more detail later in this report.
91. Although not within BDP policy RCBD1.1, the proposed employment allocation at Ravensbank (the Ravensbank Expansion Site in BDP policy BDP5B) is also intended to meet the needs of Redditch. This site, which occupies an existing ADR, is well related to existing employment areas. Concern had been raised by English Heritage (now Historic England) that the effects of this proposal on the setting of Gorcott Hall (a grade II* listed building with associated listed structures) had not been assessed. This has now been carried out⁵⁷. Subject to additional references being added **[MM45-46]**, which are necessary in order to be justified and consistent with national policy, Historic England has no outstanding objections in respect of this matter⁵⁸. I have no reason to take a different view.

Sustainability Appraisal

92. Concern has been raised by a number of representors about the adequacy of the Sustainability Appraisal (SA) that underpins the development strategy set out in both the BORLP4 and BDP in respect of meeting Redditch's growth needs – particularly in relation to housing needs. In response to my request at the March 2016 hearings, a legal opinion⁵⁹ has been submitted by both Councils to the effect that the information submitted in both examinations is consistent with, and not in conflict with, the relevant legal requirements –

⁵⁷ Appendix B to BDC's matter B4 hearing statement – document B4/1.

⁵⁸ Statement of Common Ground between BDC and Historic England – document OED/37.

⁵⁹ Document ED/50.

notably the requirements of section 19(5) of the 2004 Act and regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004.

93. In summary, I have no reason to disagree with this conclusion. While deficiencies have been highlighted in the documentation that was originally submitted⁶⁰, these have been largely remedied by later documents – notably the HGDS Addendum, the Narrative, the final BORLP4 SA (May 2015) and the minor amendments to that SA accompanying the Councils' joint statement of case dated 4 March 2016⁶¹. Taken together, and notwithstanding my comments below about the testing of alternative scenarios, I am satisfied that these demonstrate that reasonable alternatives have been considered and explain why the Councils have rejected some alternatives and proceeded with others. The inclusion of specific conclusions in section 16 of the Narrative, has markedly increased the robustness of this exercise. While the Narrative has not been accompanied by substantive new SA work, such additional work appears unnecessary given that significant changes to the approach that has already been subject to SA are not being proposed as a result of that document. I share the view of the Council's legal advisor that SA should be a proportionate exercise and that an unduly forensic level of analysis of specific scores and alternatives is not appropriate.
94. As already noted, the BDP SA, which was also 'refreshed' in June 2015, does not in itself contain a detailed assessment of growth options for Redditch within the BDP area, referring instead to the BORLP4 SA. As is also set out above, I am satisfied in principle that this is a suitably pragmatic approach: I see no benefit in duplicating such an exercise and the BDP SA (as updated) provides appropriate cross-references to the relevant documentation.
95. Concern has been expressed with regard to the consideration of alternatives through the SA process. Arising from my concerns about the omission of the ADRs from the HGDS document (discussed in more detail in my BORLP4 report), four scenarios, described as 'additional scenarios' were set out in the Narrative document⁶².
96. In respect of the BDP, concerns have been raised about the relative treatment of Bordesley (area 8) in these scenarios, notably in respect to the treatment of Foxlydiate (area 4). Of the four 'additional scenarios' listed, only one (scenario 2) includes Bordesley. However, the scenario is rejected as it does not provide sufficient capacity to meet the required level of need. As such, it does not – and could never – amount to a reasonable alternative to the selected option (scenario 1), as it (in effect) represents a different strategy entirely – that of not meeting the identified housing requirement. I make a similar argument with respect to Webheath in my BORLP4 report.
97. The Councils contend that the assessment of Bordesley's site capacity in this updated exercise (a figure of 1,000 dwellings) was based upon their view of

⁶⁰ See for example my Post Hearings Note dated 10 July 2015 – document ED/35.

⁶¹ Document S/1. These take account of the updated work on heritage assets described in the main body of this report.

⁶² Document OED/46a, pages 75-78.

the comments of the site's promoters about the likely housing yield. However, this was disputed by the promoters themselves: in fact their representation refers to a *minimum* of 1,000 dwellings⁶³ and they suggest a figure of some 2,000 dwellings, although this figure appears to assume some development in area 11. As already noted, the Councils themselves assumed a larger figure (of 2,541 dwellings) in the HGDS. As such, their capacity assessment for area 8 in the Narrative's 'additional scenario' exercise does not appear to be robustly justified.

98. Having said that, even if the HGDS capacity figure (of 2,541 dwellings) was applied to Bordesley, scenario 2 would still fail to deliver the required total. The usefulness of this exercise is therefore unclear. As stated in my BORLP4 report, I feel that the Councils' presentation of the testing of alternatives in the Narrative has been unhelpful. A more robust, and common sense, way of setting out the alternative scenarios would have been to consider groups of reasonable alternatives of a sufficient scale to meet the required housing figure – and then consider the relative merits of each option. Alternatively, if reasonable alternative scenarios were not felt to exist then there would be little merit in undertaking such comparative scenario testing.
99. A similar argument can be applied, in part, to the testing of alternatives in the HGDS: the only alternative scenario to include Bordesley in section 8 of that document also failed to deliver the required housing total. However, the relevant text also refers to the concerns about the ability of the Bordesley site to integrate with Redditch's existing urban form – as discussed above.
100. Nevertheless, I do not feel that these matters amount to a fatal flaw – either in soundness or SA terms. As already noted, the comparative assessment and conclusion contained in section 16 of the Narrative document sets out the relative merits of Bordesley against the other sites that were carried forward into the Broad Area Appraisal. The reasons for the decision to allocate Foxlydiate in preference to Bordesley, which are consistent with the approach set out in the HGDS in this respect, are clearly explained. Given that preference, and bearing in mind the underlying evidence base already referred to, I have no reason to suppose that the testing of additional scenarios containing different combinations of sites would have resulted in a different outcome. I therefore reject the assertion that an inadequate consideration of alternatives has occurred.

