

Appeal Reference: APP/Q1825/W/24/3350905

Planning Application Reference: 21/01830/FUL

Site Address: Land West of Hither Green Lane, Redditch

PLANNING BALANCE APPRAISAL

by:

Charles Robinson BTech(Hons) MPhil MRTPI

TwelveTwentyOne Planning Services Ltd



on behalf of

North Redditch Communities Alliance (NoRCA)

January 2025

Contents

1. Introduction.....	3
2. Context.....	5
3. NoRCA Supporting Studies	6
4. Planning Balance.....	8

Appendices

1	Highways and Transport
2	Design and Density
3	Flood Risk
4	Environment and Biodiversity
5	Golf
6	Council Report
7	Memorandum of Understanding
8	Ministerial Statement
9	Gladman Appeal

1. Introduction

- 1.1 This Statement has been prepared by Charles Robinson. I hold an Honours Degree in Environmental Sciences and a Masters Degree in Environmental Planning. I am a Member of The Royal Town Planning Institute and have been practising as a Town Planner for in excess of forty-four years. I have extensive experience of advising, in the main, on a variety of development projects, including residential from single sites to SUEs. At present I am advising on sites including proposed local plan residential allocations for 750 and 450 dwellings in Solihull and South Warwickshire respectively.
- 1.2 I have advised NoRCA on planning matters relating to this application off Hither Green Lane shortly after the application was first submitted to Redditch Borough Council (RBC).
- 1.3 It is important to stress, at the outset, that NoRCA is not a NIMBY organisation formed solely to resist this application. The members of NoRCA recognise the need to deliver housing but consider that, for the sake of proper and due planning processes and democracy, that this should be achieved through the development plan - in accordance with the NPPF.
- 1.4 This democratic approach is now more significant given the emerging changes to the planning system at the national level. Furthermore, at the local level, the decision by a small group of councillors and officers at RBC (under its Urgency Procedure Rules) to not defend the democratic decision of the Council's Planning Committee to unanimously refuse this application makes NoRCA's involvement more important in the democratic process.
- 1.5 Further comment will be made in the next section of this Statement in terms of context but, at this stage, it is sufficient to note that NoRCA's position was, and remains, that this application should be refused as it is ill-conceived, unnecessary at this stage and that a proper holistic Borough-wide assessment of housing needs and potential housing sites should take place through the democratic process of the forthcoming local plan review.
- 1.6 In support of this NoRCA does not simply reiterate its previous submissions, which remain valid and pertinent. It has prepared and now submits further updated analyses to assist the Inspector in reaching his decision, based largely, but not exclusively, on the main issues identified in paragraph 4 of the Inspector's Pre-Conference Note.

1.7 These are as follows:

- Statement on Highways and Transport Needs prepared by Alan Bailes (submitted as Appendix 1)
- Statement on Design and Density Impact prepared by Guy Edwards and Spencer Davies (submitted as Appendix 2)
- Statement on Flooding Risk Impact prepared by Dennis Miles and Waterco (submitted as Appendix 3)
- Statement on Green Space, Environment and Biodiversity Impact prepared by Angela Dixon and Dennis Miles (submitted as Appendix 4)
- Statement on Golf Impact prepared by Graham Smith (submitted as Appendix 5)

1.8 These submissions can be spoken to by the respective authors; accordingly this Planning Statement does not seek to reiterate large tracts from these reports and will simply refer to them in general terms to help draw conclusions in respect of the overall planning balance assessment. In so doing it also takes into account the recent changes to the NPPF particularly in terms of housing needs and delivery.

2. Context

- 2.1 Before addressing matters specific to the appeal proposal it is perhaps first appropriate to examine the Council's true position. This is important since the Council's Statement of Case dated 31 October 2024 presents a wholly erroneous picture.
- 2.2 As already noted a small group of councillors and officers, under the Council's Urgency Procedure Rules, took a decision to not defend this appeal. This decision was reported to the full council on 11 November 2024 (see Appendix 6). This notes that the decision was very clearly that the Council simply will not defend the appeal.
- 2.3 It is thus entirely wrong for Council Officers to state, in paragraph 1.5 of their Statement of Case dated 31 October 2024, that *"the Council have resolved to not defend the appeal and accepts that planning permission should therefore be granted"*. At no point has the Council resolved that planning permission should be granted.
- 2.4 The democratic decision of the Council remains that planning permission should be refused for the reasons set out in the Refusal Notice dated 22 March 2024. At no point has the Council come to any other decision as to the planning merits or otherwise of this application.

3. NoRCA Supporting Studies

3.1 The supporting studies submitted as Appendices 1-5 examine a number of aspects of the proposed development and can be summarised as follows:

3.2 **Highways** - There are clear deficiencies in the submitted (original and addenda/updated) Traffic Assessment, Design and Access Statement and Residential Travel. These are identified in the Highways and Transport Review undertaken on behalf of NoRCA by Alan Bailes.

3.3 **Design and Density** - The development fails to integrate in terms of density (it is three times greater than the local area), lack of parking (essential for an isolated site devoid of any decent public transport links), form (height, dwelling type, lack of front gardens, dwelling mix and garage form/provision) and detailing. The need to reflect local design and integrate development into the local area remains as set out in the NPPF and the Adopted Development Plan. Indeed, the revised NPPF continues to support greater efficiency of the use of land but also notes, in paragraph 130 a) that uplifts in density will be appropriate for areas well served by public transport. This appeal site is not such an area.

3.4 **Flood Risk** - This has been prepared in conjunction with Waterco who are specialist flood and drainage consultants. It is concluded that the flood risk assessment and drainage strategy prepared on behalf of David Wilson Homes is flawed by reason of:

- It is based upon outdated data rendering it inadequate from its starting point from which all conclusions follow (and must, therefore, be incorrect or, at best, unsound).
- It fails to properly account for climate change and recent flooding events.
- The SUDS proposals are questionable at best, particularly in the longer term. This development has to be designed to be sound and sustainable for the lifetime of the development, not just the first ten years.

- 3.5 **Open Space, Environment and Biodiversity** – The planning application has been objected to by the Council’s Policy Team who concluded that the development’s impact upon open space and green infrastructure (in an area which already fails to meet the Council’s standards for open space) is not overridden by other benefits of the proposed development including housing delivery. This remains the case. The proposed development will also negatively impact upon the area’s important green infrastructure and wildlife corridor through the removal of established mature vegetation and features and impact upon the River Arrow corridor.
- 3.6 **Golf – The Abbey Park Golf Course** is the **only** public (pay and play) championship standard golf course in Redditch. The quality of the golf course is something that the Abbey Park Hotel emphasises, front and centre, in its promotional material. It is also a matter that cannot be dismissed as an irrelevance in terms of its value to Redditch. As a “championship standard” course it is at present a very attractive part of Redditch’s leisure offer to visitors and residents alike. Whilst it will remain an eighteen-hole golf course post-development, hence the lack of any golf objection, it will cease to be of championship standard. This will weaken Redditch’s leisure offer substantially – which will impact upon the overall attraction of Redditch as a place in which to live and work. Weakening this attraction can have a substantial impact upon Redditch’s ability to sustain further economic and social growth.

4. Planning Balance

- 4.1 It is perhaps appropriate to start by noting that the revised NPPF is not a “silver bullet” that enables unallocated sites to come forward outside of the development plan process simply on the basis of any increase in housing needs of the local level. Indeed, whilst the NPPF has tightened the application and delivery of the standard method of assessing housing needs the government has also “doubled down” on the importance of achieving housing delivery through up-to-date local plans.
- 4.2 The NPPF retains the requirement that planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. It also retains the requirement for development to be achieved in a sustainable manner.
- 4.3 Whilst much has been made of the emphasis upon increased housing delivery in the NPPF, this needs to be put into context vis-à-vis this appeal – before one considers the planning balance.
- 4.4 The revised standard methodology increases RBC’s housing needs substantially (from 146 dpa to 489 dpa). RBC has a 10.1 years’ housing land supply based upon the existing local plan. However, the volume of allocated, consented and apportioned sites was such that, in May 2022, RBC felt able to enter into a Memorandum of Understanding with Bromsgrove District Council to apportion back some 2,241 dwellings into Bromsgrove’s figures (for the period to 2040). This is set out in the Memorandum of Understanding attached as Appendix 7.
- 4.5 However, this Memorandum of Understanding does not set this apportionment in “tablets of stone” and, as noted in paragraph 6 of the Memorandum, the Memorandum will be subject to amendment and change to reflect changes to the standard methodology calculation and housing needs figures as local plans progress.

- 4.6 Put simply, the surplus of 2,241 dwellings, at least in large part, can be (and is likely to be) reclaimed by RBC to meet its enhanced housing needs. This will emerge through the local plan review process that RBC is about to commence.
- 4.7 Accordingly, the Inspector can be confident that RBC has sufficient allocated and committed sites to continue to maintain its historically very high level of housing delivery. The importance of securing housing delivery through the development plan process is reiterated in the Ministerial Statement of 30 July 2024 (Appendix 8). At the start of this Statement, itself a material consideration in the decision-making process, it is noted that planning is principally a local activity and that decisions on what and where to build should reflect local views.
- 4.8 The principal means of achieving this will be the development plan process. In areas where there has been a failure to deliver sufficient housing, as measured by the Housing Delivery Test, the government accepts that sites can come forward outside of the local plan process – be that on brownfield or grey belt land. Even then there has to be a holistic approach with supporting infrastructure and accessible green spaces provided.
- 4.9 However, Redditch has singularly **not** failed to deliver housing and has consistently exceeded its housing delivery test. As such there is no support for an early release of unallocated housing sites in advance of the local plan review.
- 4.10 In this context it is also clear that there are many deficiencies and questions about fundamental aspects of the proposed development off Hither Green Lane. Not least of these are highways, environmental/open space and flooding concerns. To approve this development whilst these matters remain unresolved / questionable requires compromises within the planning balance that are, quite simply, both unnecessary and unwarranted given RBC's housing delivery and land supply position.

- 4.11 Accordingly, NoRCA remains of the opinion that this application does not meet the tests of sustainable development and must fail. This will enable RBC to properly consider how to provide for its future housing needs on a strategic basis, in accordance with government policy, when all potential sites can be assessed and compared through the forthcoming local plan review.
- 4.12 Finally, the Inspector's attention is drawn to a recent appeal at Bloxham (Appeal Ref: 3329533 – submitted as Appendix 9). This appeal was considered in the context of the draft revisions to the NPPF – which were then a material consideration.
- 4.13 That Inspector failed to be convinced as to the robustness of the appellant's FRA and, at paragraphs 28 and 29 of the DN, found that a sequential site assessment should have been undertaken and that the lack of any such assessment was unacceptable.
- 4.14 Accordingly, that Inspector concluded that the balance in paragraph 11(d)(ii) of the NPPF did not apply (p49 of DN) and the appeal was dismissed.
- 4.15 **It is on this basis that NoRCA requests, with respect, that this appeal is dismissed and planning permission refused for the proposed development on land west of Hither Green Lane, Redditch.**

Appeal Reference: APP/Q1825/W/24/3350905

Planning Application Reference: 21/01830/FUL

Site Address: Land West of Hither Green Lane, Redditch

Statement on

Highways and Transport Aspects

By:

Alan Bailes CTPP, MSc, FCIHT, FCILT, TPS

January 2025

Contents

1. Introduction	3
2. Scope and Determining Issues	4
3. Design and Access Statements (DAS).....	6
4. Sustainability of the Site and Mode Choice.....	8
5. Traffic Impact on the Surrounding Highway Network	12
6. Other Matters for Consideration.....	22
7. Conclusions.....	24

1. Introduction

1.1 My name is Alan Bailes; I am a local resident and have lived in Bordesley, North Redditch for over 35 years and am therefore fully conversant with the local highway and transport provision in the area. In addition, I am the local Ward Councillor for Alvechurch South (Bromsgrove District Council) which covers the highway network which directly serves the proposed Hither Green Lane residential development.

1.2 I am a transport planner and traffic engineer by profession with over 40 years' experience, having achieved Chartered Transport Planning Professional (CTPP) status and a post graduate degree in "Transport Planning and Management" awarded by the University of Westminster. In addition, I am also a Fellow of both the Chartered Institute of Logistics and Transport and the Chartered Institution of Highways and Transportation, and a member of the Transport Planning Society. I have extensive experience advising clients on the impact of development and have directed and managed a variety of transport planning, development impact studies, traffic management, parking and transport infrastructure projects throughout the United Kingdom and overseas.

1.3 I have been advising the North Redditch Community Alliance (NoRCA) on the proposed Hither Green Lane residential development, in respect of highways and transport, since the initial planning application (Reference: 21/01830/FUL) was submitted back in December 2021.

2. Scope and Determining Issues

2.1 This statement relates to the highway and transport aspects of the proposed residential development, known as Land West of Hither Green Lane.

2.2 The purpose of my statement is to examine the transport-related supporting documents, highlighting any incorrect and misleading information as set out in the appellants' various supporting documents. The statement will also demonstrate that had the correct information been provided in the relevant supporting documents, then the application would have been contrary to both local and national policies relating to highways and transport. To that end the following documents are referred to in the statement, namely:

- Transport Assessment (TA) - October 2021;
- Residential Travel Plan (RTP) - October 2021
- Design and Access Statement, ME-24-40C – October 2022;
- Transport Assessment Addendum (TAA) - April 2023;
- Design and Access Statement (ME-24-40E) – April 2023; and
- Design & Access Statement - August 2024.

2.3 The following statutory transport policies relevant to the proposed development are referred to and can be found in the following documents:

- National Planning Policy Framework (NPPF) – 2024;
- Borough of Redditch Local Plan (BRLP) – 2017; and,
- Worcestershire Local Transport Plan 4 (LTP4) (2018 to 2030).

2.4 Section 9 of the NPPF under “Promoting Sustainable Transport” paragraphs 115 to 117 consider sustainable transport when considering development proposals. It sets out that when assessing sites, it should be ensured that sustainable transport modes are prioritised by taking into account the “vision” for the site, whilst adding that any impacts from the development on the transport network are mitigated through a “vision-led approach”¹. Developments should give first priority to pedestrian and cycle movements in the neighbouring areas and facilitate access to high quality public transport in order to encourage public transport use.

¹ **Vision-led approach:** an approach to transport planning based on setting outcomes for a development based on achieving well-designed, sustainable and popular places, and providing the transport solutions to deliver those outcomes as opposed to predicting future demand to provide capacity (often referred to as ‘predict and provide’)

Within the context of assessing sites it states that developments can be prevented or refused on highway grounds if the residual cumulative impacts on the road network would be severe, taking into account all reasonable future scenarios².

2.5 In respect of local policies, the BRLP Policy 19 states that “Transport will be coordinated to improve accessibility and mobility, so that sustainable means of travel, reducing the need to travel by car and increasing public transport use cycling and walking will be maximized.” In addition, RBLP Policy 20 sets out the transport requirements for new developments, whereby proposals are expected to be accessible to local services and public transport links.

2.6 In summary, the national and local planning policies collectively seek to ensure that any residential development is located to ensure residents and visitors are provided with genuine modal choice by situating development in locations that reduces the need to travel, reduces average journey lengths and benefits from local infrastructure to enable use of modes of transport other than the single occupancy private car. In addition, the cumulative effects of development on transport infrastructure must be correctly assessed and solutions sought regarding residual cumulative effects on the impacts on both highway safety and the road network.

2.7 In the statement I will demonstrate that the sustainable credentials and accessibility of the site do not accord with the relevant transport policies and that the traffic associated with the proposed development, if assessed using appropriate data, would have a severe impact on the local highway network.

² **Reasonable future scenarios** (for assessing potential highways impacts): a range of realistic transport scenarios tested in agreement with the local planning authority and other relevant bodies (including statutory consultees where appropriate), to assess potential impacts and determine the optimum transport infrastructure required to mitigate any adverse impacts, promote sustainable modes of travel and realise the vision for the site.

