



Report to: Council, 17th October 2022

Report of: Chair of Place and Economic Development Committee

Subject: REFERRAL REPORT FROM PLACE AND ECONOMIC DEVELOPMENT COMMITTEE- SOUTH WORCESTERSHIRE DEVELOPMENT PLAN REVIEW: PUBLICATION CONSULTATION (REGULATION 19)

1. Recommendations

That the Council:

- 1.1 approves the South Worcestershire Development Plan Review (SWDPR) Publication consultation (Regulation 19) set out in the Appendices, for consultation from 01 November 2022 for six weeks;**
- 1.2 authorises the Corporate Director – Planning and Governance in consultation with the Chair and Vice Chair of Place and Economic Development Committee to make minor amendments to the SWDP Publication Consultation (Regulation 19) material prior to publication;**
- 1.3 subject to the outcome of the Regulation 19 Publication consultation raising no material issues of concern on the soundness of the Plan, authorises the Corporate Director - Planning and Governance in consultation with the Chair and Vice Chair of the Place and Economic Development Committee to make minor modifications and submit the SWDP Review for Examination, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 and Regulation 22(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012, to the Secretary of State for the Department of Levelling Up, Housing and Communities;**
- 1.4 as part of the Examination process, authorises the Corporate Director – Planning and Governance in consultation with the Chair and Vice Chair of the Place and Economic Development Committee to formally request that the appointed Inspector make recommendations to the Council for any main modifications to the SWDP Review that are considered necessary to make the Plan sound as per Regulation 20 (7C) of the Planning and Compulsory Purchase Act 2004.**

2. Background

- 2.1 This is a referral report from the Place and Economic Development Committee which met on 3 October 2022 to consider the matter set out in this report and unanimously approved the above recommendations to Council.**
- 2.2 Members will be aware that, in response to the 2017 legal requirement for Local Planning Authorities to review their Local Plans within five years of adoption and, if**

necessary to update them, each of the South Worcestershire Councils (SWCs) has formally agreed to work together on a review of the South Worcestershire Development Plan (SWDP). The officer work programme has been steered by the Joint Advisory Panel of Members drawn from each of the SWCs, with additional member oversight being provided by the SWCs Leaders as well as formal meetings of the relevant SWCs individual Committees/Executives and of Full Council. Each Council published a timetable, for undertaking the review and update of the SWDP, within their Local Development Scheme (LDS) 2017-2020 with the latest LDS (2021-2024) reaffirming these arrangements. The most recent iteration of the South Worcestershire Local Development Scheme (LDS) 2021 – 2024 was approved by Full Council on 22 February 2022 and came into effect on 01 March 2022.

- 2.3 The Joint Advisory Panel has led a heavy work programme over the past 3 years and this report brings together the culmination of that work, bringing the SWCs to a point where there is a draft Plan for Publication consultation. The revised SWDP will address development needs and planning policies for the period 2021- 2041. The Publication (Regulation 19) consultation is the third stage of consultation in the SWDPR process and follows the Preferred Options (Regulation 18) consultation which was undertaken in November/December 2019. In accordance with the LDS, an additional Preferred Options (Regulation 18) consultation (focusing on the Sustainability Appraisal) was also undertaken in March/April 2021.
- 2.4 The SWDP Review Publication (Regulation 19) consultation is the next stage in the SWDP Review process. The SWDP Review Publication (Regulation 19) consultation sets out south Worcestershire's growth needs to 2041. It sets out the vision and objectives, the revised development strategy, the updated strategic and development management policies and the sites that are proposed for allocation to meet the housing and employment needs of South Worcestershire to 2041. This is the version of the SWDP which is intended to be submitted to the Planning Inspectorate for Independent Examination, following consideration of the consultation representations received during the Publication consultation.
- 2.5 The Appendices set out in this report provide Members with the draft Plan which is proposed for consultation, as well as a link to the SWDP website which displays in draft the substantial number of evidence studies, policies and technical assessments which support the Plan as well as an interactive map. The majority of the documents in the Appendices are in final form for Regulation 19 publication with a small number being subject to final, minor, updates. There is also included, in the Appendices, an easy-read summary leaflet in draft which is being developed to help navigate readers through the Plan consultation stage.