Conclusion – Main Issue 2

101. For these reasons, and subject to the changes recommended above, I conclude that the Local Plan's settlement hierarchy and proposed distribution of development is sufficiently clear and adequately justified, that the decision to accommodate some of the growth needs of Redditch within the Borough is appropriately justified and that the methodology for selecting sites, including land required to meet the growth needs of Redditch, is robust and transparent.

⁶³ Document XB1/14.

Main Issue 3: Are the Local Plan's proposals for the provision of employment, community services and retailing, and for the regeneration of Bromsgrove Town Centre, sufficiently justified and consistent with the evidence base and national policy?

Employment

102. The key evidence base underpinning the Plan's employment policies is the Bromsgrove District Employment Land Review (ELR)⁶⁴, published in December 2012. Although pre-dating the release of the PPG I am satisfied that the ELR broadly conforms to up-to-date guidance. The ELR concludes that the District's minimum requirements are approximately 20 ha of employment land. However, the BDP identifies some 28 ha in order to ensure that a balanced portfolio of sites and location is available, as well to strike an appropriate balance between housing and employment growth. As already discussed, all three employment growth forecasts contained in the NWHNR suggest a substantial growth in jobs numbers for Bromsgrove District, ranging from some 10% to 13% for the period 2012-2030. To my mind, this approach represents positive planning in line with the Framework's requirements: it is noted that representatives from the business sector have generally supported the allocation of further land to accommodate employment growth.
103. Among other matters, paragraph 22 of the Framework states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. It adds that land allocations should be regularly reviewed. In the present case, the ELR has reviewed the quality and appropriateness of existing employment sites, while a number of employment sites have been reviewed through the SHLAA⁶⁵. Very limited releases are proposed. However, the Council states that flexibility has previously been applied in specific circumstances – for example the granting of planning permission for a mixed use development including 157 dwellings on employment land at Stoke Prior on the basis of the evidence that was submitted at the time. In that context, I am satisfied that policy BDP14 of the Local Plan provides sufficient flexibility in line with the approach of the Framework.

Community Services

104. Policy BDP12 seeks both to provide for services and facilities to meet the needs of the community and to retain those services and facilities for which a need is identified. The Council proposes a change to recognise that the needs of service providers should be taken into account when making such assessments **[MM63]** and I agree that this is needed for reasons of effectiveness.

Retail & Town Centre Issues

105. The BDP incorporates work on the Bromsgrove Town Centre Area Action Plan

⁶⁴ Document CDB8.1a.

⁶⁵ See Appendix 1 to document B3/1.

(AAP) and puts forward a strategy that seeks to recognise the role of the town centre as a catalyst for regeneration and the delivery of housing and economic growth. Policy BDP17 defines the Town Centre, with extended primary and secondary shopping zones, and in addition identifies 10 development opportunity sites for a variety of uses. Policy BDP18 sets out policies for Local Centres elsewhere in the District. This positive approach is supported by a considerable body of evidence including town centre health checks and retail studies⁶⁶ and is consistent with national policy (notably paragraph 23 of the Framework). In particular, the extent of the Town Centre Zone has been guided through work on the Town Centre AAP and has taken account of relevant Framework definitions.

106. The need for the regeneration of Bromsgrove's town centre is apparent from the above-noted evidence base. The most recent retail study⁶⁷ indicates that there is likely to be a slight oversupply of convenience retailing in the town centre over the Plan period, and a limited shortfall of some 16,300 square metres gross comparison retail floorspace. The Council proposes changes to take account of this more recent information **[MM67; MM73]** which are needed in order to be justified and effective. I have amended the Council's suggested wording to clarify that this figure relates to gross floorspace.
107. Changes are also proposed by the Council to provide clearer support for a wide range of uses at first floor level, such as office, retail and residential **[MM74(part), MM80]** and to give an enhanced focus on achieving a safe, balanced and socially responsible evening economy **[MM74(part); MM82; MM83; MM101]**. These are recommended for reasons of effectiveness. Additional changes to specific policy requirements for the town centre development opportunity sites, for example in respect of flood risk, are addressed later in this report.

Conclusion – Main Issue 3

108. For these reasons, and subject to the changes recommended above, I conclude that the Local Plan's proposals for the provision of employment, community services and retailing, and for the regeneration of Bromsgrove Town Centre, are sufficiently justified and consistent with the evidence base and national policy.

Main Issue 4: Does the Local Plan provide satisfactorily for specific housing needs including affordable housing, housing for the elderly, low cost market housing and the needs of Gypsies and Travellers, consistent with national policy?

Affordable Housing

109. The affordable housing needs of Bromsgrove District were assessed in the SHMA (February 2012) and the Worcestershire SHMA Monitoring Document

⁶⁶ Notably documents CDB9.1 to CBD9.6.

⁶⁷ Document CDB9.4.

(June 2013)⁶⁸. These indicate an annual need for affordable housing in Bromsgrove District of 219 and 205 dwellings per year respectively.