3. Design and Access Statements (DAS)

3.1 During the initial consultation period NoRCA pointed out that the information provided within the original Design and Access Statement (ME-24-40C), which attempted to indicate that proposed residential development site is in a sustainable location, was not correct. Despite pointing out the many mistakes, the revised Design and Access Statement (ME-24-40E), submitted in April 2023, did not rectify the errors.

3.2 The April 2023 DAS (ME-24-40E) submitted in support of the planning application stated that:

“By virtue of its position the site has excellent access to the various bus stops along the B4101 and A441. These have direct links to Birmingham, so the development site is perfectly positioned to promote public transport use. The immediate area is served by a good range of bus services to various destinations, including:

143, Bromsgrove; X3, Kidderminster; 350, Worcester; 26, Stratford-upon-Avon; 146/150, Birmingham.”

3.3 Not one of the quoted bus numbers are in the immediate area or run to/from Redditch Town Centre – as confirmed by the applicant’s own original Transportation Assessment (TA) dated October 2021. The 146 to Birmingham was axed about four years ago and the 150 terminates in Kings Heath not 'Birmingham' (and via the Alexandra Hospital and the A435, not the A441).

3.4 The only buses that stop on the A441 opposite the Abbey stadium and further along Bordesley Village are the 182 and 183, with only two services a day for each stop. To quote Redditch Planning Department:

“not at a time suitable for typical 9-5 employment commuting.”

3.5 As part of the appeal process a revised DAS, dated August 2024, has now been made available via the planning portal. Again, the DAS at section 4.7 regarding “Movement and Local Facilities” is misleading, where it states that:

“By virtue of its position the site has access to the various bus stops along Dagnell End Road B4101 and Birmingham Road A441. These have direct links to Birmingham, so the development site is positioned to promote public transport use.”

3.6 None of the bus stops on either Birmingham Road or Dagnell End Road have buses stopping which have direct links to Birmingham. With regards to the range of bus services quoted at section 4.7 the following should be noted:

1. The S45, from South Bromsgrove High School (Entrance) to Beoley First School service is a school bus and cannot be used by the public.
2. The 247A Redditch to Alcester service is one bus a day (Monday to Friday) – Alvechurch to Alcester runs along the A441 at 8am and returns at 5pm.
3. The 517, Coventry Minibuses from Redditch to General Stores only operates one bus a day in one direction on Tuesday, Friday and Saturday.
4. The 182, 183 Redditch to Bromsgrove service only operates (since May 2024) five services a day.

3.7 The DAS also mentions at section 4.7 that:

“There is a Mobility Hub/ Bus interchange/ ChargeYourCar Charging Station (Electric vehicle charging station) 14 mins walk from the site.”

3.8 The reference is to Abbey Stadium, whereby it should be noted that there are no buses serving the Abbey Stadium. In addition, there are no electric charging stations at the Abbey Stadium, these were withdrawn months ago and there is no intention of replacing them. So, to use the term “Mobility Hub” with a Bus Interchange and electric vehicle charging stations is a misleading assertion.

3.9 Overall, the DAS fails to provide a cogent argument in favour of the sustainability of the site and its ability to deliver a public transport “vision-led approach” which will seek to reduce the need to travel and secure a modal shift towards sustainable modes of travel.

4. Sustainability of the Site and Mode Choice

4.1 The statutory transport policy and best practice guidance relevant to the sustainability of the proposed development are set out in the National Planning Policy Framework (NPPF) dated 2024 and the Borough of Redditch Local Plan (BRLP) adopted in 2017. To reiterate, both the national and local planning policies collectively seek to ensure that any residential development is located to ensure residents and visitors are provided with a genuine vision to assist in modal choice by situating development in locations which will reduce the need to travel, reduces average journey lengths and benefits from local infrastructure to enable use of modes of transport other than the single occupancy private car.

4.2 Within section 3.9 of the TA the distances to local services and facilities are set out to show the range of local services and facilities within close proximity of the proposed residential development. The distances as set out in the TA are taken from the edge of the site which underestimates the true distances residents will be required to walk to local services and facilities. The assessment of walking and cycling distances are usually taken from the middle of the site to accurately reflect the true distances. When a more accurate distance is applied, an additional 200 plus metres, should be added to the distances set out in section 3.9.

4.3 Guidance on the preferred maximum walking distances to local services and facilities is given in the Chartered Institution of Highways and Transportation (CIHT) document, "Providing for Journeys on Foot" (2000). The Guidelines indicate that a walking distance of 400m is acceptable for trips to local shops, with 800m being the preferred maximum distance. The acceptable walking distances for trips to work and school are given as 1000m, whereby a preferred maximum walking distance of 2000m is identified for these purposes within the guidance. The Manual for Streets (MfS) reinforces this guidance, stating that "walkable neighbourhoods" should have a range of facilities within a 800m (a 10-minute walk) walking distance.

4.4 As noted, it is best practice to take measures from the centre of developments to obtain a realistic reflection of potential walking and cycling distances. Taking the measurements from when you enter the development site exaggerates the sustainability of the development site. Taking Table 3.2 within the TA and applying a correction for the distances from the centre of the site, the only amenity within an acceptable walking distance is the limited Marks and Spencer food outlet at Bordesley garage. All the other amenities are at or beyond the maximum walking distances, where the potential to walk to these destinations diminishes. Sainsburys, the Town Centre and schools are all beyond the preferred maximum walking distance and will therefore not be attractive to walking trips.

4.5 Along with the length of walking distances, the pedestrian facilities available should also be considered when assessing the sustainability of a proposed development site. Section 3.7 of the TA discusses the locations of the potential pedestrian routes walking residents could use to ensure the site is sustainable. When the pedestrian routes are examined in greater detail the TA is overstating the potential sustainability of the site in respect of walking. The level of pedestrian provision to access the proposed residential development is very limited and even with the proposed pedestrian improvements along Dagnell End Road (which will not be lit and adjacent to a high-speed road) are lacking the necessary appeal to encourage potential residents to walk and help the site to become sustainable vision in transport terms.

4.6 An assessment of the level of cycling accessibility is given in the TA at section 3.7.10 to 3.7.15. The TA states that there are several cycle routes which can be accessed from the site. In addition, it states that there are both on and off-road cycle routes which link to a variety of amenities. To access these routes, the TA points out that cyclists must use the existing lit and tarmacked surface route between the A441 and Hither Green Lane. The TA also states that:

“Cyclists may (my emphasis) be required to dismount along these routes (between the A441 and Hither Green Lane) when accessing the Birmingham Road (A441) from the site.”

4.7 The route is a pedestrian footpath which is around 2m wide and not suitable as a cycle/pedestrian facility, where the width should be 3m wide and consequently not safe for cyclists to use. It follows, therefore, that there are no appropriate cycle routes in the vicinity of the proposed residential development to encourage cycling by using the existing facilities and is unlikely to contribute to the site becoming sustainable in transport terms.

4.8 In respect of Public Transport, the TA is incorrect and misleading on the assumptions that the site is accessible by bus. The TA asserts that nearest bus stops in the vicinity of the site are located immediately adjacent to the site on Hither Green Lane at The Abbey Hotel and Dagnell End Road (c.300 metres to the west of Hither Green Lane / Dagnell End Road junction). It also states in section 3.8.2 that bus services are limited, with one service a day serving the bus stops, the S83 and S55 services. Both services are school buses and are not available for public use. As a result, there are no public bus services adjacent to the proposed residential site.

4.9 The TA also mentions that further bus services are accessible on the A441 (Birmingham Road) 500 metres distant from the site, which can be accessed by the pedestrian link between the A441 and Hither Green Lane. The bus route serving these stops is extremely limited and offers only five services a day on weekdays to Bromsgrove. Furthermore, the distance of 500 metres mentioned in the TA is incorrect and the distance to the middle of the proposed development site (true reflection) is over 700 metres.

4.10 The Chartered Institute of Highways and Transportation (CIHT) state in their report “Buses in Urban Environments” that the planning of development sites should consider the walking distance to bus stops. CIHT recommended that the maximum walking distance to a bus stop where the interval between services is greater than 12 minutes should be 300metres.

4.11 In the light of the above it is clear that there are no viable bus services within a recommended walking distance to encourage residents to catch a bus instead of using their car.

4.12 Regarding rail services, the closest railway station to the proposed residential development site is Redditch Railway Station, which is located c.2.8km to the southwest of the site, accessible within an approximate 35-minute walk or 12-minute cycle. The station benefits from the provision of 18 bicycle storage spaces and therefore has the ability to attract cyclists from the proposed residential development site, however it is very unlikely that residents will undertake a 35-minute walk to access the railway station.

4.13 The TA concludes at section 3.11.1 that “the level of accessibility to the site is considered to be good with a range of opportunities for sustainable travel.” This is a misleading statement as there are limited amenities within acceptable walking distances of the proposed residential site. In addition, there is a very limited range of both pedestrian and cycling facilities adjoining the site, there are no public bus services within an acceptable walking distance to a bus stop and the train station is 2.8 kms distant from the site.

4.14 Having carefully reviewed the Transport Assessment (TA) and assessed the accessibility of the proposed development site for walking, cycling, bus services and rail services, the conclusion drawn is that the TA is misleading, and the level of site accessibility should be considered as poor and the site does not offer a genuine vision to allow for a choice of sustainable transport modes.

4.15 Overall, the proposed residential development is NOT sited in a location which will ensure that residents and visitors are provided with genuine modal choice that reduces the need to travel, reduces average journey lengths and benefits from local infrastructure to enable use of modes of transport other than the single occupancy private car. Given that the level of accessibility to sustainable transport modes and local facilities is poor, there is no vision-led approach to encourage residents to maximise the use of sustainable transport modes, thus contrary to NPPF paragraphs 115 and 117 as well as BRLP Policy 19 and 20.

5. Traffic Impact on the Surrounding Highway Network

Introduction

5.1 Policies relating to the traffic impacts resulting from the proposed residential development on the road network is clearly set out in both the NPPF at paragraphs 115 and 116 and the BRLP at Policy 20. Of note is the NPPF paragraph 116 which clearly states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

Original Transport Assessment (October 2021)

5.2 Section 6.5 of the Transport Assessment sets out the capacity analysis of all the junctions under consideration, namely:

- Junction 1 - Site access formed with Hither Green Lane;
- Junction 2 - Hither Green Lane / Dagnell End Road priority junction;
- Junction 3 - A441 / Dagnell End Road traffic signals; and
- Junction 4 - A441 / Odell Street/Weights Lane roundabout.

5.3 With regards to Junction 3, the A441/Dagnell End Road traffic signals, the junction has been modelled at a 2030 assessment year (termed the base assessment year) in order to take account of the improvements required under the Brockhill East Phase 3 mitigation works, together with the build out of the proposed residential development at Hither Green Lane. The results from the junction modelling for the sensitivity test (TA strategy sequence 3) are set out in the TA at Table 6.6, where the results have been extracted and set out in **Table 5.1**.

Table 5.1: A441/Dagnell End Road – Committed Mitigation Scheme for Brockhill Phase 3 With and Without the Hither Green Lane Development Traffic

Arm	AM Peak Hour			PM Peak Hour		
	Degree of Saturation	Mean Max Queue (PCU) ³	Ave delay/PCU (secs)	Degree of Saturation	Mean Max Queue (PCU)	Ave delay/PCU (secs)
2030 Base Assessment – Sensitivity Test						
A441 (N)	106.6%	82	157	98%	50	65
Dagnell End Road	100.8%	13	105	111.7%	55	281
A441 (S)	99.8%	51	61	111.1%	127	232
Practical Reserve Capacity	-18.4%			-24.1%		
2030 Base + Development Traffic Assessment – Sensitivity Test						
A441 (N)	112.3%	113	244	106.5%	89	168
Dagnell End Road	105.2%	22	150	114.2%	66	315
A441 (S)	103.4%	73	106	116.2%	159	308
Practical Reserve Capacity	-24.7%			-29.1%		

Source – Transport Assessment October 2021

5.4 The results from the junction modelling as set out in the TA clearly show that the traffic signals will operate above their theoretical capacity (practical reserve capacity (PRC)) at the 2030 Base assessment year prior to the traffic associated with the proposed residential development being included in the analysis. The 2030 base assessment year shows that during the am peak hour the junction is 18.4% over capacity and at the pm peak hour 24.1% over capacity. With the inclusion of the proposed residential development site the junction performance deteriorates considerably, whereby overcapacity figures markedly rise to 24.7% in the am peak hour and to 29.1% in the pm peak hour. It should be noted that Table 6.6 within the TA also indicates that under all signal sequence scenario's the inclusion of the additional traffic associated with the proposed development gives rise to a further deterioration in the capacity of the A441/Dagnell End Road traffic signal junction.

³ PCU – is a passenger car unit (pcu) where one car is considered as a single pcu and a HGV/bus is 3 pcu's.

5.5 The increase in the reduction of reserve capacity, due to the proposed residential development, is significant and will consequently lead to further additional queues and delays to those already experienced at the junction. In order to demonstrate the impact, Table 5.1 needs to be examined in further detail. From Table 5.1 above it can be seen that the mean maximum queue (mmq) on the A441 arm to the north of the traffic signal increase by 31 pcu's in the AM peak hour and 39 pcu's in the PM peak hour. Taking a pcu as the length of a car in a queue as 6-7 metres, this equates to increasing the length of the existing queue by around 200 metres in the AM peak hour and around 250 metres in the PM peak hour. When examining the effect of the proposed residential development on the average delay to vehicles at the traffic signal junction it can be seen from Table 5.1 that at the AM peak hour the average delay to a vehicle increases from 2.6 minutes to 4 minutes, a rise of almost 1 and a half minutes per vehicle. The PM peak hour shows an increase of 1.7 minutes to each vehicle. The effect of the impacts of the proposed residential development on the other arms at the junction are set out in **Table 5.2**.

Table 5.2: Effect of the Impacts of the Hither Green Lane Development on the Other Arms at the A441/Dagnell End Road junction

Arm	AM Peak Hour		PM Peak Hour	
	Mean Maximum Queue (Metres)	Ave Delay/pcu (secs)	Mean Maximum Queue (Metres)	Ave Delay/pcu (secs)
A441 (N)	+ 200 m	+ 87 secs	+ 250 m	+ 103 secs
Dagnell End Road	+ 60 m	+ 45 secs	+ 70 m	+ 34 secs
A441 (S)	+ 150 m	+ 45 secs	+ 200 m	+ 76 secs

Source – Transport Assessment October 2021

5.6 It is unfortunate that the TA dismisses the deterioration of the A441/Dagnell End Road traffic signal junction capacity, together with the additional lengthy queues and delays, as a “*relatively minor impact at the junction*” (section 6.5.20 of the TA) when this is clearly not the case. When the impact of the proposed residential development is added into the junction, the impacts are sizeable and cannot be considered relatively minor.

5.7 It is clear on examination of the original TA that the impact of the proposed residential development on the road network and in particular the A441/Dagnell End Road junction is considered severe and therefore contrary to NPPF paragraph 116.

5.8 The junction modelling undertaken in the October 2021 TA was based upon agreed traffic flows obtained from the Transport Assessment associated with the Brockhill East site (PJA TA ‘Land at Brockhill East’ Phase 3 June 2019) as approved by Worcestershire County Council.

5.9 Due to the remoteness of the site and the impact of the proposed development of the surrounding highway network the highway authority Worcestershire County Council (WCC) recommended that the application be deferred. In the summary of WCC's initial formal response a number of concerns were raised, namely:

“Unlike the Brockhill Phase 3 proposals, the proposals to the west of Hither Green Lane do not form an allocated site in the Redditch Local Plan. The site is more remote in terms of access to sustainable transport provision and amenities in the town centre.

The Highway Authority has undertaken a review of the Mode TA and has identified a series of points that require further consideration / information. The operation of the Dagnell End Road signal junction in particular is a primary concern, given that nearly all proposed development trips generated by this site would travel through it.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.”