3. The Plan Review, Timetable and Governance

- 3.1 The consultation on the 'Preferred Options' stage of the SWDP Review (Regulation 18) was carried out in late 2019. However, the review of the SWDP was then delayed due to the impact of the Covid-19 pandemic and the councils' ability to collect evidence. To reflect the delay, the LDS was subsequently updated (2021-2024) with a revised timetable for the SWDP Review. As part of the revised timetable, a further Preferred Options (Regulation 18) consultation was undertaken in March/April 2021 specifically focused on updates to the Sustainability Appraisal. As noted above, the LDS timetable was reviewed again and re-published on 01 March this year and it was expected at that time that the Regulation 19 Publication stage would be reached by the summer. This was not possible due to ongoing work

on the evidence base, but with this work completed, it is now possible to proceed to the Regulation 19 Publication stage, which represents a major milestone in the progression of the Plan.

- 3.2 The purpose of the Publication stage of consultation on the Plan is to invite comments on whether the proposed Plan is legally compliant and meets the tests of soundness as set out in the National Planning Policy Framework. Subject to the outcome of the consultation on the Publication version of the SWDP (Regulation 19), the Plan will be submitted for Examination (Regulation 22) in early 2023. If any matters of material concern are raised with the SWCs through the consultation, these will be referred back to the SWC Member bodies for consideration. Otherwise, the Publication version of the Plan will be submitted directly to the Planning Inspectorate early next year by officers and the LDS will be reviewed again at this point with Members so that a realistic timetable can be published which takes into account the work programme of the Planning Inspectorate. The Examination stage is likely to take a number of months and may in due course involve recourse back to the SWCs Member bodies should any material issues arise. Following receipt of the Inspector's Report (Regulation 25), adoption of the Plan (Regulation 26) is anticipated in 2024.
- 3.3 Having an up to date Plan will mean that the housing delivery and other policies will carry greater weight in the determination of planning applications. On adoption of the Plan, it is expected that the Councils will have a 5 year housing land supply.

4. The Development Strategy

- 4.1 The Publication Plan sets out the total housing requirement of 26,360 homes and 350.50 hectares of employment land to 2041. For housing, it also identifies the number of existing commitments and expected windfalls and the net housing requirement of 11,080 homes. The Publication Plan sets out a spatial development strategy which focuses most of the housing growth to locations where there is or could be access to a railway station. Therefore, housing and employment growth is principally directed to four strategic locations, which are as follows:
- **Worcestershire Parkway** – A new settlement initially comprising 5,000 dwellings, 50 hectares of employment land, plus retail, leisure and education facilities to 2041 with the potential for further expansion beyond 2041.
 - **Throckmorton Airfield** – A new settlement initially comprising 2,000 dwellings, 20 hectares of employment land, plus retail, leisure and education facilities will be delivered on completion of a new direct link to the A44. This area also has the potential for further expansion beyond 2041.
 - **Rushwick** – An expanded settlement with 1,000 new dwellings, 5 hectares of employment land, plus retail, leisure and education facilities to be delivered once the new railway station has been secured.
 - **Mitton** – A development of 1,000 dwellings, with 500 dwellings proposed to meet SWDP requirements and 500 dwellings to meet Tewkesbury Borough Council's need under the duty to co-operate.
- 4.2 In addition, there are proposed allocations for around 866 new homes in Worcester, 916 new homes in Droitwich Spa, 255 new homes in Evesham, 594 new homes in

Malvern, 212 new homes in Pershore and 10 new homes in Tenbury Wells as well as 1,069 new homes in villages in Wychavon District and 376 new homes in villages in Malvern Hills District. A number of sites in the 2016 SWDP that have not yet been developed are also proposed for reallocation as part of the SWDP Review. This includes the urban extensions at Worcester West and Worcester South and Worcester Six (South Phase).

5. Policy Updates

- 5.1 Many of the policies within the adopted 2016 South Worcestershire Development Plan will be carried forward, some with only minor updates. Following the Preferred Options consultation in 2019, some further changes have been made to a range of policies, and the key changes are outlined below:
- **Climate Change Mitigation and Adaptation (New Policy)** – This is a new strategic policy that addresses requirements related to how proposals can reduce their carbon footprint or provide mitigation against the threat of climate change.
 - **Design and Sustainable Construction (New Policy)** - This is a new strategic policy that addresses requirements related to sustainable construction in new developments.
 - **Green Belt (New Policy)** – This is a new strategic policy which sets out policy relating to the Green Belt in the SWDP Review.
 - **Land at Mitton (New Site Allocation Policy)** - This is a new strategic location policy for land at Mitton to align the site with the policies of the other strategic location sites.
 - **Urban extensions at Worcester West and Worcester South and Worcester Six (South Phase) (New policies - Reallocation of Sites)** – These are new policies setting out the policy requirements for these proposed reallocations.
 - **Playing Fields (New Policy)** - This policy addresses requirements related to playing pitch provision as part of new development.
 - **Renewable Energy Allocations (New Site Allocation Policy)**– This is a new site allocations policy setting out the proposed renewable energy allocations.
 - **Development at North-East Malvern Newlands (New Site Allocation Policy – Reallocation)** – This is a new policy setting out the policy requirements for this proposed reallocation.
 - **Land at Cales Farm, Malvern (New Site Allocation Policy)** – This is a new policy setting out the policy requirements for this proposed site allocation.
 - **Droitwich Spa Urban Extension – Land at Hanbury Road (New Site Allocation Policy)** – This is a new policy setting out the policy requirements for this proposed site allocation.
 - **Employment, Housing and Retail Requirements** – This policy has been updated with the latest requirements, as based on the government’s standard method for housing provision and the EDNA for employment land.