110. Policy BDP8 proposes a two-tier approach to the requirement for affordable housing. A 40% requirement is applied to greenfield sites and any other sites accommodating 200 or more dwellings, while brownfield sites of less than 200 dwellings are required to make 30% provision. The Council proposes to change the threshold for affordable housing to accord with the WMS of 28 November 2014 **[MM54(part)]** and this is recommended for consistency with national policy.
111. The identified level of need for affordable housing represents a significant proportion (some 55-60%) of the Plan's overall annual housing requirement (of 368 dwellings/year). The targets set out in policy BDP8 are therefore unlikely to fully deliver the identified need. As noted above the Plan's housing requirement is somewhat higher than the overall level of objectively assessed housing need. However, the constraints that apply to housing delivery within the District, as already discussed, limit the potential to for further increases in order to achieve a higher yield of affordable housing. In addition, the requirements set out in policy BDP8 have been derived in the light of studies of the effects on development viability – the Levvel Ltd report (March 2012) and the Local Plan Viability Study for both the BDP and BORLP4 (March 2014)⁶⁹. The Council comments that although the latter document was published after submission, its preparation (beginning in 2013) informed the development of relevant policies.
112. The Levvel Ltd report supports the two-tier approach that is proposed by the Council – both in terms of the greenfield-brownfield split and the use of a 200 dwelling threshold for the application of the differential policy. While a wide variety of value areas was identified within the District, it seems to me that the suggested approach is broadly justified by this evidence base. In specific cases where the required target cannot be achieved, policy BDP8 provides sufficient flexibility to enable a lower provision to be negotiated. However, the evidence before me suggests that the Council has to date had some success in applying a two-tier policy approach (albeit in draft form) in recent years, with 40% provision secured in a number of cases⁷⁰. To my mind, this approach appears appropriately justified. The Council suggests that the policy is altered to allow for a higher level of affordable housing to be provided if this is proposed **[MM54(part)]**: given that this is not intended to apply an additional requirement on developers, this change would allow greater flexibility and could contribute towards meeting the above-noted need. It is recommended for reasons of effectiveness.
113. A consequence of this policy stance is that the Redditch cross boundary sites proposed in BDP policy RCB1.1 would be subject to a different affordable housing requirement to that of nearby sites within the Borough of Redditch. It

⁶⁸ Documents CDB7.2a & b and CDB7.4 respectively.

⁶⁹ Documents CDB7.9a-c and CDB6.4c respectively.

⁷⁰ Appendix A to document B5/1.

is acknowledged that this creates an apparent anomaly: however, as set out in my report into the BORLP4 examination, the evidence base supporting that plan does not support the adoption of a 40% target within Redditch itself. Equally, the evidence within the BDP examination does not justify a reduction from the 40% greenfield figure. However, should viability concerns emerge within these sites then policy BDP8 contains flexibility as already described.

Housing for the Elderly

114. Policy BDP10 provides explicit encouragement for the provision of housing for the elderly and for people with special needs. This is supported by evidence of need in the SHMA and the Worcestershire Extra Care Housing Strategy⁷¹. A specific allocation for retirement-led residential units and C2 nursing care uses is made at Recreation Road (policy BDP17, site TC2), while policy BDP5A requires that the site at Perryfields Road (policy BDP5A, site BROM2) should include an extra care-type facility of approximately 200 units. It therefore seems to me that adequate provision is made within the Plan. However, as is set out below, references to the Lifetimes Homes standard should be deleted from policy BDP10 and other parts of the Plan in line with the Written Ministerial Statement of 25 March 2015. In addition, I agree with the Council that changes should be made to policy BDP10 to allow for a wider range of accommodation for the elderly **[MM59]** and to the Plan's vision to emphasise the importance of meeting such needs **[MM3]**. These are needed in order to be effective.
115. Bearing this in mind, I do not accept the view that additional provision should be made to enable specialist accommodation to be developed on Green Belt sites. As already noted, a full GBBR has yet to be undertaken: the introduction of a policy allowing an exception to be made for such developments would conflict with national Green Belt policy. While concern has been raised in respect of the lack of specific provision for housing for the 'active elderly', it seems to me that this would be difficult in practice to distinguish from general market housing: in any event, substantive evidence of a specific outstanding need in that regard has not been demonstrated.

Low Cost Market Housing

116. Concern has been made that the Plan makes insufficient provision for park home developments. It is accepted that these can form a type of low cost market housing. However, while national planning policies, notably the Framework and Planning Policy for Traveller Sites (PPTS) set requirements for affordable housing and traveller sites respectively, there is no policy requirement that Local Plans should make special arrangements to provide for a particular type of low cost market housing. As such, demand for this type of accommodation should be seen in the context of the wider need for housing within the District as a whole. It is not therefore necessary to make specific allocations for such developments in order for the Plan to be sound.

⁷¹ Documents CDB7.2a & b and CDB7.12 respectively.

Housing Mix and Density

117. Policy BDP7 requires development proposals to take account of identified housing needs in terms of the size and type of dwellings. While a focus on 2 and 3 bedroomed properties is identified, I am satisfied on balance that the policy contains sufficient flexibility and is not unduly prescriptive. Clearly, it is necessary that appropriate account is taken of local character and distinctiveness. The Council proposes a change to clarify that a wider mix of dwelling types may be required on schemes of 10 or more dwellings **[MM53]** and I agree that this is needed for reasons of effectiveness.