Transport Assessment Addendum (April 2023)

5.10 In order to address WCC's concerns surrounding the A441/Dagnell End Road junction, as set out above, the applicant provided a Transport Assessment Addendum (TAA) – dated April 2023.

5.11 The applicants' latest position regarding the traffic impacts at the A441/Dagnell End Road junction is set out the TAA at Section 3. The applicant, through the TAA, has rerun the modelling of the A441/Dagnell End Road junction based upon traffic surveys undertaken on Tuesday 15th November 2022. Within the TAA at section 2.3.2 it states:

“The updated traffic surveys provide a more accurate indication of current travel plans and take account of sustained changes in the type and scale of travel patterns which have occurred in the UK since the onset of the COVID-19 pandemic.”

And goes on to state at 2.3.5 that:

“WCC have consented to the use of the updated survey data for the purpose of the updated LinSig junction,”

5.12 The applicant only refers to the effects of COVID-19 pandemic – what is more important is both the applicant and WCC have failed to recognise that the A441 Birmingham Road between Cobbs Barn Farm roundabout and the Sainsbury’s Roundabout had major roadworks along its length for 7 months which only finished at the beginning of November 2022. After the completion of the roadworks there were water leaks and snagging problems throughout November 2022, all requiring traffic signals in operation along the A441. As part of the major 7 month roadworks Severn Trent Water, who were laying a new major water main, implemented matrix signs at both the Cobbs Barn Farm and Sainsbury’s roundabouts stating *that “due to major roadworks on the A441 Birmingham Road drivers are asked to seek alternative routes”*. It was noticeable that over the 7 months of continual major roadworks traffic queues and delays to traffic flows reduced as the public avoided the initial congestion along the A441.

5.13 To evidence this variability in traffic flows due to the presence of extensive roadworks, an assessment of the TA traffic flows, and TAA traffic flows used in the relevant traffic signal analysis are set out in Tables 5.3, 5.4 and 5.5.

Table 5.3: A441/Dagnell End Road Junction Comparison of Peak Hour Base Traffic Counts

Total Inflow to the traffic Signal Junction (vehs)		
Year	AM Peak Hour	PM Peak Hour
2018/19 (Original TA) ⁴	2,426	2,512
2022 (TAA) ⁵	1,671	1,741
Difference	-755 (-31%)	-771 (-30%)
Total reduction of 30% traffic entering the junction with the November 2022 Traffic Surveys which followed the major 7 months roadworks programme.		

5.14 It is evident from Table 5.3 that the total traffic through the A441/Dagnell End Road junction in November 2022 is reduced by 30% when compared to the pre-pandemic and pre roadwork traffic flows

5.15 In examining the base traffic levels and patterns further a detailed review of the specific turning counts and movements for each approach arm at the junction has been undertaken, whereby **Table 5.4** sets out the outcome of the review.

⁴ Source: PJA – Technical Note – A441/Dagnell End Road Junction Modelling – July 2019: Appendix – Traffic Flow Diagram

⁵ Source: Email from Planning Officer dated 12/6/23.

Table 5.4: Peak Hour Turning Count Comparison of Base Traffic Counts

ARM	Turning Flow (vehs)								
	Dagnell End Road	To Birmingham				To Redditch			
		AM Peak		PM Peak		AM Peak		PM Peak	
		2018/19	2022	2018/19	2022	2018/19	2022	2018/19	2022
	183	113	356	155	183	155	216	158	
	To Beoley				To Redditch				
B'ham Rd (N)	192	138	123	103	868	604	723	550	
	To Beoley				To Birmingham				
B'ham Rd (S)	201	125	148	127	799	533	946	648	

Source: as footnote

5.16 The comparison of travel patterns, via turning movements, at the A441/Dagnell End Road junction reveals that there are significant reductions in traffic volumes on all arms of the junction in November 2022 compared to earlier traffic counts before the major roadworks. The reduction in traffic flow at the junction as shown as a percentage and given at **Table 5.5**.

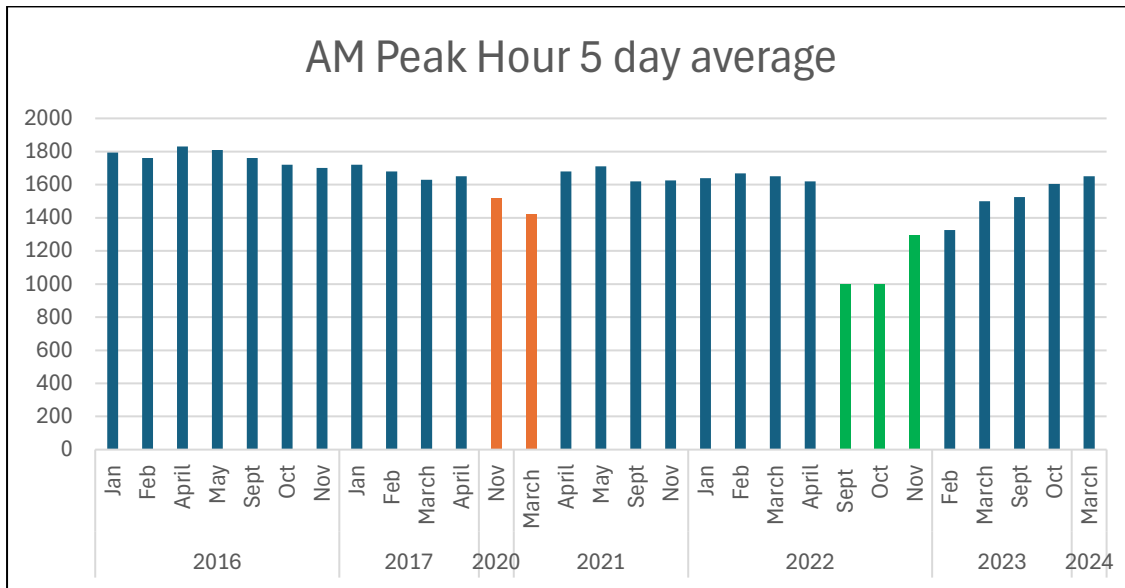
Table 5.5: Turning Count Comparison Shown as a Percentage

ARM	% Difference in Traffic Flows				
	Dagnell End Road	To Birmingham		To Redditch	
		AM Peak	PM Peak	AM Peak	PM Peak
		-28%	-56%	-14%	-26%
	To Beoley		To Redditch		
B'ham Rd (N)	-28%	-16%	-30%	-24%	
	To Beoley		To Redditch		
B'ham Rd (S)	-38%	-14%	-33%	-32%	

5.17 Table 5.5 shows that individual turning flows are between 14% and 56% less in November 2022 than in 2019. The largest reduction is on the move from Dagnell End Road to Birmingham Road, which is not surprising given the fact that during the road works traffic could not get onto the Birmingham Road due to traffic queueing back from the roadworks traffic lights and blocking the junction.

5.18 To validate the above assertion that November 2022 traffic counts are not a true reflection of typical traffic flows at the A44/Dagnell End Road junction, an analysis has been undertaken of WCC's historical traffic flows on the A441, as obtained via the traffic counter positioned on the A441 just to the north of the A441/Dagnell End Road traffic lights. From the historical counts obtained, an AM peak hour weekday 5-day average two-way traffic flow for neutral months, excluding bank holidays and Easter, have been determined, the results of which are shown in **Figure 5.1**.

Figure 5.1: A441 Birmingham Road AM peak hour weekday 5-day average 2016 – 2024



Source: Worcestershire County Council (WCC)

Note - the red bars (Nov 2020 and March 2021) are counts taken during Covid-19 restrictions, whereby the green bars relate to counts undertaken during STW water main replacement.

5.19 From Figure 5.1 several observations can be made, namely:

1. Covid- 19 restrictions affected the traffic flows along the A441 appeared to have returned to normal in May 2021.
2. The Severn Trent Water (STW) roadworks had a dramatic effect on traffic flow on the A441, as Matrix signs were set up at both the Cobbs Barn Farm and Sainsbury’s roundabouts stating that “*due to major roadworks on the A441 Birmingham Road drivers are asked to seek alternative routes*”. It was noticeable, and shown in Figure 5.1, that throughout the 7 months (April 22 – Nov 2022) of continual major roadworks traffic queues and delays the traffic flows were significantly reduced once the matrix signs were in place.
3. Traffic flows have now started to recover from the major roadworks undertaken on the A441, as indicated by the slow rise in traffic volumes in 2023 and 2024. However, there are still sporadic works going on along the road causing queues and delays on the A441.
4. Most importantly it can be seen that the traffic, post STW works, has continued to grow on an upward curve and this trend is predicted to continue back to and beyond the 206/17 levels.

5.20 It is noticeable that traffic had not returned to anything near normal by the time the traffic surveys were undertaken on 15th November 2022. It is also notable that the heavy traffic flows on Birmingham Road are significantly reduced by 24% to 33% clearly indicating that traffic had heeded the traffic matrix signs and avoided the area (my emphasis). It is also important to note the sporadic reappearance of roadworks traffic lights during November and December 2022 did not reassure drivers that the operation of Birmingham Road was back to normal.

5.21 It seems highly likely that the highway authority did not seek to check the duration, length and type of roadworks in the area, together with its impact on traffic, before consenting to the use of updated traffic surveys. It would appear therefore that neither the applicant nor the Development Control Section of WCC were aware of the impact the major roadworks was having on travel patterns along the A441 Birmingham Road as demonstrated above.

Further Validation of Traffic Counts

5.22 To further validate the erroneous nature of the November 2022 traffic flows and the incorrect use of the data in assessing the impact of the proposed development on the A441/Dagnell End Road junction, a series of independent traffic counts have been undertaken at the junction. Morning (AM) peak hours turning traffic counts were undertaken at the A441/Dagnell End Road junction on Tuesday 12th March 2024 and Thursday 21st November 2024. In addition, observations were made of the traffic queues at the junction. The surveys were undertaken by residents under my supervision, where I am bounded by the “TPS Code of Conduct - dated June 2022”.

5.23 The results of the two-junction count for the morning peak hour (8-9) have been compared with the original TA base counts for 2019 and the updated 2022 counts used in the TAA modelling process. The results are given in **Tables 5.6 and 5.7**.

Table 5.6: AM Peak Hour Junction Inflow Traffic Count Temporal Comparison

	Total Inflow of Traffic into the Junction (vehs)			
	2019 (original TA)	Nov 2022 (TAA)	March 2024	November 2024
AM Peak Hour (8-9)	2,426	1671	2,253	2,441

5.24 Table 5.6 clearly validates the large decrease in traffic flows through the A441/Dagnell End Road junction when November 2022 was undertaken, with clear indications that the traffic has now started to revert to 2019 levels. Just as important, traffic queues have now returned over the past two years due to the A441/Dagnell End Road traffic signals being over capacity. Queues are now regularly seen stretching back more than 500 metres on the A441 from the junction.

Table 5.7: AM Peak Hour Turning Count Temporal Comparison of Base Traffic Counts

ARM	Turning Flow (vehs)								
		To Birmingham				To Redditch			
		AM Peak				AM Peak			
Dagnell End Road	2019	Nov 2022	March 2024	Nov 2024	2019	Nov 2022	March 2024	Nov 2024	
	183	113	177	192	183	155	175	186	
	To Beoley				To Redditch				
B'ham Rd (N)	192	138	193	215	868	604	805	914	
	To Beoley				To Birmingham				
B'ham Rd (S)	201	125	202	183	799	533	701	751	

5.25 It is further evident from Table 5.7 that the turning flows undertaken recently replicate those undertaken in the original TA, which indicated that the A441/Dagnell End Road was 25% overcapacity, even with the improvements required under the Brockhill East Phase 3 mitigation works. The use of November 2022 traffic counts to assess the impact of the proposed Hither Green Lane residential on the surrounding highway network is not a true reflection of traffic flow levels in the area and any junction modelling results using this data are misleading.

Findings

5.26 There is overwhelming evidence that the updated traffic surveys undertaken in November 2022, do not (my emphasis) provide an accurate indication of the true levels of traffic at the A441/Dagnell End Road junction. Whilst there is an assumption that WCC consider travel patterns, since the onset of the COVID-19 pandemic, appear to have returned to normal, it is evident that the impacts of the major utility works on traffic flow were still influencing traffic flows in the area.

5.27 Taking the November 2022 traffic flows as the updated background traffic data and to inform the revised junction modelling as set out in in the TAA at section 2.3.6 to 2.3 7 and then to state:

“The capacity assessment outlined within this TN demonstrates that junction will operate within acceptable capacity parameters following the introduction of the development proposals, and no further mitigation is therefore deemed necessary.”

is entirely wrong. It is equally incorrect for the local highway authority to:

“Indicate that they are accepting of the development traffic impact at the junction and accordingly no mitigation, nor monies, towards mitigation have been requested to address capacity concerns.”

5.28 To base these statements upon unreliable and erroneous traffic data, as demonstrated, is misguided and completely misleading.

5.29 The November 2022 traffic flow data should be inadmissible in any assessment of the impact of traffic from the proposed residential development on the surrounding highway network.

5.30 Given that the correct levels of traffic, as indicated by the recent traffic surveys, are the same as those observed in 2019 then the results of the junction modelling of the A441/Dagnell End Road signal junction in the original TA are still relevant. The highway authority, in their response to the original TA, stated that:

“The operation of the Dagnell End Road signal junction in particular is a primary concern, given that nearly all proposed development trips generated by this site would travel through it.”

5.31 This statement is still applicable as indicated in the original TA, whereby an increase in the reduction of reserve capacity due to the proposed residential development was shown. The increase in the reduction of reserve capacity due to the proposed residential development is significant, as shown in Tables 5.1 and 5.2, and would lead to lengthy queues and delays at an already congested junction. The cumulative impacts on the road network resulting from the Hither Green Lane proposed development can only be seen as severe. (my emphasis)

Conclusions

5.32 In conclusion, the proposed residential development is contrary to the National Planning Policy Framework paragraph 115.

6. Other Matters for Consideration

6.1 This section will address other material matters and shortcomings identified within the supporting documents.

Linking of Adjacent Junctions

6.2 The original TA also assessed the impact of the proposed residential development on the A441/Odell Street/Weights Lane roundabout (Junction 4), whereby it states that the roundabout will operate with sufficient reserve capacity in the 2030 Base Assessment with the proposed residential traffic included. Whilst this may be the case, the modelling of the roundabout undertaken takes no account of traffic blocking onto the roundabout due to the queues from the A441/Dagnell End Road traffic signal junction. Queues are currently observed on the A441 from the traffic signals through the roundabout on a regular basis, thus affecting the capacity of the roundabout. At the 2030 Base assessment with the development traffic included the queue length from Table 6.6 of the TA reveals a mean maximum queue of almost a kilometre in the PM peak hour. Without development it is 700 metres, which has been observed to be the case. The distance between the traffic signals and the roundabout is around 300 metres.

6.3 The modelling of linking both junctions together to reflect the “blocking back” effect is missing from the TA and an important omission. The “bocking back” should have been included to obtain a true and reflective effect of the proposed residential development on the surrounding highway network in line with the NPPF.

Bus Service Contribution

6.4 The TAA, at section 3.2, has attempted to devise a vision aimed at promoting opportunities for sustainable travel to and from the site by way of a bus service. The TAA at section 3.2.2 states:

“It was therefore determined that a bus service would need to be diverted into the site, in order to provide an effective hourly service within an acceptable distance for prospective residents and visitors at the site. The service will provide connections between the site and Redditch Town Centre, as well as to several major employment hubs in the vicinity of the town centre.”

And goes on to state:

“The diversion of the bus service is to be delivered by WCC and the local operator (Diamond Bus), with an appropriate contribution to be provided by the developer, which will be secured by S106.”