- **Green Infrastructure** – Informal Areas of Recreation (AIRs) allocations have been included within this policy.
- **Promotion of Town, District and Local Centres** – This policy has been updated to reflect the changes to the Use Classes Order.
- **Providing the Right Land and Buildings for Jobs** - This policy has been updated to reflect the changes to the Use Classes Order.
- **Renewable and Low Carbon Energy** – The inclusion of renewable energy in new developments has been increased to 20% of predicted energy requirements. Additionally, site allocations for renewable energy infrastructure have been added to the policy.
- **Affordable Housing** – This policy has been updated to reflect the requirements for First Homes as part of the overall quota of affordable housing provision.
- **Housing Mix and Standards** - A number of policies from the Preferred Options Plan have been merged together to form a 'Housing Mix and Standards' policy.

5.2 Whilst the Publication (Regulation 19) South Worcestershire Development Plan Review (SWDPR) contains a policy for Travellers (Policy SWDPR20), it is the intention that the Travellers Development Plan Document will act as the primary policy for new Traveller development. This is the subject of another agenda item for the Council. (Any comments received on Policy SWDPR20 during the SWDPR Publication (Reg 19) consultation will be forwarded to the Inspector examining the Travellers DPD.) Accordingly, Policy SWDPR20 will be proposed for removal from the SWDPR following the Publication (Regulation 19) consultation and when the Plan is submitted to the Secretary of State for examination, through a proposed schedule of modifications. The proposed Travellers DPD will therefore ultimately replace the adopted policy SWDP17 in the South Worcestershire Development Plan and the proposed policy SWDPR 20 and will provide for traveller requirements for the whole of South Worcestershire. The timing of Publication and Submission of the Travellers DPD will align with the South Worcestershire Development Plan Review.

Duty to Co-operate

- 5.3 The Duty to Co-operate is a legal test that requires co-operation between local planning authorities and other public bodies to maximise the effectiveness of planning for strategic matters in Local Plans. In order to demonstrate that the Duty to Co-operate has been met, officers have been undertaking discussions with all neighbouring planning authorities and have agreed the key cross boundary issues.
- 5.4 The main issue arising from the Duty to Co-operate has been the need to formalise the existing commitment to accommodate 500 dwellings to meet the needs of Tewkesbury at Mitton. This commitment was established in the Cheltenham, Tewkesbury and Gloucester Joint Core Strategy and the site is now proposed to be allocated as part of the SWDP Review and the 500 dwellings have been factored into the total housing requirement.
- 5.5 The SWCs are also required to prepare and maintain one or more Statements of Common Ground, documenting the strategic matters that have been addressed and

the progress in cooperating to address these. These more detailed statements will be published at the time that the Plan is submitted to the Planning Inspectorate.

6. Evidence Base

6.1 In addition to those studies produced at the Preferred Options consultation stage, a number of evidence base studies have been prepared or updated and will be published alongside the Publication consultation to inform the consultation. These are included in the Appendices to this report and are as follows:

- **Sustainability Appraisal (SA) (2022) and Habitats Regulation Assessment (HRA) (2022)** – The SA is an on-going process which tests the sites and policies against a Sustainability Framework, with a report published at each stage of the plan-making process. The HRA process assesses the potential effects of the Plan on the conservation objectives of European sites (now known as habitats sites as part of the National Site Network under the UK’s Habitats Regulations) designated under the Habitats and Birds Directives. The Publication version of the Sustainability Appraisal also considers those representations submitted during the Further Regulation 18 consultation in March/April 2021.
- **Economic Development Needs Assessment (EDNA) (2022)** -This sets out the amount and type of employment land that is required across south Worcestershire. An updated version of the report has been produced to assess the impact of the Covid-19 pandemic and to factor in changes by government as relates to the Use Classes Order.
- **Retail and Town Centres Study - Capacity Update (2020)** – This report provides an update to the 2019 Retail Study, extending the assessment period to 2041.
- **Strategic Housing and Employment Land Availability Assessment (SHELAA) and Site Assessments (2022)** – The SHELAA assesses all of the sites submitted through the Call for Sites for suitability for development. The 2021 SHELAA has been updated to include assessments of all the additional sites submitted during the Preferred Options consultation and Site Assessments have also been updated.
- **Strategic Housing Market Assessment (SHMA) (2021)** – This report provides an update to the 2019 report. The SHMA is a technical study that helps the planning authorities understand how many homes will be needed in the period 2021 - 2041. The SHMA also informs the development of local housing strategies and the commissioning of new affordable and other housing products.
- **Infrastructure Delivery Plan (2022)** - This sets out the infrastructure required to support the delivery of the growth within the SWDPR. It has been prepared in consultation with a range of infrastructure providers and stakeholders. A separate IDP has been prepared for Worcestershire Parkway.
- **Viability Assessment (2022)** - This report tests the requirements of the Plan to see what their impact on site viability is and establishes the level of affordable housing that can be provided. Viability updates have been carried out for the whole plan area, with site specific viability assessments also undertaken for the Strategic Locations.

- **Transport Modelling Updates (2021 and 2022)**– These updates tested the impact of the proposed scale of employment and housing growth on the highways network.
- **Strategic Flood Risk Assessment (Level 2) (2021)** - The Level 2 SFRA delivers a detailed assessment of risk from all sources of flooding in south Worcestershire and also provided an overview of updates to policies, and guidance for planners and developers.
- **Water Cycle Study (Phase 2) (2021)** – This report assesses the potential issues relating to future development within South Worcestershire and the impacts on water supply, wastewater collection and wastewater treatment. The Water Cycle Study is required to assess the constraints and requirements on the water infrastructure that will arise from potential growth.
- **Playing Pitch and Outdoor Sports Facilities Strategy (2021)** – This report assesses the requirements for playing pitches as a result of the growth proposed in the SWDP.
- **Indoor and Built Sports Facilities Study (2021)** – This report assesses the requirements for built sports facilities as a result of the growth proposed in the SWDP.
- **Malvern Hills SSSI Recreation Impacts Study (2021) and Malvern Hills SSSI Mitigation Strategy (2022)** - These reports assess the potential impact of the additional pressures placed upon the Malvern Hills SSSI in relation to the proposed growth in the SWDP Review and set out a strategy for mitigating the impacts.
- **Areas of Informal Recreation (AIRs) Site Selection Methodology** – This report sets out the criteria relating to the site selection process for AIRs site allocation proposals (previously known as 'Country Parks Site Selection Methodology').
- **Significant Gaps Appraisal (2022)** –This report provides an update to the 2019 appraisal work.
- **Renewable and Low Carbon Energy Site Assessment Background Report (2022)** - This report sets out the criteria relating to the site selection process for Renewable Energy site allocation proposals.

Additionally, the following Topic Papers have been produced to accompany the Publication consultation:

- **Housing Background Paper** – This paper provides additional detail on how the Publication Plan has calculated and addresses the housing requirement.
- **Spatial Strategy Background Paper** – This paper provides additional details relating to the establishment of the spatial strategy of the SWDP Review.
- **Historic Environment Topic Paper** – This paper provides additional detail on how the Publication Plan addresses historic environment considerations.

7. Consultation

- 7.1 The Summary of Consultation (Regulation 18), is included in the Appendices to this report, setting out a summary of the representations received during the 2019 Preferred Options consultation. These are accompanied by a summary of the officer response, as well as an overview of how the representations have informed the preparation of the Publication version of the SWDP Review.

A Consultation and Engagement plan for the SWDPR Publication Consultation (Reg 19) has been prepared by officers. The SWCs are required to undertake consultation in accordance with their adopted Statements of Community Involvement. The SWCs will engage with a wide range of stakeholders including statutory consultees, developers, landowners, local residents and businesses during the six week consultation period.

All responses received by the SWCs will be submitted to the Government appointed Planning Inspector. It is intended that the consultation will run from Tuesday 01 November until Monday 12 December 2022 (inclusive). Consultees will be able to respond to the Publication Plan either online, via email or post, with encouragement to submit comments online for ease of administrative handling.

8. Preferred Option

- 8.1 Progressing with the Publication (Regulation 19) consultation will put the SWCs in the best position to update the SWDP in accordance with the legal requirement to keep development plans up to date. This will put the SWCs in the best position to ensure that development within south Worcestershire is plan-led.