Gypsies and Travellers

118. The Planning Policy for Traveller Sites (August 2015) (PPTS) places requirements on Local Plans in respect of this matter. A robust evidence base should be prepared, including early and effective community engagement with both settled and traveller communities (PPTS policy A). Pitch targets should be set and a supply of sites identified (PPTS policy B).

119. At the start of the examination, I raised a concern that the Local Plan did not appear to accord with these requirements⁷². However, during the examination the Worcestershire Gypsy and Traveller Accommodation Assessment (GTAA) was issued⁷³ and was the subject of a consultation exercise. No substantive criticisms were raised in respect of either the methodology of the study or its conclusions. I have no reason to take a different view.

120. In respect of Bromsgrove, the GTAA concludes that there is sufficient capacity to cover identified requirements to 2018/19 and that there is no overall additional need for plots for travelling showpeople during the remainder of the Plan period. I agree with the Council that it is necessary to change the Plan in order to reflect the updated evidence base. However, the GTAA indicates a need for permanent pitches after 2019/20. The Council's revised wording does not fully reflect this and, having due regard to the Public Sector Equality Duty, additional changes are therefore needed in order to ensure that adequate provision is made available. I agree with the Council that, in the light of the matters already discussed, policy BDP11 should also be changed to make explicit that additional land requirements will be met through the proposed Local Plan review. I have amended the relevant text to refer to the need that has been identified through the GTAA. These changes **[MM60-2]** are needed in order to be effective, justified and consistent with national policy.

Conclusion – Main Issue 4

121. For these reasons, and subject to the changes recommended, I conclude that the Local Plan provides satisfactorily for specific housing needs including affordable housing, housing for the elderly, low cost market housing and the needs of Gypsies and Travellers, consistent with national policy.

⁷² Inspector's Letter dated 10 April 2014 – document ED/3.

⁷³ Documents CDB13.7 and 13.8.

Main Issue 5: Does the Local Plan provide satisfactorily for the delivery of development, with particular reference to transportation infrastructure?

122. Although infrastructure requirements associated with specific Local Plan allocations are set out in the Plan itself, the overall infrastructure requirements arising from the BDP are contained in the BDP Infrastructure Delivery Plan (IDP) (February 2014)⁷⁴. This provides a baseline of existing infrastructure capacity and needs within the District and sets out the infrastructure that is needed to support the predicted growth contained within the Plan. It is a 'live' document and it is intended that it will be reviewed in the future – specifically in order to take into account the additional growth needs to be accommodated through the Local Plan review. The IDP has been the subject of cross-boundary consultation – notably with RBC, with whom a joint schedule has been prepared in respect of transport and cross-boundary developments. The Council proposes to amend the Plan to clarify the IDP's status **[MM1; MM99]**: these changes are needed for reasons of effectiveness.
123. As already noted, the viability of development has been tested through the Local Plan Viability Study (July 2014)⁷⁵. This adopts the residual valuation method and has tested strategic sites in Bromsgrove alongside a set of other modelled sites for residential and non-residential development. It concludes that, on balance, the cumulative impact of the Council's policies does not put residential development at risk. Indeed, the majority of sites tested within Bromsgrove District performed well, although viability concerns were identified with respect to brownfield and urban infill sites. As discussed above, policy BDP8 allows for flexibility to be applied in respect of affordable housing contributions where viability concerns are demonstrated. In respect of other infrastructure contributions, the Council remains committed to the introduction of the Community Infrastructure Levy (CIL). However, it proposes to add new text to policy BDP6 to clarify that prior to the introduction of CIL it will seek contributions on a case by case basis in line with relevant policy and guidance. This change **[MM52(part)]** is recommended for reasons of effectiveness.
124. The Local Plan indicates that monitoring will take place through the preparation of the Council's monitoring reports, alongside other regular exercises such as the monitoring of housing and employment land availability. Indicators are set out in Appendix 5 of the Plan. The Council proposes a number of changes to the list of indicators – including both additions and deletions. While these are not needed in order to make the Plan sound, it appears prudent to ensure that indicators are both relevant and able to be monitored with ease.
125. The Local Plan is supported by a range of transportation evidence⁷⁶. During the Plan's preparation, concern was raised by the Highways Agency – now Highways England – about the effects of the levels of growth envisaged in Bromsgrove on the strategic road network (SRN). Outstanding questions

⁷⁴ Document CDB1.13. This supersedes the September 2013 version (document CDB6.5).

⁷⁵ Document CDB13.6.

⁷⁶ Notably documents CDB8.8 to 8.15.

remained around whether and how the level of planned growth beyond 2021 arising from the housing requirement in Bromsgrove could be accommodated on the SRN. The agency added that work was ongoing in respect of further modelling as well as investigating the potential for specific improvements.

126. A statement of common ground (SOCG) (November 2014) was subsequently agreed between Highways England, BDC, RBC and WCC⁷⁷. This states that the parties agree that the BDP reflects a proportionate level of transport evidence to demonstrate that subject to ongoing assessment work, its provisions are deliverable over the Plan period and that the Plan is sound. I have seen no substantive evidence to justify taking a different view. Changes are proposed to the BDP to give greater clarity in respect of the need for transport assessment and the approach to developer contributions: these **[MM6; MM9 (part); MM51(part); MM52(part); MM65-66]** are needed for reasons of effectiveness. Changes are also proposed to the IDP in respect of the SRN, although these cannot be subject to recommendations in my report.