6.5 Whilst it appears that the site will be well served by bus in the future, it is in reality a limited hourly service (my emphasis) and not an “effective hourly service”. In mode shift terms, an hourly service and only serving the town centre and so called unnamed “major employment hubs in the vicinity of the town centre” is vague and cannot be considered adequate to persuade commuters, shoppers or leisure travellers transferring from the private car to the bus.

6.6 The vision of an hourly bus service has unfortunately not been validated within the TA and TAA to demonstrate that the public transport proposals will have a material impact on the shift in travel modes.

6.7 There is no correspondence with the local operator, Diamond Bus, confirming that they will operate a bus service or what route it will take, so it can only be viewed as aspirational. Furthermore, there are no indications of how much the bus service will cost, how much the applicant will need to provide for the S106 and how long the subsidy will last. Given that this is a “full” planning application there is no certainty over the fact that the diverted bus service can be delivered and for how long.

6.8 For the public transport vision to be successful, it is essential that bus subsidies are sustainable and robust, this has not been demonstrated here.

6.9 Whilst the TAA states that the site will be accessible by bus, the proposed diverted hourly bus service is not sufficient to guarantee an adequate shift from the private car to the bus to ensure that the vision is sustainable in transport terms.

7. Conclusions

7.1 The transport supporting documents set out a “vision” for the proposed residential development in order to mitigate the traffic impacts from the site on the transport network. The “vision-led-approach” to promote sustainable transport has not been validated to determine that the transport vision can deliver a reduction in the need to travel by car and maximise the use of public transport, cycling and walking.

7.2 The cumulative effects of the proposed residential development on the transport infrastructure have not been correctly assessed and there are no solutions sought regarding the residual cumulative effects on both highway safety and the highway network.

7.3 Having undertaken a thorough and robust assessment of the Transport and Highway aspects of the planning application and based upon an analysis of the supporting transport evidence, it is concluded that the proposed residential development is contrary to both National Planning Policy Framework and the Borough of Redditch Local Plan policies. For these reasons the planning appeal should be dismissed.

Appeal Reference: APP/Q1825/W/24/3350905

Planning Application Reference: 21/01830/FUL

Site Address: Land West of Hither Green Lane, Redditch

Design and Density impact

by

Guy Edwards and Spencer Davies

on behalf of

North Redditch Communities Alliance (NoRCA)

January 2025

Contents

1. Introduction.....	3
2. Housing Density	3
3. Parking and Accessibility	5
4. Front Gardens and Garages	6
5. Building Types and Layout	7
6. External Appearance Roofing and Architectural Features.....	8
7. Conclusion	9

1. Introduction

1.1 We are Abbey Park residents and have significant experience of the house-building sector in UK. This report provides a detailed assessment of the proposed design and identifies the key areas where it is not in keeping with the existing estate. Each point highlights significant deviations from the established character of the area.

2. Housing Density

2.1 **Current Density:** The existing estate maintains a balance with an average housing density of 7 houses per hectare. This lower density ensures an open, less congested environment, enhancing the quality of life for residents.

2.2 **Proposed Development:** The new plans dramatically increase the housing density to 22 houses per hectare, thereby cramming more units into the proposed space. This departs from the established aesthetic of the area.

2.3 Visual Perspective on Density Levels of current Abbey Park estate



Perspective 1 – Approx 115m showing 10 properties within the frame



Perspective 2 – Approx 116m showing 9 properties within the frame



Perspective 3 – typical properties on Abbey Park

2.4 Visual Perspective of Planned Density Levels

Artist impression of Visual Perspective No 4 from the Visualisation Portfolio 1001296.

View 4



Count of 18 plots within the direct view line over approx. 121m.



2.5 Impact: - Higher density degrades the overall environment, undermining Abbey Park's reputation as a spacious and desirable residential area.

3. Parking and Accessibility

3.1 Visitor Parking: The lack of **dedicated visitor parking spaces** is a glaring omission. Without sufficient parking, residents and visitors will resort to parking on pavements and grass verges, as seen in the problematic housing estate near Abbey Stadium.

The higher density of housing units will inevitably increase the number of vehicles per household, exacerbating the parking problem.

Inadequate parking space will obstruct pedestrian pathways, pose safety hazards, and lead to unsightly damage to communal areas.

Most houses on the current Abbey Park estate have four parking spaces, plus garages.

3.2 Impact: Poor parking infrastructure will disrupt the area's functionality and visual appeal, causing long-term dissatisfaction among residents.

4. Front Gardens and Garages

4.1 Front Gardens: The existing Abbey Park homes are defined by their **large front gardens**, providing a welcoming and open feel to the neighbourhood.

The new design eliminates front gardens entirely, replacing them with cramped frontages, erasing an essential part of the estate's charm and spaciousness.

4.2 Garage Placement: Current Abbey Park homes feature **integral garages**, seamlessly incorporated into the overall design, making them accessible and practical. Most houses on the current Abbey Park estate have at least two garages.

In contrast, the proposed design shows that garages are located **at the rear of the houses**.

4.3 Image of front gardens and integral garages typical across Abbey Park.



4.4 Impact: The absence of front gardens and repositioning of garages is totally at odds with the established character of the current estate.

5. Building Types and Layout

5.1 Building Heights: The proposed inclusion of **2.5-story houses** introduces a vertical element that does not exist in the current Abbey Park estate, where all homes are two stories except for the small number of bungalows.

5.2 Housing Types: The existing Abbey Park estate comprises exclusively **detached houses**, providing a uniform and premium feel. The proposal introduces **terraced and semi-detached houses**, which are totally out of keeping with the estate's established layout.

5.3 Diversity of Housing: The omission of **bungalows** in the proposed development is a failure of design and social responsibility, as these provide valuable housing options for elderly or mobility-impaired residents, ensuring the estate remains accessible and inclusive.

The lack of **5-bedroom homes (500-range)** is a further failure of design and a missed opportunity to complement the existing estate's housing mix which can cater for larger families.

5.4 Images – Typical frontage on a current site of the developer (DWH)



5.5 Impact: The new building types and layouts are totally out of keeping with existing Abbey Park properties. It compromises the estate's identity, its appeal and coherence.

6. External Appearance Roofing and Architectural Features

6.1 Roof Styles: The proposed use of **hip-style roofing** is out of keeping with the existing Abbey Park properties. Over 90% of the proposed houses feature this design. The existing estate, by contrast, has few hip-style roofs.

6.2 Chimneys: These are a hallmark of the existing properties, adding charm and architectural detail. Their omission in the new design removes a key feature that contributes to the area's character.

6.3 Building Materials: The proposed materials are a lower cost imitation of the higher quality used throughout the Abbey Park estate.

6.4 Plain Render: is not a defining characteristic of current Abbey Park properties. The widespread use of plain render in the proposed designs creates a bland and uniform appearance, contrasting with the more diverse and detailed facades of existing homes.

6.5 Visual Continuity: The removal of timber detailing in favour of render fails to respect the original design principles that set the Abbey Park estate apart.

6.6 Image of Abbey Park: The vast majority of properties having a gabled arrangement.



6.7 Impact: The architectural details of the proposed development lack the distinctive features that define Abbey Park and diminish the aesthetic appeal.

7. Conclusion

The proposed development deviates significantly from the established character of Abbey Park in terms of density, design, and architectural features. If allowed to proceed, it would create visual discord and would degrade the area's unique architectural character and heritage.

Appeal Reference: APP/Q1825/W/24/3350905

Planning Application Reference: 21/01830/FUL

Site Address: Land West of Hither Green Lane, Redditch

Flooding Risk impact

By:

Waterco and Denis Miles

on behalf of

North Redditch Communities Alliance (NoRCA)

January 2025

Contents

1. Introduction.....	3
2. Flood Risk of the proposed development	3
3. Waterco Report	5
4. Environment Agency - Increased Flooding Risk Report	6
5. Images.....	7
6. Conclusion.....	8
Appendix I.....	9

1. Introduction

1.1 This NoRCA report produced in conjunction with Waterco, a specialist company, is an assessment of the flood risk posed by the proposed development on parts of the Abbey Park golf course and surrounding land.

1.2 For the reasons outlined below, NoRCA concludes that the risk of flooding has been seriously underestimated. The Appeal against refusal of planning permission should therefore be dismissed.

2. Flood Risk of the proposed development

2.1 NoRCA considers that the David Wilson Homes' flood risk assessment for the proposed development is fundamentally flawed and dangerously inadequate.

- **Outdated Data:** The assessment relies on historical Environment Agency data, ignoring the significant impact of the recent, large-scale housing development upstream. This development has dramatically altered the local hydrology, increasing the risk of flooding.
- **Disregard for Recent Events:** The devastating flooding in October 2023, which occurred after the developer's assessment, clearly demonstrates the site's vulnerability. The Abbey Park golf course, frequently flooded, further underscores the high-risk environment.
- **Climate Change Neglect:** The developer has failed to adequately consider the increasing frequency and severity of extreme weather events due to climate change, as mandated by the Environment Agency.
- **Inadequate Assessment:** The surface water drainage plan is deeply concerning. The proposed balancing pond, with limited capacity, will likely overflow into the River Arrow, exacerbating flood risks.
- **Long-Term Inhabitability:** Building on this flood-prone site jeopardizes the long-term habitability of the proposed homes.

NoRCA strongly contends that the development should be rejected due to the significant and imminent flood risks, particularly in light of climate change.

2.2 The Environment Agency report acknowledges the need to incorporate climate change into future flood risk assessments, placing the onus on developers to demonstrate the safety of new developments. However, the proposed development fails to adequately address this responsibility.

- **Inadequate Climate Change Consideration:** The assessment relies on outdated data from before 2016, failing to account for the increased frequency and severity of extreme weather events due to climate change. The recent devastating floods of 2023, which were not considered in the assessment, serve as a stark warning of the increased risks.
- **Misleading Historical Data:** The Environment Agency's statement that there is no record of flooding in the area is misleading. The absence of historical records does not negate the possibility of past flooding events and ignores the significant changes to the local hydrology, including the recent upstream development.

- **Inadequate Drainage Solution:** The proposed surface water drainage system is insufficient. The small balancing pond, with limited capacity and no connection to existing infrastructure, will likely overflow during heavy rainfall, directly discharging into the River Arrow and exacerbating flood risks.

Given the significant and increasing flood risks, particularly in the face of climate change, the development of a housing estate in this location is ill-advised and poses a serious threat to the long-term safety and well-being of future residents."

3. Waterco Report

3.1 NoRCA has engaged Waterco Consultants to carry out a review of the flooding risks; its full Report is submitted to the Inquiry (ref : 16245-Flood & Drainage Review, Waterco Report - 01).

3.2 The report highlights the abundance of factual errors and the flawed basis of the assumptions incorporated in the applicant's submission for planning approval. The conclusions in the report are:

- To ensure the development is safe from flooding, and to ensure the development will not increase flood risk elsewhere:
- The existing EA River Arrow model (prepared in 2009 and 1-dimensional only) should be updated to provide an up-to-date assessment of fluvial flood risk, including an assessment of latest climate change allowances.
- Further consideration should be given to the ditch on the eastern boundary of the site. Specifically, existing piped inflows to the ditch should be investigated to determine whether they serve any flows originating off-site. Where the pipes convey flow from off-site sources, they will need to be retained / diverted within the development site to maintain their drainage function.
- The surface water drainage simulations should apply a Cv value of 1 (applicable where the drainage system is to be adopted by a Water and Sewerage Company). This will ensure the drainage system is correctly sized.
- The effects of a surcharged drainage outfall to the River Arrow should be considered, ensuring no flooding detriment to the site or elsewhere.
- A formal overflow from the existing pond in the northern extent of the site should be considered to prevent any overtopping and associated flooding.

4. Environment Agency - Increased Flooding Risk Report

4.1 The Environment Agency's latest National Assessment of Flood Risk (NaFRA), released on December 17, 2024, paints a grim picture of the UK's escalating vulnerability to flooding. The report reveals that 6.3 million properties are currently at risk, a figure projected to soar to around 8 million by 2050 due to rising sea levels and increasingly frequent extreme weather events. This alarming trend underscores the urgent need for proactive flood mitigation measures.

4.2 Surface water flooding, driven by intense rainfall and overwhelmed urban drainage systems, poses the most significant threat. The number of properties at risk from surface water flooding has surged by 43% since previous assessments, reaching 4.6 million. This figure is projected to further increase to 6.1 million by 2060 as climate change intensifies.

4.3 The NaFRA 2024 emphasises the critical need for substantial investments in robust flood defences, resilient infrastructure, and comprehensive climate adaptation strategies to safeguard communities, critical infrastructure, and agricultural lands.

4.4 It's crucial to note that the 2004 NaFRA, the first of its kind, utilized outdated technology and methodology. While the 2018 assessment incorporated some improvements, the 2024 report reflects the most up-to-date understanding of flood risks.

Several key findings from the NaFRA 2024 report are highly relevant to the proposed development by David Wilson Homes, yet these findings appear to have been overlooked in their assessment.

4.5 Relevant extracts from the report are shown in Appendix I

5. Images

Photographs show the nature of regular flooding on the Golf Course and along the River Arrow bordering the proposed development site



6. Conclusion

NoRCA strongly opposes David Wilson Homes' Appeal based on the following critical concerns regarding flood risk:

- **Waterco Consultants' Report:** This report exposes significant errors and false assumptions in the developer's flood risk assessment, undermining the credibility of their findings.
- **Environment Agency's 2024 Report:** The Environment Agency's 2024 report underscores the dramatically increasing flood risks due to climate change. This report, along with forthcoming updates in 2025 and 2026, must serve as the foundation for all future planning decisions, including the proposed development.
- **Implausible Flood Risk Assessment:** The developer's claim of a 0.1-1.0% annual probability of flooding (a 100-year return period) for the riverside site is highly questionable and appears to significantly underestimate the actual risk.

Based on the above, NoRCA urges the rejection of the developer's appeal.

Appendix I

Environment Agency's National Assessment of Flood Risk (NaFRA) – 17th December 2024

Relevant extracts :

*In reality flooding to properties and places often comes from more than one source. For example, high river levels can impede surface water drainage. This causes increased flood impacts in areas where the main risk is from rivers. This means it is common to find the same properties impacted by multiple sources of flooding. We have not included the groundwater figures in our new total as this estimate has not been updated for some time. **Our next annual report for 2024 to 2025 will reflect the updated assessment from the new NaFRA.***

With climate change the total number of properties in areas at risk from rivers and the sea or surface could increase to:

- *3.1 million properties in areas at risk of flooding from rivers and the sea between 2036 and 2069*
- *6.1 million properties in areas at risk of flooding from surface water between 2040 and 2060*

With climate change, our new mapping identifies about one million properties in areas at risk both from rivers or the sea, and surface water. This could take the total number of properties at risk of flooding from rivers and the sea or surface water to around 8 million by mid-century. In other words, 1 in 4 properties in England will be at risk of flooding from rivers and the sea or surface water by mid-century.

In early 2025 we will publish:

- *the new NaFRA data on [check your long term flood risk](#) and on [data.gov.uk](#)*
- *the new NCERM data on [check coastal erosion risk for an area in England](#), [SMP Explorer](#) and on [data.gov.uk](#)*

For the first time check your long term flood risk will show information for users on:

- future flood risk taking into account climate change
- potential flood depths both for present day flood risk and with climate change

The improved service will make it easier for users to understand both the chances and potential impacts of current and future flood risk in the places in which they live or work.

11.2 Spring 2025: new NaFRA data published on Flood Map for Planning

In spring 2025 we will be updating our flood map for planning service which displays the flood zones. The flood zones are defined by government in planning guidance and will continue to show present day flood risk from rivers and the sea. We will be updating the flood zones using the data from the new NaFRA.