9. Alternative Options Considered

The alternative option would be to not progress the review to update the development plan. However, the three SWCs are committed to undertaking a joint review and update of the SWDP and set out a timetable for doing so in November 2017. There is a legal requirement to undertake a review of the development plan every five years. As of February 2021, the adopted SWDP is now more than five years old. Any further delays to the plan review timetable will put the ability for development in south Worcestershire to be plan-led at greater risk.

10. Implications

10.1 Financial and Budgetary Implications

The SWDP review requires significant investment from the SWCs. An annual budget, split equally between the three authorities, has been allocated to the SWDP review. This budget is monitored regularly by the Officer Steering Group. However, there is a risk that the costs could increase beyond the current forecast, for example if the cost of the examination carried out by the Planning Inspectorate is greater than anticipated.

10.2 Legal and Governance Implications

The Regulation 19 Publication Plan has been prepared in accordance with the necessary legal requirements and consultation will be undertaken in accordance with the necessary legal requirements. The procedures which the Council is required to

follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.

The governance arrangements by which this work programme has been managed to date are set out in the main body of the report.

Expert advice from Counsel has been sought on specific issues to ensure that the Publication Plan meets legal requirements and will be capable of withstanding robust scrutiny at the Examination stage.

The readiness of the Publication Plan achieved a very good assessment using the national Planning Advisory Service's self-assessment tool and any areas identified for improvement have been addressed.

10.3 Risk Implications

As of February 2021, the adopted SWDP is more than five years old. Any further delays to the plan review timetable will put the ability for development in south Worcestershire to be plan-led at greater risk. This could also have implications for the SWCs in maintaining a five-year housing land supply resulting in difficulties in defending speculative planning applications. In cases of repeated delay and failure to progress and adopt an up to date Plan, the Government may intervene in the plan making process to ensure that plans are put in place.

There also remains a risk that the timetable could slip prior to Submission of the Plan to the Planning Inspectorate due to factors beyond SWCs control, such as changes to the housing number as a result of the Government changing the standard methodology for calculating housing needs, or other changes to national policy and guidance, as well as uncertainty over the timing and duration of the Examination.

10.4 Corporate/Policy Implications

The SWDP Review will update the Council's planning policies. It is being prepared in accordance with the relevant corporate policies.

10.5 Equality Implications

The Plan has been subject to an Equalities Impact Assessment, which is set out in the Appendices. The Plan and the policies which underpin it are designed to deliver sustainable and inclusive developments for residents and businesses across the South Worcestershire Councils. The EIA does not identify any protected groups who would be disadvantaged by the Plan, instead the outcomes are either neutral or positively beneficial. Examples of positive benefits set out in the EIA include policies designed to promote affordable housing and homes for those with health needs and disabilities, as well as sustainable communities offering better opportunities for social interaction and access to local facilities by a range of modes of transport.

10.6 Human Resources Implications

There are no significant human resources implications.

10.7 Health and Safety Implications

There are no significant health and safety implications. The Plan has been subject to a Health Impact Assessment (included in the Appendices) which identifies the benefits for residents and businesses of the Plan's emphasis on sustainable local communities and low carbon developments.

10.8 Social, Environmental and Economic Implications

The SWDP Review is subject to a Sustainability Appraisal which examines the social, economic and environmental sustainability of the sites and policies in detail and proposes mitigation measures to overcome any negative impacts identified. The Sustainability Appraisal Report is included in the Appendices.

Ward(s): All

Contact Officer: Duncan Rudge
Tel: 01905 722419
E-mail: Duncan.Rudge@worcester.gov.uk

Background Papers:

- **SWDPR Preferred Options Consultation (2019)**
<https://www.swdevelopmentplan.org/swdp-review/swdp-review-preferred-options-consultation>
- **Worcester City Statement of Community Involvement**
https://www.swdevelopmentplan.org/component/fileman/file/Documents/South%20Worcestershire%20Development%20Plan/Publications/SCI/Worcester_City_Council_SCI_2018_Adopted.pdf?routed=1&container=fileman-files
- **SWDP City Local Development Scheme (2021-2024)**
<https://www.swdevelopmentplan.org/component/fileman/file/Documents/South%20Worcestershire%20Development%20Plan/Publications/LDS/SW%20Joint%20Local%20Development%20Scheme%202021-2024%20.pdf?routed=1&container=fileman-files>
- **National Planning Policy Framework**
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Appendices:

Appendix 1 – SWDP Review Publication Plan - Regulation 19 Consultation
Appendix 2 – Regulation 19 Summary Leaflet (draft)
Appendix 3 – Link to SWDPR website for draft Evidence Base and Supporting Information [SWDPR Draft Regulation 19 Publication Evidence Reports - South Worcestershire Development Plan \(swdevelopmentplan.org\)](https://www.swdevelopmentplan.org)