Conclusion – Main Issue 5

127. For these reasons, and subject to the changes listed above, I conclude that the Local Plan provides satisfactorily for the delivery of development, with particular reference to transportation infrastructure.

Main Issue 6: Does the Local Plan take adequate account of the effects of development on the natural and built environment? Is its approach to development within the Green Belt consistent with national policy?

Flood Risk & Water Quality

128. The Plan is supported by a range of relevant technical evidence, notably the joint RBC/BDC Strategic Flood Risk Assessment (SFRA) and the joint RBC/BDC Outline Water Cycle Study⁷⁸. Nevertheless, the Environment Agency (EA) has raised concerns about a number of matters: the omission of several of the Town Centre sites from the level 2 SFRA; phasing arrangements for these sites in respect of waste water infrastructure; and about ground water protection – notably at Foxlydiate (RCBD1.1, site 1). The latter point was also raised by Severn Trent Water Ltd (STW).

129. In response to these concerns, a SOCG was agreed between BDC, RBC, the EA and STW in July 2014⁷⁹. A further SOCG was agreed between the EA and the two councils in March 2016⁸⁰. In respect of the Bromsgrove Town Centre sites, the parties agree that revised wording to relevant policies should be changed to provide greater safeguards in respect of flood risk assessment. However they agree that existing safeguards within policies BDP5A and BDP23 are sufficient to ensure that waste water infrastructure would be in place in time for the proposed developments. In respect of Foxlydiate, additional

⁷⁷ Appendix 2 to document B3/1.

⁷⁸ Documents CDB10.12 and CDB10.11 respectively.

⁷⁹ Appendix A to document B4/1.

⁸⁰ Document ED/45

wording is proposed to policy RCBD1.1 in respect of stronger safeguards on flood risk assessment, the use of Sustainable Drainage Systems (SuDS) to manage surface water run-off, and additional requirements in respect of water quality to avoid pollution risks to controlled waters (including the need to take into account any previous contaminative uses). This is discussed in more detail later in this report. I agree that all of these changes [**MM7; MM37; MM42-44; MM47; MM51 (part); MM68-72; MM76; MM78-79; MM84; MM96**] are necessary for reasons of effectiveness and consistency with national policy.

130. In consultation with the EA, the Council has proposed changes to impose the new optional water efficiency standard (of 110 litres per person per day) on residential development within the Foxlydiate site (policy RCBD1.1) and Bow Brook and Batchley Brook catchments (policy BDP23) [**MM51, MM97**]. I am satisfied that the need for such a standard is justified by the submitted evidence base. The viability of applying a more stringent standard (the 105 litres per person per day standard in the former Code for Sustainable Homes) than that now proposed has been tested⁸¹. The imposition of requirements in respect of water use within non-domestic buildings [**MM51 (part)**] is also justified by the submitted evidence base.

Agricultural Land Quality

131. As already mentioned, agricultural land quality has been considered during the site selection and allocation processes using various data sources in the order of preference advised by Natural England. This is: the pre- and post- 1988 Agricultural Land Classification Maps, the Agricultural Land Classification Strategic Map (Natural England) and the provisional Agricultural Land Classification made available by DEFRA⁸². For Bromsgrove Town sites agricultural land quality is set out in the various assessments of development options⁸³, while for Redditch growth options it is considered in the HGDS.

Nature Conservation and Biodiversity

132. Policy BDP21 seeks to achieve better management of the District's natural environment and sets out a number of requirements for new development. However, it does not distinguish appropriately between the different levels of protection that national policy applies to different types of designation. The Council recognises these concerns and proposes amended wording accordingly. Subject to a further amendment to refer more explicitly to the requirements of paragraph 118 of the Framework, these changes [**MM88**] are needed for reasons of effectiveness and consistency with national policy. The identification of development sites has been supported by ecological appraisals⁸⁴ and the plan as whole is supported by a Green Infrastructure

⁸¹ Document CDB13.6.

⁸² See document B4/1, page 2 and document CDB10.26 pages 54-55.

⁸³ Documents CDB6.2b and CDB6.3a.

⁸⁴ Documents CDB10.25a-b, CDX1.13, CDX1.24 and CDX1.42.

Baseline Report⁸⁵.

Housing Standards

133. Local Plan policy BDP19 sets out a number of specific requirements aimed at achieving high quality design. However, these include requirements to adhere to technical standards that have now been superseded following the WMS of 25 March 2015. The Council proposes changes in order to reflect the new national technical standards for housing. Subject to some additional clarification, as well as the removal of proposed references to other standards (such as Building for Life 12) and the suggested 'expectation' that sustainable building techniques and local and low carbon materials will be used (which appears to introduce an additional design standard), I recommend these changes **[MM36; MM41; MM54(part); MM56-58; MM81; MM83; MM89-92; MM94(part); MM95; MM97]** as being necessary in order to be consistent with national policy.

Renewable Energy

134. A further WMS dated 18 June 2015 set out new considerations to be applied to wind energy development. This matter has not been the subject of significant comment or representation in this examination. Nevertheless, it is necessary to amend policies BDP15 and BDP22 (and some supporting text) to clarify that they do not apply to wind energy developments, which will be considered against national policy and guidance. These changes **[MM64; MM93-94(part)]** are necessary for consistency with national policy.