The improved service will use the data from the new NaFRA to:

- assist planners and developers towards the most appropriate sites for development
- make it easier for developers to produce flood risk assessments as part of the process to obtain planning permission

For the first time, we will be:

- adding new information to show how climate change may affect the extent of flood risk from rivers and the sea in future
- including mapping showing areas at flood risk from rivers and the sea taking into account the presence of existing flood defences
- displaying surface water flood risk

Following these Spring 2025 improvements to flood map for planning, we will plan further updates to include other helpful information from the new NaFRA. This will include adding information on how climate change could affect surface water flood risk as well as information on flood depths.

12. Next steps: continuous improvement in our understanding of risk

We have assessed that nearly 90% of properties at flood risk in England are in areas that are suitable for the new NaFRA data and mapping. The remaining areas require either new detailed local modelling, or gaps and errors in the input data to be rectified. For areas that are not yet able to benefit from the new NaFRA we are temporarily retaining the existing flood risk information. Local Environment Agency teams will make sure that the best available local understanding of risk is also factored into decisions about future investment options. **We are continuing to refine our modelling and data with the aim of reach 100% coverage with the new NaFRA data by Summer 2026.**

We are committed to a rolling programme of data improvements so we can take into account the latest local modelling evidence and national data improvements. **Following publication of the new NaFRA data in early 2025, the first update will be in summer 2025. While details are to be confirmed, we expect updates to then follow quarterly.**

Following publication of the new NCERM data in early 2025 on SMP Explorer, the first update is expected to be later in 2025. While details are to be confirmed, we expect updates to then follow yearly.

13. How we will use the new risk information to inform future investments

For the first time, our new national flood and coastal erosion risk assessment gives us an understanding of risk for both:

- *the present day*
- *future climate projections*

This new information is vital for our future planning, especially given climate change projections and aging flood and coastal defences.

13.1 Informing our future investment programme

We are currently developing a new flood and coastal investment programme using the best available evidence which includes the new NaFRA and NCERM.

1. *This will allow us to assure that our investment programmes are prioritising the places and projects where current and future risk is greatest.*

Appeal Reference: APP/Q1825/W/24/3350905

Planning Application Reference: 21/01830/FUL

Site Address: Land West of Hither Green Lane, Redditch

Green Open Space - Environment and Biodiversity impact

by

Angela Dixon and Denis Miles

on behalf of

North Redditch Communities Alliance (NoRCA)

January 2025

Contents

1. Introduction.....	3
2. Overview	3
3. Impact Assessment	3
3.1 Environment and Biodiversity	3
3.2 Local Services and Amenities.....	4
3.3 Education.....	4
3.4 Traffic.....	4
4. Conclusion.....	4
Appendix I Images	5

1. Introduction

This NoRCA report is an assessment of the impact on the environment and biodiversity the proposed development on parts of the Abbey Park golf course and surrounding land would have.

2. Overview

2.1 This Primarily Open Space is a critical component of the Green Infrastructure Network (BORLP4), providing invaluable recreational opportunities, supporting biodiversity, and enhancing the quality of life for residents.

2.2 It plays a crucial role in mitigating climate change by reducing the town's carbon footprint, aligning with the Climate Change Emergency Declaration.

2.3 The Environment Act 2021 mandates a 10% biodiversity net gain. This development would result in a significant initial loss of biodiversity due to the destruction of the existing green environment. No credible evidence or measurable metrics have been provided by the developer to demonstrate how this 10% net gain will be achieved.

3. Impact Assessment

3.1 Environment and Biodiversity

The proposed development will generate significant environmental impacts, including:

3.1.1 Green Open Space: The proposed development is in an area of Redditch identified as having an overall deficiency of green open space compared to local standards - Redditch Borough Council's Open Space Study (2023). No other sites have actively been considered for this development.

3.1.2 Increased pollution: Waste generation, chemical contamination, sewage, noise, light, and air pollution from 600+ residents, 400+ vehicles, and 300+ children will have a detrimental impact on the environment.

3.1.3 Loss of wildlife habitat: The site supports a diverse range of wildlife, including roe deer, snakes, bats, birds, and aquatic life. The development will significantly reduce these populations as cited in the objection from Worcestershire Wildlife Trust to the application.

3.1.4 Damage to existing features: Established trees, hedgerows, water features, and expansive grasslands will be severely impacted.

3.1.5 Threat to the River Arrow corridor special wildlife site: The development will negatively impact this vital habitat through increased human activity, pollution, and habitat fragmentation.

3.1.6 Increased flood risk: The site is prone to flooding, and the development will exacerbate this risk, particularly with the projected increase in extreme weather events due to climate change. (see separate NoRCA report).

3.1.7 River pollution: Increased human activity and associated waste will pollute the River Arrow.

3.1.8 Child safety concerns: The proximity of the river poses a significant safety risk to children.

3.1.9 Loss of open space amenities: Residents will lose access to valuable recreational spaces to the detriment of their mental and physical well-being.

3.1.10 Inadequate mitigation measures: They do not eliminate the main issues outlined above.

3.2 Local Services and Amenities

The proposed development will generate a significant increase in demand on local services and amenities, particularly health care provision, which are already over-stretched and over-subscribed.

3.3 Education

There is no adequate provision within the proposed development for local education

3.3.1 Redditch has no places for the estimated several hundred children requiring local education.

3.3.2 The nearest primary school (Beoley Village Primary) is 2 miles away and is at capacity (building capacity 100, October 2024 role 97; only 3 current places across its 4 age-group years). Moreover, it is not walkable along the B4101 single lane, winding road with no pavement or verges along a long part of the route.

3.3.3 The defined Secondary schools (Bromsgrove South and Bromsgrove North) are located over 10 miles away. This will necessitate increased reliance on school buses and private vehicles, leading to increased traffic, pollution, and noise.

3.4 Traffic

The increased traffic congestion on the A441 and B4101 resulting from the proposed development has been dramatically underestimated. (please see separate NoRCA report).

4. Conclusion

For the reasons outlined above, NoRCA concludes that the Appeal against refusal of planning permission should be dismissed.

Appendix I Images



Appeal Reference: APP/Q1825/W/24/3350905

Planning Application Reference: 21/01830/FUL

Site Address: Land West of Hither Green Lane, Redditch

Golf - impact

by:

Graham Smith

on behalf of

North Redditch Communities Alliance (NoRCA)

January 2025

Contents

1. Introduction.....	3
2. Background	3
3. Impact on Golf	3
4. Conclusion.....	3

1. Introduction

This NoRCA report is an assessment of the impact on Golf of the proposed development on parts of the Abbey Park golf course and surrounding land would have.

2. Background

- 2.2 The Abbey Park golf course is the only 18-hole championship standard public golf course in Redditch.
- 2.3 The land it occupies, parts of which are the subject of a planning application by David Wilson Homes for the development of 214 houses, is covered by a Covenant established in the 1980s by the then Commission for New Towns restricting the land to leisure purposes only.
- 2.4 NoRCA recognises that the Covenant in and of itself is not a planning matter; however, it contends that the terms and conditions of the Covenant remain valid and that the proposed development should therefore not be permitted to proceed.

3. Impact on Golf

- 3.1 **The proposed development will have a significant detrimental impact, including:**
- 3.2 The golf course will reduce in length by around 600 metres thereby weakening its golfing challenge.
- 3.3 The 18-hole course will be condensed and squeezed into smaller acreage.
- 3.4 The reduced course will have a detrimental effect upon speed of play, lengthening playing time and escalating Health and Safety risks for players.
- 3.5 The course will not justify its “Championship Standard” status.
- 3.6 The course will cease to be one of Redditch’s primary leisure resources and attractions.
- 3.7 During the 2 -3 years development the course will be reduced to 10 playable holes – this will result in a decline in membership and pay-and-play golfers; the opportunity for schooling and practice will be greatly reduced.
- 3.8 During the development the club will be unable to attract Golf Societies; the golf packages that contribute significantly to hotel revenues will dramatically decline and may never return.
- 3.9 A precedent will be established for further developments on and around the golf course thereby degrading it further as a leisure amenity.

4. Conclusion

For the reasons outlined above, NoRCA concludes that the Appeal against refusal of planning permission should be dismissed.

additional papers 1



Council

Mon 11 Nov
2024
7.00 pm

Oakenshaw Community
Centre
Castleditch Lane
Redditch
B98 7YB



**If you have any queries on this Agenda please contact
Jess Bayley-Hill**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 64252 (Ext. 3072)**

e.mail: jess.bayley-hill@bromsgroveandredditch.gov.uk

Agenda

Membership:

Cllrs:	Juma Begum (Mayor)	Wanda King
	Joanna Kane (Deputy Mayor)	Alan Mason
	Joe Baker	Sachin Mathur
	Juliet Barker Smith	Gemma Monaco
	William Boyd	David Munro
	Brandon Clayton	Rita Rogers
	Claire Davies	Gary Slim
	Matthew Dormer	Jen Snape
	James Fardoe	Jane Spilsbury
	Andrew Fry	Monica Stringfellow
	Bill Hartnett	Craig Warhurst
	Sharon Harvey	Ian Woodall
	Chris Holz	Paul Wren
	Sid Khan	

6. Questions on Notice (Procedure Rule 9) (Pages 5 - 6)

The question on notice is included in this supplementary pack.

12. Political Balance Report (Pages 7 - 10)

The appendices to this report can be found in this supplementary pack.

13. Urgent Business - Record of Decisions (Pages 11 - 12)

To note any decisions taken in accordance with the Council's Urgency Procedure Rules.

The following decision has been taken since the last Council meeting:

RESOLVED that the Council will not defend the appeal in relation to Planning Application 21/01830/FUL.

NOTE: There is exempt information contained in the urgent decision form for this decision which has only been made available to Members and relevant Officers. Should Members wish to discuss this in any detail, a decision will be required to exclude the public and press from the meeting on the grounds that exempt information is likely to be divulged, as defined in paragraph 5 of Schedule 12 (a) of Section 100 1 of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

(Paragraph 5: Subject to the "public interest" test, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.)

This page is intentionally left blank

**Redditch Borough Council
11th November 2024**

Questions on Notice

1. From Mrs Karen Ashley to the Leader

“In your local election manifesto you said that we could look forward to a brand new outdoor market. Proper stalls selling quality merchandise. Can I ask when Redditch residents can expect this to be delivered as we were given the impression it would be for December this year.”

This page is intentionally left blank

Appendix 1 Political Balance Calculation November 2024

Committee	Lab 20 74.07% of total	Con 5 18.52% of total	Independent (Non-aligned) 1 3.70% of total	Green (Non- aligned) 1 3.70% of total	Total
Overview and Scrutiny Committee	7 6.67	2 1.67	0 0.33	0 0.33	9 9 members on Committee 9
Licensing Committee	8 8.15	2 2.04	0 0.41 *Take 1	0 0.41	10 11 members on Cttee 11
Planning Committee	7 6.67 *Take 6	2 1.67 *Take 1	0 0.33 *Take 1	0 0.33 *Take 1	9 9 members on Cttee 9
Audit, Gov'ce & Stands Committee	7 6.67	2 1.67	0 0.33	0 0.33	9 9 members on Cttee 9
Crime and Disorder Scrutiny Panel	4 3.70 *Take 3	1 0.93	0 0.19	0 0.19 *Take 1	5 5 Members on the Committee 5
(Joint) Appointments Committee	4 3.70	1 0.93	0 0.19	0 0.19	5 5 Members on Committee
Electoral Matters Committee	4 3.70	1 0.93	0 0.19	0 0.19	5 5 Members on Committee
Allocated Total (prior to balanced position)	41	11	0	0	52
Entitlement Mathematical calculation	39 39.26	10 9.82	2 1.96	2 1.96	53 53
Final Total	39	10	2	2	53

This page is intentionally left blank

Appendix 2 - Nominations and Appointments to Committees that Form Part of the Political Balance

Committee / Sub-Committee etc.	Size (Members)	Labour	Conservative	Non-Aligned Green	Non-aligned Independent
Audit, Governance and Standards Committee	9	7 Cllrs Begum, Boyd, Fardoe, Fry, Kane, Munro and Slim	2 (Ch) Cllr Monaco (v Ch) Cllr Holz	-	-
Licensing Committee (Note the sub-committees are now selected from the committee membership)	11	8 (Ch) Munro (V Ch) Mathur Cllrs Barker Smith, Harvey, Slim, Snape, Stringfellow and Wren	2 Cllrs Clayton and Dormer	-	1 Cllr Khan
Planning Committee (A pool of named substitutes would be welcomed for this Committee from both groups)	9	6 (Ch) Cllr Fry (V Ch) Cllr Boyd Cllrs Begum, Hartnett, Munro and Snape <u>Named substitutes:</u> Cllrs Barker Smith, Mason and Woodall	1 Cllr Clayton <u>Named Substitutes:</u> Cllrs Dormer, Holz, Monaco and Warhurst	1 Cllr Davies	1 Cllr Khan

REDDITCH BOROUGH COUNCIL**Council**

11th November 2024

Committee / Sub- Committee etc.	Size (Members)	Labour	Conservative	Non-Aligned Green	Non-aligned Independent
Overview and Scrutiny Committee	9	7 Cllrs Boyd, Kane, Fry, Mathur, Munro, Rogers and Wren	2 (Ch) Cllr Dormer (VC) Cllr Warhurst	-	-
Crime and Disorder Scrutiny Panel	5	3 Cllrs Fry, Kane and Rogers	1 (Ch) Cllr Warhurst	1 Cllr Davies	-
(Joint) Appointments Committee	5	4 (Ch) Baker (V Ch) Harvey Cllrs Hartnett and Spilsbury	1 Cllr Dormer	-	-
Electoral Matters Committee	5	4 Members (Ch) Cllr Baker (V Ch) Fardoe Cllrs Mathur and Rogers	1 Cllr Clayton	-	-

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Bromsgrove District Council and Redditch Borough Council

Memorandum of Understanding (MOU)

Duty to Cooperate on housing need, plan making, and the Greater Birmingham and Black Country Housing Market Area

May 2022

1 This MOU confirms the understanding and agreement between Bromsgrove District Council (BDC) and Redditch Borough Council (RBC) (the Councils), with regard to Duty to Cooperate issues on housing need, plan making and the Greater Birmingham and Black Country Housing Market Area .

Local Housing Need and Plan Making

2 In January 2017 both Councils adopted new development plans, following Examination in Public proceedings and receipt of the Planning Inspector’s reports, namely the Bromsgrove District Plan (BDP) and the Borough of Redditch Local Plan No.4 (BORLP4).

3 A significant element of both plans was the provision of housing in Bromsgrove District to meet the needs of Redditch Borough. To enable this to take place both plans had housing needs policies which clarified where the housing developed across both authorities was to be apportioned, (BDP- BDP3 and BORLP4 – Policy 4) and shared policy to allocate two housing sites on the edge of Redditch Borough in Bromsgrove District (BDP - RCBD1 and BORLP4 Appendix 1). These plans were developed as individual plans for each authority, prepared concurrently and where necessary examined in tandem to ensure the shared element was judged to be sound.

4 Both adopted plans now need to be reviewed in accordance with the Government’s requirement for a five year review period and in response to the requirements set out in BDP4.2 of the BDP, which is about to reach the Preferred Option stage. RBC is commencing the review of BORLP4 and will shortly begin the early stages of plan production. In order to inform the direction that both plans should be taking with regard to housing need, both Councils have independently commissioned Housing and Economic Development Needs Assessments (HEDNA’s).

5 The outcomes of both HEDNA’s are recommendations that the Councils adopt the local housing need figure derived from the Government’s standard methodology for housing need.

This translates to the housing needs below for the period 2022 to 2040

		2022 – 2040 (18 years)
Redditch:	Need	165dpa / 2970
	Supply	5211
	Surplus	+2241
Bromsgrove:	Need	383dpa / 6894
	Supply	2511 (approx.)
	Deficit	4383

6 The table above confirms that the housing need for Redditch Borough is somewhat smaller using the standard method approach required by Government when compared to the local housing requirements set out in the adopted BORLP4 (6,400 homes for the period 2011-2030, averaging 337 dwellings per annum). This smaller local housing need for Redditch Borough results in an oversupply of approximately 2241 dwellings, when all the current housing commitments (allocations and sites with planning permission) apportioned to RBC are taken into account. All these figures are subject to change as the standard method calculation is updated each year, and as such this MOU will be amended to reflect the most recent local housing need figures as the local plans progress. Both new local plans being prepared will need to address this issue and respond to the latest local housing need figures in order to be found sound. BDC's early plan making stages considered this issue and specific questions were asked about the implications of potential oversupply in Redditch at the Issues and Options consultation stage¹.

7 The Duty to Cooperate is the mechanism which enabled the Councils to work together to deliver the adopted local plans with a shared cross boundary policy. The requirement to cooperate is still enshrined in the English planning system. The process by which the plans were prepared before ensured that both plans were found sound following the Examination in Public. As part of the plan review process and to help ensure the same outcome, the creation of two individual development plans which, where necessary, have shared policies or shared evidence is deemed to be the pragmatic approach to address the issues highlighted above.

8 Current agreed Duty to Cooperate position between BDC and RBC in relation to housing needs and plan making

It is agreed that:

- A. The Councils continue to prepare plan reviews which, where possible build on the current Local Plans.
- B. The surplus of housing currently allocated for the needs for Redditch Borough (currently approximately 2241 dwellings) is handed back to BDC for BDC to consider in its plan making, and this figure is kept under review based on revisions to the Office for National Statistics (ONS) household projections/ affordability ratio data, urban capacity in Redditch and any updated housing needs evidence.
- C. The individual local plans for each authority will be progressed in tandem by the shared Strategic Planning Team with the aim of both plans being examined concurrently.
- D. Development provided via the adopted policy RCBD1 at Brockhill and Foxlydiate and which does not form part of the surplus identified above will continue to count towards the local housing need for Redditch Borough.
- E. Both local plans retain relevant existing policies and include new policies to ensure the effective delivery of the RCBD1 sites to completion.

9 Duty to Cooperate with the Greater Birmingham and Black Country Housing Market Area (GBBCHMA)

¹ Bromsgrove District Plan Review – Issue and Options Consultation Document. Sept 2018

10 The agreements above show how the Councils will work together to develop new plans for both Bromsgrove District and Redditch Borough. The unmet housing needs of the GBBCHMA have been an issue yet to be fully addressed across the West Midlands for a considerable number of years. A shortfall of housing exists due to the lack of capacity in Birmingham and the Black Country local authority areas. This issue was referenced in both the current BDP and BORLP4. The scale of the housing shortfall is not yet fully understood until Birmingham City Council publishes its suggested housing need figure, although when combined with the identified shortfall across the Black Country local authorities of circa 28,239 dwellings the challenge of meeting these needs in full is likely to be a significant one.

11 It is expected that in due course a formal request will be received by both Councils to accommodate a proportion of the specific housing need shortfall of both Birmingham and the Black Country. The evidence that justified the allocation of the current housing need of Redditch Borough to be met in Bromsgrove District is still thought to be relevant. This found that due to nature of the Borough's tightly drawn boundaries and the lack of capacity to accommodate large strategic housing and employment sites, consequentially any growth needs for RBC are most deliverable in the adjacent districts such as Bromsgrove.

12 This evidence will need to be reviewed as part of the Redditch Plan Review, and should that review conclude that any growth needs for RBC are most deliverable in adjacent districts such as Bromsgrove, then any request for RBC to meet the needs of the GBBCHMA could lead to a further request from RBC to BDC to assist with this. To prevent this happening a coordinated approach to responding to any such requests from the GBBCHMA will help to ensure that the individual plans for both Councils can progress concurrently as outlined above, and a coherent response can be provided to the GBBHMA authorities.

13 Current agreed Duty to Cooperate position between BDC and RBC in relation to the GBBCHMA

It is agreed that:

- F. That the Councils consider issues in relation to the GBBCHMA together and wherever possible, respond jointly to all requests to assist those authorities which have a shortfall in housing supply.

Our use of cookies

We use essential cookies to make our site work.

We'd like to use additional cookies to understand how you use the site and improve our services.

You can find details of these and all other cookies on our [cookie policy](#).

[Accept additional cookies](#)

[Reject additional cookies](#)

[Cookie settings](#)



Written questions, answers and statements

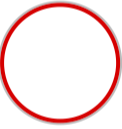
[UK Parliament](#) [Business](#) [Written questions, answers and statements](#) [Find written statements](#) [HCWS48](#)

Building the homes we need

Statement made on 30 July 2024

Statement UIN HCWS48

Statement made by

	Angela Rayner	<input type="checkbox"/>
	Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government	
	Labour	
	Ashton-under-Lyne	
	Commons	

Statement

The Government has today set out the first major steps in its plan to build the homes this country needs.

Our manifesto was clear: sustained economic growth is the only route to improving the prosperity of our country and the living standards of working people. Our approach to delivering this growth will focus on three pillars; stability, investment and reform. But this growth must also be generated for everyone, everywhere across the country – and so nowhere is decisive reform needed more urgently than in housing.

We are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home.

That is why today I have set out reforms to fix the foundations of our housing and planning system – taking the tough choices needed to improve affordability, turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years.

RESTORING AND RAISING HOUSING TARGETS

Planning is principally a local activity, and it is right that decisions about what to build and where should reflect local views. But we are also clear that these decisions should be about how to deliver the housing an area needs, not whether to do so at all, and these needs cannot be met without identifying enough land through local plans.

We are therefore reversing last year's changes which loosened the requirement for local authorities to plan for and meet their housing needs, and we are going further still, by mandating that the standard method is used as the basis for determining local authorities' housing requirements in all circumstances.

A mandated method alone is, however, insufficient to deliver on our scale of ambition and the current 'standard method' is not up to the job. It relies on decade-old population projections, an arbitrary 'urban uplift' that focuses too heavily on London and it lacks ambition across large parts of the country. We are therefore updating the standard method and raising the overall level of these targets – from around 300,000 to approximately 370,000. The new method provides a stable and balanced approach. It requires local authorities to plan for numbers of homes that are proportionate to the size of existing communities, by taking 0.8 per cent of existing stock as a floor, which is broadly consistent with the average rate of housing growth over recent years. It also then incorporates an uplift based on how out of step house prices are with local incomes, using an affordability multiplier of 0.6 per cent, up from 0.25 per cent in the previous method.

This approach means that there is no need for any artificial caps or uplifts: the previous cap will no longer apply, and the urban uplift will be removed. With a stable number, reflective of local needs and the way housing markets operate, we will stop debates about the right number of homes for which to plan, ensure targets reflect the way towns and cities actually work, and support authorities to get on with plan making.

BUILDING IN THE RIGHT PLACES

If we have targets that tell us how many homes we need to build, we next need to make sure we are building in the right places. The first port of call for development should be brownfield land, and we are proposing some changes today to support more brownfield development: being explicit in policy that the default answer to brownfield development should be yes; expanding the current definition of brownfield land to include hardstanding and glasshouses; reversing the change made last December that allowed local character to be used in some instances as a reason to reduce densities; and in addition, strengthening expectations that plans should promote an uplift in density in urban areas.

It is however also clear that brownfield land can only be part of the answer, and will not be enough to meet our housing needs – which is why a Green Belt designed for England in the middle of the twentieth century now must be updated for an England in the middle of the twenty first. The Green Belt today accounts for more land in England than land that is developed – around 13 per cent compared to 10 per cent. Yet as many assessments show, large areas of the Green Belt have little ecological value and are inaccessible to the public. Much of this area is better described as 'grey belt': land on the edge of existing settlements or roads, and with little aesthetic or environmental value. It is also true that development already happens on the Green Belt, but in a haphazard and non-strategic way, leading to unaffordable houses being built without the amenities that local people need.

This Government is therefore committed to ensuring the Green Belt serves its purpose, and that means taking a more strategic approach to Green Belt release. We will start by requiring local authorities to review their Green Belt boundaries where they cannot meet their identified housing, commercial or other development needs. There will be a sequential approach, with authorities asked to give consideration first to brownfield land, before moving onto grey belt sites and then to higher performing Green Belt land – recognising that this sequence may not make sense in all instances, depending on the specific opportunities available to individual local authorities. We are defining grey belt land through reference to the specific reasons for which the Green Belt exists, so that it captures sites that are making a limited contribution to the Green Belt's purposes, with additional guidance set out in the consultation. Existing protections for land covered by environmental designations, for example National Parks and Sites of Special Scientific Interest, will be maintained – and there will be a safety valve to ensure Green Belt is not released where it would fundamentally undermine the function of the Green Belt across the area of a local plan as a whole.

But we cannot wait for all release to come through plan making. Where authorities are under performing – be that lacking a sufficient land supply or failing to deliver enough homes as measured by the Housing Delivery Test – we will therefore also make it clear that applications for sites not allocated in a plan must be considered where they relate to brownfield and grey belt land. This route will maintain restrictions on the release of wider Green Belt land, meaning it would remain possible for other Green Belt land to be released outside the plan-making process where 'very special circumstances' exist, but such cases would remain exceptional. We are also strengthening the general presumption in favour of sustainable development, by clarifying the circumstances in which it applies and introducing new safeguards to make clear that its application cannot justify poor quality development.

Whenever Green Belt land is released, it must benefit both communities and nature. That is why we have today translated our 'golden rules' into policy, meaning that development on Green Belt will need to: target at least 50 per cent of the homes onsite being affordable for housing developments; be supported by the necessary infrastructure, like schools, GP surgeries and transport links; and provide accessible green space.

To maximise the value delivered to communities, we are making clear that negotiations on viability grounds can take place only where there is clear justification. This will enable fair compensation for landowners, but not inflated values. If we see quality schemes come forward that promise to deliver in the public interest but individual landowners are unwilling to sell at a fair price, bodies such as Homes England, local authorities and combined authorities should take a proactive role in the assembly of land to help bring forward those schemes, supported where necessary by compulsory purchase powers. If necessary, my ministers and I will consider the use of directions, including by local authorities and Homes England, to secure 'no hope value' compensation where appropriate and justified in the public interest.

MOVING TO STRATEGIC PLANNING

These changes will enable a significant amount of land to come forward. I nonetheless recognise that delivering on mandatory and higher housing targets and releasing the right parts of the Green Belt will not always be straightforward. As such, local authorities will be expected to make every effort to allocate land in line with their housing need as per the standard method, and will need to demonstrate that they have done so at examination of their plan. There are however instances where local constraints on land and delivery – such as significant National Park, protected habitats and flood risk areas – can make it difficult for an authority to meet its full target, and the current system is not sufficiently effective in enabling need to be shared between authorities in such instances.

That is why the Government is clear that housing need in England cannot be met without planning for growth on a larger than local scale, and that it will be necessary to introduce effective new mechanisms for cross-boundary strategic planning. This will play a vital role in delivering sustainable growth and addressing key spatial issues – including meeting housing needs, delivering strategic infrastructure, building the economy, and improving climate resilience. Strategic planning will also be important in planning for local growth and Local Nature Recovery Strategies.

We will therefore take the steps necessary to enable universal coverage of strategic planning within this Parliament, which we will formalise in legislation. This model will support elected Mayors in overseeing the development and agreement of Spatial Development Strategies (SDSs) for their areas. The Government will also explore the most effective arrangements for developing SDSs outside of mayoral areas, in order that we can achieve universal coverage in England, recognising that we will need to consider both the appropriate geographies to use to cover functional economic areas, and the right democratic mechanisms for securing agreement. Across all areas, these arrangements will encourage partnership working but we are determined to ensure that, whatever the circumstances, SDSs can be concluded and adopted. The Government will work with local leaders and the wider sector to consult on, develop and test these arrangements in the months ahead before legislation is introduced, including consideration of the capacity and capabilities needed such as geospatial data and digital tools.

While this is the right approach in the medium-term, we do not want to wait where there are opportunities to make progress now. We are therefore also taking three immediate steps:

- first, in addition to the continued operation of the duty to cooperate in the current system, we are strengthening the position in the NPPF on cooperation between authorities, in order to ensure that the right engagement is occurring on the sharing of unmet housing need and other strategic issues where plans are being progressed in the short-term;
- second, we will work in concert with Mayoral Combined Authorities to explore extending existing powers to develop an SDS; and
- third, we intend to identify priority groupings of other authorities where strategic planning – and in particular the sharing of housing needs – would provide particular benefits, setting a clear expectation of cooperation that we will help to structure and support, and using powers of intervention as and where necessary.

DELIVERING MORE AFFORDABLE HOMES

Although increasing supply will be an essential part of improving affordability, we must also go further in building a greater share of genuinely affordable homes. That is why the Government is committed to the biggest growth in social and affordable housebuilding in a generation. As of 2023, there were 3.8 million Social Rent homes – 200,000 fewer than the four million that existed in 2013. According to revised figures we are publishing today, only 110,000 to 130,000 homes are now due to be delivered under the Affordable Homes Programme, down from an aspiration of 'up to 180,000' when it was launched. On current plans, delivery is due to decline. We will stop that happening. In the first instance, this Government's aspiration is to ensure that, in the first full financial year of this Parliament (2025-26), the number of Social Rent homes is rising rather than falling.

We are therefore proposing a number of changes in planning policy designed to support the delivery of affordable homes: removing the prescriptive requirements that currently tie local authorities' hands with respect to particular types of home ownership products, and allowing them to judge the right mix of affordable homes for ownership and for rent that will meet the needs of their communities; setting a clear expectation that housing needs assessments must consider the needs of those requiring Social Rent

homes, and that local authorities should specify their expectations on Social Rent delivery as part of broader affordable housing policies; and testing whether there is more that could be done to support developments that are predominately or exclusively affordable tenures, in particular Social Rent.

It is also evident that mixed use sites, which can comprise a variety of ownership and rental tenures including rented affordable housing and build to rent, provide a range of benefits – creating diverse communities and supporting timely build out rates. Our changes today mean that local authorities will need to take a positive approach to mixed tenure sites through both plans and decisions.

Alongside our reforms to the planning system, we have today also confirmed a range of new flexibilities for councils and housing associations, with more to follow in the coming months. The first relate to the Affordable Homes Programme, which provides grant funding to support new homes for Social Rent, Affordable Rent and Shared Ownership.

We know that, particularly outside London, almost all of the funding for the 2021 to 2026 Programme is contractually committed. We have asked Homes England and the Greater London Authority to maximise the number of Social Rent homes in allocating the remaining funding.

In London, there have been significant delays, including from changed regulations on building safety and many other pressures, which mean that even existing contracts are at risk of falling through because they are no longer deliverable under the current terms. We have therefore agreed with the Greater London Authority new flexibilities to the existing Programme so that they can unlock delivery in London, with changes to deadlines for homes completing and tenure mix to enable some intermediate rent homes.

The second relate to Right to Buy. Over the last five years, there has been an average of 9,000 council Right to Buy sales annually, but only 5,000 replacements each year. Right to Buy provides an important route for council tenants to be able to buy their own home. But the discounts have escalated in recent years and councils have been unable to replace the homes they need to move families out of temporary accommodation.

The Government has therefore acted on the commitment in the manifesto and started to review the increased Right to Buy discounts introduced in 2012, on which we will bring forward more details and secondary legislation to implement changes in the autumn. The Government will also review Right to Buy more widely, including looking at eligibility criteria and protections for new homes, and will bring forward a consultation in the autumn.

More immediately, we are increasing the flexibilities on how councils can use their Right to Buy receipts. The Government will remove the caps on the percentage of replacements delivered as acquisitions and the percentage cost of a replacement home that can be funded using Right to Buy receipts, and councils will be given the ability to combine Right to Buy receipts with section 106 contributions. These flexibilities will be in place for an initial 24 months, subject to review. I encourage councils to make the best use of these flexibilities to maximise Right to Buy replacements and to achieve a good balance between acquisitions and new builds.