Heritage Assets

135. Policy BDP20 sets out a comprehensive approach towards managing the historic environment. The Council proposes changes **[MM85-87]** to clarify the terminology of this policy in respect of heritage assets. These are needed in order to be consistent with national policy. The Council has explained in general terms how it has considered heritage assets in respect of specific sites⁸⁶. Site-specific heritage matters are considered in more detail elsewhere in this report. For example, as noted above, changes are recommended in respect of the relationship between the Ravensbank Expansion Site and Gorcott Hall, a grade II* listed building **[MM45-46]** and in respect of the relationship between the Foxlydiate development site (policy RCBD1.1, site 1) and heritage assets at Hewell Grange Estate **[MM51(part)]**.

Green Belt policy

136. The Council proposes changes to policy BDP4 to ensure that its approach to development within the Green Belt is consistent with national policy in the Framework. These include the deletion of 'and other uses of land' from policy BDP4.4(b) in line with paragraph 89 of the Framework **[MM32]**, clarifications of the policy approach to dwelling extensions and the replacement of buildings

⁸⁵ Document CDB10.26.

⁸⁶ Document B4/1, pages 5-6.

[MM27; MM33-34], a correction to the reference to paragraph 14 (footnote) of the Framework **[MM5]** and an update to the reference in the Plan's glossary **[MM98]**. In respect of the thresholds set out in policy BDP4.4(c), the Council refers to earlier supplementary planning guidance⁸⁷ and gives a number of examples of how this has been applied in practice in planning appeals since 2002⁸⁸. In the circumstances, and notwithstanding the scale of extensions that can be available through permitted development rights, I am satisfied that these thresholds provide useful local guidance and are appropriately justified.

Conclusion – Main Issue 6

137. For these reasons, and subject to the changes listed above, I conclude that the Local Plan takes adequate account of the effects of development on the natural and built environment and that its approach to development within the Green Belt is consistent with national policy.

Main Issue 7: Are the allocated sites appropriate and deliverable? Are the detailed requirements for the allocations clear and justified? Are the boundaries and extent of the sites correctly defined?

138. The assessments that have taken place to identify development sites to meet the needs of Bromsgrove District, along with those needs of the Borough of Redditch that cannot be met within the Borough itself, have been described above. The appropriateness and deliverability of the sites has been considered through SHLAA exercises (in respect of housing sites) and ELR (in respect of employment sites). Viability has been assessed, as also discussed above. Required infrastructure is set out in the IDP and, in respect of many sites, in the Local Plan itself. None of these exercises has identified substantive barriers to the developments now proposed.

Meeting the Needs of Bromsgrove District

139. As already described, the sites proposed for allocation to meet the needs of Bromsgrove District fall into three broad categories: the Bromsgrove Town Expansion Sites (policy BDP5A); additional sites in other settlements (policy BDP5B); and Bromsgrove Town Centre Regeneration sites (policy BDP17). In general terms, none of these sites have been the subject of a significant level of objection during the examination. However, as described above, concerns have been raised in respect of flood risk, drainage and water quality in respect of several sites (notably in Bromsgrove Town Centre) and a number of modifications have been proposed in these regards as already discussed. In addition, the Council proposes to add references to the Green Infrastructure Concept Plan⁸⁹ in respect of the site at Perryfields Road (BROM2) **[MM35; MM42(part)]**. These are needed for reasons of effectiveness.

140. The Council proposes to clarify that the dwelling numbers set out for

⁸⁷ SPG7 – document CDB14.5.

⁸⁸ Appendix A to document B1/1.

⁸⁹ Document CDB10.27.

Bromsgrove Town Expansion Sites BROM1-3 represent approximate figures rather than minimum targets. In view of the need for consistency, and bearing in mind the evidence base submitted in respect of the capacity of these sites, these changes **[MM38-40]** are recommended in order to be justified and effective.

141. Changes are also proposed to provide greater detail about the likely uses that are sought in site TC4 (Parkside Middle School) and the likely timing of the delivery of sites TC9 and TC10 (Mill Lane and Worcester Road Employment Area) **[MM75; MM77]**. These reflect more recent information and are necessary in order for the allocations to be justified.

Meeting the Needs of the Borough of Redditch

142. As described earlier in this report, the BDP identifies three sites to meet the needs of the Borough of Redditch – two in policy RCBD1.1 (Foxlydiate and Brockhill) and one in policy BDP5B (the Ravensbank employment allocation). **Ravensbank** has already been considered in this report. As already noted, it occupies an existing ADR and is well related to existing employment areas. As also discussed, changes are proposed to clarify its relationship to heritage assets. Subject to these I am satisfied that the site has been appropriately identified.
143. Notwithstanding that it represents a Green Belt deletion, the site at **Brockhill** (policy RCBD1.1, site 2) has proved to be uncontroversial in this examination. As already discussed, it relates well to the existing urban fabric of the town and has relatively easy access to the town centre. A strong Green Belt boundary can be established. There are limited environmental constraints and there is no evidence that heritage assets would be adversely affected. The site adjoins an ADR within Redditch Borough enabling a co-ordinated cross-boundary development to be achieved. For these reasons, and bearing in mind both the need for housing within Redditch described in my report on the BORLP4 examination and the site selection exercise described above I consider that exceptional circumstances are demonstrated to justify the site's removal from the Green Belt, in line with paragraph 83 of the Framework.
144. As also discussed, the proposed allocation at **Foxlydiate** (policy RCBD1.1, site 1) has been the subject of a considerable amount of local objection. However, for the reasons set out above, I am satisfied that its selection is appropriately justified. Nevertheless, it is necessary to consider a number of the concerns that have been raised about the details of the proposed allocation. Some, such as agricultural land quality, are discussed above. Additional comments are made here in respect of heritage assets, flood risk & groundwater issues, Green Belt issues, landscape, transport and deliverability. They take account of a statement of common ground that has been agreed between both Councils and the site's promoters⁹⁰. This sets out areas in which the parties are in agreement and makes reference to a number of other supporting documents: in addition to those mentioned elsewhere in this report, these