To further empower and enable councils to build their own stock of affordable homes, I am today confirming our commitment to invest £450 million in councils across England under the third round of the Local Authority Housing Fund. This will create over 2,000 affordable homes for some of the most vulnerable families in society, including families currently living in cramped and unsuitable bed and breakfasts, and Afghan families fleeing war and persecution.

In addition to the actions we are taking today, we are committed to setting out details of future Government investment in social and affordable housing at the Spending Review, so that social housing providers can plan for the future and help deliver the biggest increase in affordable housebuilding in a generation. We will work with Mayors and local areas to consider how funding can be used in their areas and support devolution. The Government also recognises that councils and housing associations need support to build their capacity and make a greater contribution to affordable housing supply – which is why we will set out plans at the next fiscal event to give councils and housing associations the rent stability they need to be able to borrow and invest in both new and existing homes, while also ensuring that there are appropriate protections for both existing and future social housing tenants.

We will also engage with the sector and set out more detail in the autumn on our plans to raise standards on quality, and strengthen residents' voices. The Government is committed to introducing Awaab's Law to the social rented sector, and will set out more detail and bring forward the secondary legislation to implement this in due course.

BUILDING INFRASTRUCTURE TO GROW THE ECONOMY

Alongside building more houses, we also need to build more of the infrastructure that underpins modern life – so today we are taking what are just the first steps in reforming how we deliver the critical infrastructure the country needs.

With respect to commercial development, the Government is determined to do more to support those sectors which will be the engine of the UK's economy in the years ahead. We will therefore change policy to make it easier to build growth-supporting infrastructure such as laboratories, gigafactories, data centres, electricity grid connections and the networks that support freight and logistics.

Alongside consulting on revisions to planning policy, the Government is also seeking views on whether we should expand the Nationally Significant Infrastructure Projects regime to include these types of projects, and if so, what thresholds should be set for their inclusion.

Turning to green energy, boosting the delivery of renewables will be critical to meeting the Government's commitment to zero carbon electricity generation by 2030. That is why on this Government's fourth day in office we ended the ban on onshore wind, with that position formally reflected in the update to the National Planning Policy Framework published today. We must however go much further – which is why we are proposing to: boost the weight that planning policy gives to the benefits associated with renewables; bring larger scale onshore wind projects back into the Nationally Significant Infrastructure Projects regime; and change the threshold for solar development to reflect developments in solar technology.

We are also testing whether to bring a broader definition of water infrastructure into the scope of the Nationally Significant Infrastructure Projects process, providing a clear planning route for new strategic water infrastructure to be delivered on time.

And recognising the role that planning plays in the broader needs of communities, we are proposing a number of changes to: support new, expanded or upgraded public service infrastructure; take a vision-led approach to transport planning, challenging the now outdated default assumption of automatic traffic growth; promote healthy communities, in particular tackling the scourge of childhood obesity; and boost the provision of much needed facilities for early-years childcare and post-16 education.

SUPPORTING LOCAL PLANNING

These reforms to planning policy make it more important that every local authority has a development plan in place. The plan making system is the right way to plan for growth and environmental enhancement, ensuring local leaders and their communities come together to agree on the future of their areas. Once in place, and kept up to date, local plans provide the stability and certainty that local people and developers want to see our planning system deliver. But too many areas do not have up to date local plans – just a third of plans have been reviewed and updated in the past five years. In the absence of a plan, development will come forward on a piecemeal basis, with much less public engagement and fewer guarantees that it is the best outcome for communities. That is why the Government's goal is for universal coverage of ambitious local plans as quickly as possible.

In pursuit of that goal, we therefore propose to take a pragmatic approach to the interaction between the changes we have set out today, and the fact that local authorities across England will have local plans at various stages of development. In practice, this means that:

- for plans at examination, allowing them to continue, although where there is a significant gap between the plan and the new local housing need figure, we will expect authorities to begin a plan immediately in the new system;
- for plans at an advanced stage of preparation (Regulation 19), allowing them to continue to examination unless there is a significant gap between the plan and the new local housing need figure, in which case we propose to ask authorities to rework their plans to take account of the higher figure; and
- areas at an earlier stage of plan development should prepare plans against the revised version of the National Planning Policy Framework and progress as quickly as possible.

While this will delay the adoption of some plans, it is important to balance keeping plans flowing to adoption with making sure they plan for sufficient housing. The Government also recognises that going back and increasing housing numbers will create additional work, which is why we will provide financial support to those authorities asked to do this. While I hope the need will not arise, I will not hesitate to use my powers of intervention should it be necessary to drive progress – including taking over an authority's plan making directly. The consultation we have published today sets out corresponding proposals to amend the local plan intervention criteria.

We will also empower Inspectors to be able to take the tough decisions they need to at examination, by being clear that they should not be devoting significant time and energy during an examination to 'fix' a deficient plan. The length of examinations has become increasingly elongated, with the average going from 65 weeks in 2016 to 134 weeks in 2022. I have therefore instructed the Planning Inspectorate on my expectations for how examinations will be conducted, which will in turn mean that Inspectors can focus their effort on those plans that are capable of being found sound and which can be adopted quickly.

More broadly, the Government knows how important it will be to bolster capacity, capability and frankly morale in planning departments up and down the country. Skilled, professional planning officers are agents of change and drivers of growth, playing a crucial role in delivering the homes and infrastructure this country needs. Today we are therefore looking to build on the Manifesto commitment to recruit 300 new planning officers by consulting on increasing fees for householder applications, which for too long have been held well below cost recovery levels, constraining planning departments in the process. Moving to what we estimate is a cost recovery level of £528 would still be low when compared to other professional fees associated with an application, and is estimated to represent less than 1 per cent of the average overall costs of carrying out a development, with homeowners also benefiting from a range of permitted development rights which allow them to improve and extend their homes without the need to apply for planning permission.

In the medium term, the Government wants to see planning services put on a more sustainable footing, which is why we are consulting on whether to use the Planning and Infrastructure Bill to allow local authorities to set their own fees, better reflecting local costs and reducing financial pressures on local authority budgets.

Finally, in demanding more of others, I am clear that we as ministers must demand more of ourselves. I have already said that when my ministers and I intervene in the planning system, the benefit of development will be a central consideration, and that we will not hesitate to call in an application or recover an appeal where the potential gain for the regional and national economies warrants it. Today I can confirm that we will also be marking our own homework in public, reporting against the 13-week target for turning around ministerial planning decisions.

FIRST STEP OF A BIGGER PLAN

The actions we are taking today will get us building, but they represent only a downpayment on this Government's ambitions.

As announced in the King's Speech, we will introduce a Planning and Infrastructure Bill later in the first session, which will: modernise planning committees by introducing a national scheme of delegation that focuses their efforts on the applications that really matter, and places more trust in skilled professional planners to do the rest; enable local authorities to put their planning departments on a sustainable footing; further reform compulsory purchase compensation rules to ensure that what is paid to landowners is fair but not excessive; streamline the delivery process for critical infrastructure; and provide any necessary legal underpinning to ensure we can use development to fund nature recovery where currently both are stalled.

We will consult on the right approach to strategic planning, in particular how we structure arrangements outside of Mayoral Combined Authorities, considering both the right geographies and democratic mechanisms.

We will say more imminently about how we intend to deliver on our commitment to build a new generation of new towns. These will include large-scale new communities built on greenfield land and separated from other nearby settlements, but also a larger number of urban extensions and urban regeneration schemes that will work with the grain of development in any given area.

And because we know that the housing crisis cannot be fixed overnight, the Government will in the coming months publish a long-term housing strategy, alongside the Spending Review, which my Rt Hon Friend the Chancellor announced yesterday.

These are the right reforms for the decade of renewal the country so desperately needs. In every area, we will endeavour to make changes with the input and support of the sector, but we will not be looking for the lowest common denominator answer, and we will not be deterred by those who seek to stand in the way of our country's future.

There is no time to waste. It is time to get on with building 1.5 million homes.

A copy of the consultation on the National Planning Policy Framework and associated documents will be placed in the libraries of both Houses, alongside an update on targets for the 2021-26 Affordable Homes Programme.

Statement from

Ministry of Housing, Communities and Local Government

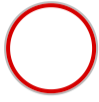


Linked statements

This statement has also been made in the House of Lords

Ministry of Housing, Communities and Local Government □

Building the homes we need



[Baroness Taylor of Stevenage](#)

Parliamentary Under Secretary of State

Labour, Life peer

Statement made 30 July 2024

HLWS48

Lords

© UK Parliament 2025

[Cookie policy](#)

[Cookie settings](#)

[Privacy notice](#)

[Accessibility statement](#)



Appeal Decisions

Inquiry held on 15-18 October and 22 October 2024

Site visit made on 15 October 2024

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2024

Appeal A Ref: APP/A2335/W/24/3345416

Land at Bailrigg Lane, Lancaster, Lancashire, LA1 4PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Lancaster City Council.
 - The application Ref is 19/01135/OUT.
 - The development proposed is for the demolition of Low Hill House and the erection of up to 644 dwellings (Use Class C3), a local centre (Use Class E) of no more than 280sq m internal floorspace, a community hall (Use Class F2) of no more than 150sq m internal floorspace, public open spaces including equipped children's play areas, land re-grading, recreational routes, landscaping and sustainable urban drainage systems and creation of vehicular access from Bailrigg Lane and Hala Hill to the North.
-

Appeal B Ref: APP/A2335/W/24/3345417

Land north east of Bailrigg Lane, Bailrigg, Lancaster, Lancashire, LA1 4XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Lancaster City Council.
 - The application Ref is 19/01137/FUL.
 - The development proposed is the construction of an access link road between Bailrigg Lane and the Health Innovation Campus.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Appeal A is submitted in outline with all matters reserved except for access. A Development Framework Plan has been submitted which shows how the appeal site could be developed. It is agreed in the Planning Statement of Common Ground (SoCG) that this is illustrative, and I have considered it accordingly. As part of the Environmental Statement, two Parameter Plans were submitted, one of which showed an indicative internal layout and bus route¹. There was some debate at the Inquiry as to whether this plan was illustrative. Nevertheless, the appellant is content to have this drawing referenced in any plans condition should the appeal be allowed.

¹ CD2.18

4. Within an agreed timeframe after the Inquiry, the appellant submitted a final section 106 agreement in relation to Appeal A. This secures the provision of affordable housing and financial contributions towards a range of matters including highway improvements, a travel plan, off site sports facilities, on site open space and its management, a community hall and biodiversity net gain. The agreement also includes a blue pencil clause for the provision of a contribution towards health care provision. I discuss this further below.
5. The Council refused outline planning permission for Appeal A for four reasons relating to the provision of highways infrastructure, high quality urban design, shadow flicker and flood risk. Before the event the Council withdrew reasons for refusal 1 and 3, relating to highways infrastructure and shadow flicker following the consideration of further evidence submitted by the appellant. Accordingly, the Inquiry focused on the issues of high-quality urban design and flood risk.
6. In relation to the matter of urban design, in their Closing Statement, the Council stated that their witness had conceded on this point and therefore the Council would not pursue it further. I note the Council's position on this issue at the close of the Inquiry, however, I am not satisfied that this matter has been adequately addressed. As such, I consider it further below.
7. In Appeal B, part of the reason for refusal related to the lack of mitigation for the loss of hedgerow on Bailrigg Lane. This particular matter was also withdrawn by the Council before the event and therefore I do not address it.

Main Issues

8. Given the above, I consider the main issues in this case are as follows:
9. In respect of Appeal A
 - Whether the proposal would provide innovative, high quality urban design and sense of place, addressing the topography constraints of the site and its influence on site layout, water management, landscaping, energy and noise mitigation; and
 - Whether the site is sequentially preferable in terms of flood risk.
10. In respect of Appeal B
 - Whether the proposed link road in isolation would have a significant adverse effect on highway safety.
11. In respect of both Appeals
 - Whether the proposals would cause harm to the setting of nearby heritage assets in particular the Grade II listed Bailrigg Farmhouse, and also archaeological interests; and
 - Whether the proposals would, alone or in combination with other plans and projects, cause harm to the integrity of nearby European protected sites.

Reasons

Background

12. The appeal site, in respect of Appeal A, lies to the north of Bailrigg Lane to the south of Scotforth, a suburb located to the south of Lancaster. It comprises approximately 39.3 hectares of land consisting of pastoral fields separated by hedgerows and areas of woodland. A public footpath runs north south through the centre of the site. High voltage power lines traverse the southern part of the site in an east west direction. Ou Beck runs from the northern end of the site to the rear of houses on Knowle Hill Crescent and Barnacre Close and then south through low lying land at the centre of the site before turning south west through Bailrigg.
13. The site is bounded by existing residential development to the north and north west with the small hamlet of Bailrigg to the south and Lancaster University beyond. Bailrigg House and Bailrigg Farmhouse, both Grade II listed buildings lie to the south west of the site. Morecambe Bay Special Area of Conservation (SAC) and Ramsar site, and the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) is situated around 2.2km to the northwest.
14. It is proposed that access to the site be taken from two points. Firstly, through the extension of the Health Innovation Campus access road, Sir John Fisher Way to the south, the subject of Appeal B, and secondly from a new junction with Hala Hill to the north.

Principle of Development

15. The development plan consists of the Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations Development Plan Document (DPD) (July 2020) (LP1) and the Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD (July 2020) (LP2).
16. The appeal site is located within the Lancaster South Broad Location for Growth (BLfG) (including Bailrigg Garden Village), as defined by Policies SG1 and SG3 of LP1. Policy SG1 outlines that the BLfG would provide a mixed use development of at least 3500 new homes, of which 1250 would be provided within the Plan period. Most of the housing would be provided in the proposed Garden Village. The Council's intention was to prepare a Lancaster South Area Action Plan DPD to guide and plan for the proposed growth.
17. In 2020, the Council in partnership with Lancashire County Council, were successful in securing Housing Infrastructure Fund (HIF) monies to facilitate new highway infrastructure to support the proposed growth, including a reconfigured junction 33 of the M6, and a new link road to connect south Lancaster to the motorway. In 2023, due to rising costs, the County Council decided to return the HIF funding to Central Government. This triggered a review by the City Council which culminated in a decision to stop work on the Area Action Plan and carry out a full review of the Local Plan instead. The Council's Local Development Scheme suggests the Plan will not be adopted until 2026.
18. Relevant to these appeals, is that Policy SG1 enables development to come forward in the BLfG in advance of the Area Action Plan, providing that three criteria are met. Firstly, it is required that there be no prejudice to the wider Garden Village, including its infrastructure requirements, and that proposals would not undermine the integrated and coordinated approach to the wider Garden Village development. Secondly the development should conform with,

and further, the Key Growth Principles (KGP) in Policy SG1 and, thirdly, that the opportunities for sustainable transport modes should be fully considered and the residual impacts upon the transport network should not be severe.

19. Turning to the first criterion, it is unknown at this time if the Local Plan Review will continue to propose a BLFG in South Lancaster. It is also unknown whether the Garden Village proposal will continue to be pursued. Accordingly, the appeal proposal could not, in my view, prejudice the delivery of the Garden Village when there is no certainty that it will take place.
20. The second criterion references the 15 KGPs set out in the policy. It has to be said that not all of them are applicable to these appeals as they relate to the delivery of the Garden Village or proposals to expand the University. The Council highlighted six KGPs that they considered the scheme failed to meet. These relate to design, creating a sense of place, creating a healthy cohesive community, high quality open spaces, minimising climate change impacts and managing flood risk. These matters I deal with later in these decisions.
21. The third and final criterion relates to the opportunities for sustainable transport and the impacts on the highway network. Following further evidence and modelling by the appellant, an updated position statement was provided by National Highways² confirming the view that the predicted level of queuing from the A6 onto the strategic road network ie. M6 junction 33, is reduced with the mitigation proposed. They raised no objection subject to conditions. On this basis the Council confirmed that it would no longer defend the first reason for refusal in respect of Appeal A. I am satisfied that the residual impacts on the highway network would not be severe, and the proposal would be acceptable in this regard.
22. In terms of sustainable transport measures, the proposal in Appeal A would retain the existing public right of way through the centre of the site and would provide additional pedestrian and cycle routes linking to the existing network. It is also proposed that the primary vehicular access into the site will be designed to accommodate a bus route through the development. Given the above, I find that the appeal scheme has fully considered the opportunities for sustainable transport modes.