⁹⁰ Documents ED/47-47a.

include a Landscape and Visual Impact Assessment, a Utilities Infrastructure Report, a Community Infrastructure and Baseline Requirements Report, a Geo-Environmental Desk Study and investigation of the Hawthorne Pit, a Noise Mitigation Report, an Ecological Validation Report and various protected species surveys.⁹¹ Although these documents generally post-date the Plan's submission, they amount to a comprehensive evidence base in respect of the proposed allocation.

145. My Post-Hearings Note to the Councils dated 10 July 2015 set out a number of concerns about the treatment of potential effects to the heritage assets identified at Hewell Grange. The concerns in respect of the Brockhill West 'omission site' are outlined in an earlier section of this report. However, I also raised a concern that the Foxlydiate site had not been subject to the same amount of assessment in respect of those assets as had Brockhill West. Specifically, it had not been treated in depth in the initial version of the Hewell Grange Estate: Setting of Heritage Assets Assessment (HGESHAA). Given that the boundary of the Foxlydiate allocation extends very close to the boundary of the Conservation Area and RPG, this appeared inconsistent.
146. In response, the Council updated the HGESHAA to include consideration of Foxlydiate. A statement of harm versus public benefits was also prepared⁹². These were discussed at a resumed hearing in March 2016. In summary, the Council accepts that development within the Foxlydiate site has the potential to result in less than substantial harm (in the terms of the Framework) to the significance of relevant heritage assets at Hewell Grange – specifically the Conservation Area, RPG and the grade II listed water tower. A separate assessment⁹³ reaches a similar conclusion in respect of the grade II listed building at Lanehouse Farm, which adjoins the Foxlydiate site.
147. With reference to these assessments the Council considers that the identified harm can be mitigated by ensuring that development is positioned away from the heritage assets. Areas of 'non-development' are highlighted⁹⁴. In respect of Hewell Grange, these relate to land at the northern end of the site allocation, in particular a section rising to a broad ridge to the south-west of the A448. In respect of Lanehouse Farm, an area is identified to the north and west of the farm. The Council proposes to add text to policy RCBD1.1 to require development of the Foxlydiate site to conform with policy BDP20 and to be 'informed by an understanding of the Setting of Heritage Assets Assessments'.
148. To my mind, this suggested wording is insufficiently robust. Given that the Council's evidence, and specifically its view on the planning balance required by paragraph 134 of the Framework, is based upon development not taking place in the 'no development' areas indicated above, I consider it necessary for soundness reasons that adherence to the recommendations of these

⁹¹ Documents XB1/2n, XB1/2c, XB1/2d, XB1/2k, XB1/2m, XB1/2j, XB1/2g-i, XB1/2l and XB1/2s respectively.

⁹² Document OED/46g.

⁹³ Document OED/46c.

⁹⁴ These are all shown on Map 2 of the Lanehouse Farm assessment – document OED/46c.

assessments is referenced more clearly. Subject to that change, included in **[MM51]**, I am satisfied that the public benefits of the proposed allocation are sufficient to outweigh the harm that has been identified. It is noted that the emerging masterplan for development of the Foxlydiate site⁹⁵ broadly avoids development in these areas. Bearing that in mind, I have seen no substantive evidence that restricting development in these areas would materially affect either the capacity or deliverability of the site as a whole.

149. The promoter of the Foxlydiate development has also submitted an assessment of the site's development on Norgrove Court⁹⁶. This is a grade I listed building located to the south of the site in the Borough of Redditch, with a grade II listed building (The Old Cottage) nearby. Both lie within a natural hollow. The assessment concludes that as a result of the degree of separation between the site and these heritage assets, as well as the specific characteristics of their setting (such as topography), development of the site would have a neutral effect on the assets' significance. Bearing in mind my own observations about the mutual separation of the proposed allocation and these heritage assets I have no reason to take a different view.
150. As already discussed, neither the EA nor STW object to the principle of the Foxlydiate allocation. However, initial concerns were expressed by both bodies, and continue to be expressed by local objectors. These relate to three main matters: flood risk within the site, the potential to exacerbate flooding away from the site (including downstream settlements such as Feckenham) and the effects on groundwater abstraction. I consider each in turn.
151. Foxlydiate has been the subject of a site-specific Flood Risk Assessment (FRA)⁹⁷. This shows that the site predominantly lies within Flood Zone 1 (low probability of flooding), with small areas of Flood Zones 2 and 3 along the line of the Spring Brook. Given the limited extent of this constraint, it is clear that this does not amount to a significant restriction on development: as suggested by the FRA, the relevant areas can lie within the site's green infrastructure. However, as noted above, the Council proposes (in consultation with the EA and STW) to include an additional policy safeguard in respect of this matter **[MM51(part)]**.
152. In respect of off-site flood risks, the Framework states (among other matters) that local plans should use opportunities offered by new development to reduce the causes and impacts of flooding and that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere⁹⁸. Policy BDP23 includes broadly similar provisions. The FRA recommends a drainage strategy that would maintain existing discharge rates from the site while accounting for an additional 30% rainfall as a result of climate change. The Council proposes to include additional wording to ensure that surface water run-off is managed to prevent off-site flooding and, as

⁹⁵ Appendix 1 of document S/4.

⁹⁶ Appendix 2 to document XB/1.2t.

⁹⁷ Document XB1/2f.

⁹⁸ Paragraphs 100 and 103.

already discussed, to impose the optional water efficiency standard on residential development **[MM51(part)]**.

153. STW has a public water supply groundwater source at Curr Lane. The Foxlydiate site occupies all of the EA defined Source Protection Zones (SPZ) 1 and 2 and the most significant inner part of SPZ 3 designated by the EA: STW has confirmed that no development should be undertaken in SPZ 1 and that no or very light development should take place in SPZ 2⁹⁹. Given the overall size of the proposed allocation, I see no reason why such constraints would not preclude development of the site as a whole. The Council (in consultation with STW and the EA) proposes to add further safeguards to policy RCBD1.1 in respect of this matter, addressing both the implications of new development and of the above-noted surface water drainage requirements **[MM47; MM51(part)]**.
154. Clearly, the Foxlydiate allocation represents a substantial loss of Green Belt land. However, this would also apply to the alternative large site at Bordesley as discussed above. The potential to establish strong Green Belt boundaries was examined for both sites in the HGDS. At Foxlydiate, the A448 dual carriageway – including trees along the road verge – forms a particularly well-defined north-eastern edge to the site. To the south and west, Pumphouse Lane, the Spring Brook, Curr Lane and Gypsy Lane also form strong boundaries. While the field boundaries at the northern end of the site are less obvious features on the ground, the ridge described above provides additional topographical definition. This also provides some visual separation between the site and Tardebigge. Overall, I agree with the Councils that strong and defensible Green Belt boundaries can be established for the allocation.
155. It has been suggested that the areas required for safeguarding in respect of nearby heritage assets (see above) should be retained within the Green Belt. However, as is shown by the emerging masterplan, they are integral to the larger development area. While their safeguarding is necessary in respect of the heritage assets, it has not been shown that they would contribute to the purposes of including land within the Green Belt. Furthermore, as described above, I am satisfied that the allocation as a whole would retain strong and defensible Green Belt boundaries.
156. For these reasons, and taking into account the need for housing within Redditch and the site selection exercise described above, I am satisfied that exceptional circumstances exist to justify the site's removal from the Green Belt, in line with paragraph 83 of the Framework.
157. In part, the transport implications of the Foxlydiate development have been considered within the wider transport evidence referred to above. As already noted, there are no objections from either Highways England or WCC as the local highway authority. However, a significant amount of additional site specific evidence has also been submitted¹⁰⁰. In summary, this demonstrates

⁹⁹ Appendix B of document XB1/2f.

¹⁰⁰ Including documents CDX1.31-1.34 and XB1/2b.

that, subject to various mitigation measures, development of the site would be deliverable in transport terms. Such mitigation would need to include significant improvements in public transport resulting in integrated and regular bus services – as is required by policy RCBD1.1. Full use should be made of existing walking and cycling routes – including those that already cross the site. However, it is recognised that further work is needed to establish the full details of required mitigation strategies. The Council proposes to add further requirements to policy RCBD1.1 in that regard, and also to clarify that necessary infrastructure should be delivered in parallel with the new development **[MM51(part)]**.

158. Other parties have queried the deliverability assumptions that underpin the Foxlydiate development. However, details have been submitted by the intended developer in respect of likely delivery rates, including a phasing plan¹⁰¹. The suggested annual yield of approximately 120 private dwellings per year is within the rate of other broadly comparable developments in the locality (as discussed above). At the time of writing an outline planning application has been submitted. Taken together these factors support the Council's assumptions in respect of the delivery of housing from this site.

159. The Council proposes to clarify that the dwelling numbers set out for the sites at Foxlydiate and Brockhill (RCBD1.1 Sites 1 and 2) represent approximate figures rather than minimum targets. In view of the need for consistency, and bearing in mind the evidence base submitted in respect of the capacity of these sites, these changes **[MM48-50]** are recommended in order to be justified and effective.

Conclusion – Main Issue 7

160. For these reasons, and subject to the changes listed above, I conclude that the allocated sites are appropriate and deliverable, the detailed requirements for the allocations are clear and justified and the boundaries and extent of the sites are correctly defined.

Other Matters

161. Appendix 4 of the BDP sets out a list of those policies and proposals of the Bromsgrove District Local Plan (adopted 2004) (BDLP). This includes references to policies being 'partially replaced' and 'partially superseded'. However, it is intended that no part of the BDLP will remain extant following the adoption of the Bromsgrove District Plan. Additional text is proposed to clarify this **[MM100]** which is necessary for reasons of effectiveness.

Assessment of Legal Compliance

162. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

¹⁰¹ Appendices 2 and 3 of document S/4.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The BDP has been prepared in accordance with the approved LDS (July 2016).
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in September 2006 ¹⁰² and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed main modification changes (MM)
Sustainability Appraisal (SA)	As is described in the main body of this report, SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations Assessment Screening Report (September 2013) ¹⁰³ sets out why a Stage II AA is not required.
National Policy	The Bromsgrove District Plan complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The Bromsgrove District Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

- 163. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**
- 164. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Bromsgrove District Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

M J Hetherington

INSPECTOR

This report is accompanied by the Appendix containing the Main Modifications

¹⁰² Document CDB4.6.

¹⁰³ Document CDB3.10.