High quality urban design (Appeal A)

23. As stated above, Policy SG1 of LP1, sets out a number of KGP's which essentially relate to high quality design. The Council's second reason for refusal in respect of Appeal A expresses concern that the number of dwellings proposed, and the constraints of the site would not provide a high quality design and overall sense of place. It goes on to state that the application does not refer to distinctiveness and innovation which does not give confidence that the high bar of design in Policy SG1 would be achieved.
24. The original planning application was accompanied by a Design and Access Statement as well as a Parameters Plan and a Development Framework Plan. In May 2021 a Design Principles document was prepared to demonstrate how the proposals were consistent with the high-quality urban design aspirations of Policy SG1. A revised document was submitted in February 2022³ before the scheme was presented to the 'Places Matter' Design Review Panel in March

² CD4.97

³ CD2.6

2022. Following the panel's report⁴, a Design Code⁵ was prepared in June 2022 to support the outline planning application. The Council's evidence makes a number of criticisms of the submitted Design Code.
25. Before I address those criticisms, I shall consider the status of the Design Code. The Council made much of the fact that there was nothing to suggest that the Design Code was illustrative. Therefore, following the advice in Planning Practice Guidance⁶, a decision maker must treat it as part of the application and cannot condition this for future approval. The Council argued that it therefore followed that if the Design Code was found to be deficient then the scheme as submitted should not be approved.
26. The purpose of the Design Code as stated in the document⁷ is to further demonstrate how a high-quality new neighbourhood for 644 homes, new community uses and 17.7 hectares of green infrastructure will be achieved at the site.
27. Design is an overarching concept that is pertinent to all reserved matters. Therefore, the Design Code's purpose is not to make the reserved matters design choices e.g. layout, landscaping, appearance but instead to provide clear guidance for those decisions to be made. The Design Code forms a supporting technical document which bearing in mind this is an outline application, it will form a material consideration for future reserved matters applications.
28. Topography is an important feature of the site. This was clearly evident from my site visit. It will be a key driver which will dictate, to a large extent, the proposed layout. The drumlin top is proposed to be protected within an area of open space, from where there are opportunities for long distance views. Valley floors are to be free from development and sustainable drainage features are proposed to be located in these low areas of the site. The new dwellings are proposed to be sited on the valley slopes with streets having a north south bias, reflecting that of the existing residential development to the north. The primary street structure traverses the site contours to provide a gentle climb or descent with no gradients exceeding 1 in 12.
29. I agree with the Council that the Design Code could have included illustrations or cross sections, such as those included in the rebuttal proof of the appellant's design witness, to visually demonstrate what was being described in the text. However, I am generally satisfied that the submitted Design and Access Statement and the Design Code sufficiently take topography into account and provide design principles to inform detailed design and layout at reserved matters stage.
30. The site occupies just over 39 hectares and over 17 hectares are proposed to be open space. The appellant advises the net density of development amounts to around 32 dwellings per hectare. There is nothing in the evidence that suggests to me the 644 dwellings proposed could not be accommodated on the site. It is notable that the Council conceded in cross examination that the site could satisfactorily accommodate the number of dwellings proposed.

⁴ CD2.23

⁵ CD2.13

⁶ PPG Paragraph 035

⁷ CD2.13 para 1.1

31. The second KGP of Policy SG1 seeks to achieve a sense of place and create a sense of community for new residents. The appeal scheme adopts a landscape led design approach taking account of the character of the site, its topography and the opportunities for green infrastructure. The Design Code envisages the development of three Neighbourhood Quarters, each with a distinctive character achieved through the architectural treatment of the homes, coupled with their relationship to the site features and open space. These are referred to as Drumlin, Ou Beck and Beechwoods. Their development, along with the proposed landscape structure will create a strong sense of place.
32. The water management strategy for the site involves the creation of attenuation ponds at the natural low points in the site. I will address the flood risk issues later but in terms of sense of place, these features can be visually attractive, enhance biodiversity and become integral parts of the green infrastructure.
33. The creation of a sense of community can be achieved through the multi-functional open space, including play areas, allotments and off lead dog walking zone, promoting active and healthy lifestyles. Together with the proposed local centre with retail and community uses, these elements would create a sense of community.
34. In terms of distinctiveness and innovation, the fourteenth KGP seeks to ensure innovative urban design in terms of layout and density and the specific design of new buildings, including the application of new technologies. The eleventh KGP looks to ensure development is resilient and adaptable to climate change. The proposal is in outline. The reserved matters submission will provide details of layout, building design, materials, the use of appropriate technologies and the orientation of buildings to maximise solar gain. It is appropriate that these design issues and consideration of whether they meet the policy objectives, takes place at this later stage.
35. Whilst not specifically mentioned in the reasons for refusal, the Council, in written evidence, questioned the level of car parking to be provided on site and the potential for car parking to dominate the street scene. The submitted scheme is proposed to adhere to the Council's current car parking standards. I accept that these are a maximum and lesser car parking could be provided. I consider that this, along with the siting of car parking and its impact on the street scene, could be considered further at reserved matters stage.
36. The site is in a sustainable location and there are opportunities for travel other than the car. The development would provide pedestrian and cycle pathways, and the primary access has been designed to accommodate a bus service. A Framework Travel Plan is included in the Transport Assessment to encourage sustainable travel and a more detailed document can be the subject of a condition on any approval.
37. The Environmental Statement accompanying the planning application assesses noise issues from the adjacent motorway. It concludes that internal noise in the dwellings can be addressed through upgraded glazing specifications and/or alternative means of ventilation. External noise in gardens and play areas is identified as an issue requiring mitigation. The Parameters Plan illustrates an acoustic barrier on the eastern site boundary with the motorway. Whilst the Council confirmed in oral evidence that they have no objection to a fence from

a visual or landscape perspective, they have concerns in terms of its design and effect on place making.

38. I agree that a fence would be a prominent feature especially as the motorway is elevated above the appeal site. However, it is not clear to me how it can be acceptable in visual and landscape terms when its design must be integral to that assessment. The appellant suggested different designs could be considered, for example a green wall and attention given to landscaping to soften its appearance. I am satisfied that this could be the subject of a condition requiring the submission of details at reserved matters stage.
39. Given the above, I am satisfied that the proposal would provide an innovative, high quality urban design and sense of place, addressing the topography constraints of the site and its influence on site layout, water management, landscaping, energy and noise mitigation. The scheme is compliant with LP1 Policy SG1 and LP2 Policy DM29 which seek to achieve suitable development incorporating positive urban design contributing to the identity and character of the area.
40. It is clear from the Council's evidence that they lack confidence that the scheme would be innovative and of a sufficiently high-quality design. The Design Code in their view does not go far enough to explain how this would be achieved and provide guidance for the reserved matters stage. However, should the Council still not be satisfied with the scheme at this later stage they would have the ability to negotiate revisions to the scheme and if necessary, refuse an application for reserved matters on this basis.

Flood Risk (Appeal A)

41. The National Planning Policy Framework (the Framework) in paragraph 165 seeks to ensure that development is steered away from areas at the highest risk of flooding. It sets out in paragraph 168 that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. A sequential risk based approach should be applied, the Sequential Test, taking into account all sources of flood risk and the current and future impacts of climate change so as to avoid where possible flood risk to people and property. Only where other sites are not available, is the proposal subject to a further Exception Test to demonstrate that the sustainability benefits of the development would outweigh flood risk and that the site would be safe from flooding for its lifetime.
42. It is clear from the Framework that the strategic flood risk assessment (SFRA) provides the basis for applying the test. The Environment Agency Flood Zone Maps show that most of the appeal site in Appeal A is within Flood Zone 1 (low risk) however there is a very small area of land on the western boundary next to Burrow Beck in Flood Zones 2 and 3 (medium to high risk).
43. Planning Practice Guidance⁸ gives advice on how the Sequential Test should be applied to planning applications. It states that it should be applied to major and non-major development where the site is in an area at low risk from all sources of flooding unless the SFRA or other information indicates there may be a risk of flooding in the future. In this case, the SFRA⁹ demonstrates that

⁸ PPG Flood Risk and Climate Change Paragraph: 027 Reference ID: 7-027-20220825

⁹ CD12.3

there is a risk of flooding from fluvial, surface water and groundwater sources in various parts of the site.

44. The appellant has prepared a site-specific flood risk assessment (FRA)¹⁰. This confirms fluvial and surface water flood risk on the site. I am advised by the appellant that national fluvial mapping is generally limited to catchments larger than 5 km sq. so that Burrow Beck is covered by the Environment Agency hydraulic model, but Ou Beck is not. The FRA demonstrates the fluvial flood zone associated with this watercourse, which hydraulic modelling shows includes areas of Flood Zone 2, 3a and 3b. Therefore, there is an area of medium to high flood risk with the western site boundary by Burrow Beck and also through the middle of the development from Ou Beck and its tributaries. In terms of groundwater flooding, the FRA assesses this as negligible risk at the surface due to topography and ground conditions. I have no reason to disagree with the appellant's Assessment. Its findings are not challenged by the Council.
45. There was much discussion at the Inquiry as to which assessment should be used to assess flood risk and trigger a Sequential Test; whether the SFRA should be considered in isolation, whether the FRA should be the determining assessment or whether both should be considered.
46. The SFRA recognises that its mapping has limitations. For example, in relation to groundwater flood risk, it tells developers to carry out their own assessment to check whether there is a flood risk from this source. This has been undertaken by the appellant in the submitted FRA. Furthermore, as I have already mentioned above, the flood zone associated with Ou Beck is picked up in the FRA but is not in the SFRA mapping which relies on the Environment Agency Flood Maps.
47. The Planning Practice Guidance (PPG) advises the use of the SFRA and other information¹¹ in making an assessment as to whether the sequential test should be applied to a planning application. The FRA clearly falls into the 'other information' category. Bearing in mind the strategic higher-level nature of the SFRA, it appears reasonable and sensible to me that where a more detailed site-specific FRA is available that it should be taken into account.
48. The decision as to whether a sequential test is required lies with the decision maker. This has been confirmed in case law.¹²
49. Environment Agency Standing Advice sets out when a sequential test is needed and when development is exempt. It states a Test is required for any proposed building, access and escape route, land raising or other vulnerable element in Flood Zone 1 where the SFRA shows it will be at increased risk of flooding.
50. The submitted Parameters Plan shows that the scheme can be laid out so that the proposed dwellings can be located outside the areas of flood risk. However, the internal access road would need to go through areas of surface water flood risk as it crossed Ou Beck to the south of the site and the former culverted motorway drainage system for the M6 to the north. In oral evidence

¹⁰ CD2.17

¹¹ PPG Flood Risk and Climate Change, third bullet point Paragraph: 027 Reference ID: 7-027-20220825

¹² CD16.4 and 16.5 Wathen -Fayed v SSLUHC [2023] EWHC (Admin) and Substation Action Save East Suffolk Ltd v SSESNZ [2024] EWCA Civ 12

the appellant's flood risk witness expressed the view that the reference to 'access' in the Standing Advice meant only the main access point and not to internal access roads. However, an internal access road would be a vital link to enable residents to escape the site in a flood event. It therefore follows that internal access must not be vulnerable to flooding.

51. I understand that the proposed crossings would comprise the raised covering, essentially a bridging, of the watercourses concerned. Due to the elevation of the crossing points, the appellant argued that the access route would not be at risk of flooding.
52. The appellant takes support for this position from the PPG¹³, which states that measures to avoid flood risk vertically can be taken, by locating the most vulnerable uses on upper storeys, and by raising finished floor and/or ground levels.
53. However, flood risk mapping is generally seen in a two-dimensional perspective. It covers a particular defined area and does not take account of height. So even if a road is elevated and a bridging point provided over a culverted watercourse, it is still located within an area of flood risk.
54. The aim of the Sequential Test is to first steer development away from areas at risk of flooding. The PPG states that avoiding flood risk through the Sequential Test is the most effective way of addressing flood risk because it places the least reliance on measures to mitigate flood risk.
55. The conclusion of the appellant's FRA takes account of a range of mitigation measures, including realigning Ou Beck, opening culverts into open channel and the removal of undersized culverts. However, proposing works that would potentially mitigate the risk of flooding, confuses the Sequential and Exception Test as set out in the Framework and expanded upon in the PPG. The Exception Test should only be applied, when, following the application of a Sequential Test, it has been demonstrated that it is not possible for development to be located in areas with a lower risk of flooding.
56. The PPG¹⁴ is clear that even where an FRA shows that development can be made safe throughout its lifetime without increased risk of flooding elsewhere, as is the case here, the Sequential Test still needs to be satisfied. I accept that the appellant has adopted a sequential approach by proposing built development outside the mapped extent of flooding. However given the above, I conclude that a Sequential Test is required.
57. I acknowledge that the proposed surface water drainage strategy has the potential to result in betterment. It is proposed to regulate surface water run off flows through the use of attenuation basins and tanks so that run off will be attenuated on site up to and including the 1 in 100 year plus 50% climate change event. This would have post development benefits as it would reduce peak flows which contribute to existing flooding downstream and ensure the development does not increase the risk of flooding elsewhere. Furthermore, the proposed re alignment of Ou Beck from the rear gardens of properties on Knowle Hill Crescent and Barnacre Close would assist to alleviate the current risk of flooding. These improvements form a positive aspect of the scheme

¹³ PPG Paragraph: 004 Reference ID: 7-004-20220825

¹⁴ PPG Paragraph : 023 Reference ID: 7—23-20220825

providing wider sustainability benefits. Whilst they do not alter my finding that a Sequential Test is required, I take account of them in the planning balance.

58. I note that there has been no objection to the development from the Environment Agency or the Lead Local Flood Authority. This is not relevant to whether or not the Sequential Test is required, this is a matter for the decision maker.
59. The appellant has brought my attention to an earlier SFRA¹⁵ prepared in 2017 in support of the Local Plan. This document undertook a sequential assessment of a number of potential sites to be allocated in the then emerging Local Plan, one of which was the appeal site. Whilst the site was not allocated in the Plan, the assessment concluded that the site would be suitable for development subject to consideration of site layout and design. Whilst not the position in this case, the PPG makes it clear that when a site has been allocated for development and been subject to the sequential test at plan making stage, a further sequential test at application stage will not be required.
60. The 2017 SFRA has been superseded by the 2021 version. Accordingly, whilst this part of the site's planning history is informative, I must have regard to the findings of the most up to date assessment in my consideration of this issue.
61. Both parties referred to a recent appeal decision for a site nearby in Galgate¹⁶ where the issue of flood risk and the need for a Sequential Test was raised. The circumstances of the case are different to the appeal before me, in that the appellant agreed that a Sequential Test was required and in fact one was provided. In any event, it is matter of planning judgment depending on the context of each case and the submitted evidence, whether a Sequential Test is required.
62. In light of my findings, the appeal proposal would fail to comply with Policy DM33 of LP2 which requires new development to satisfy the requirements of the sequential test and exception test, where necessary, in accordance with national planning policy. It also fails to comply with the objectives of the Framework and the PPG to avoid inappropriate development in areas at risk of flooding.

Whether the proposed link road in isolation would have a significant adverse effect on highway safety (Appeal B).

63. The reason for refusal for Appeal B, the link road, is inextricably linked to Appeal A, the outline planning application for up to 644 dwellings. In the SoCG the parties agree that the reason for refusal for Appeal B would be addressed if Appeal A was allowed. Whilst not specifically stated, the converse must also apply. If Appeal A is to be dismissed, then so should Appeal B.
64. Appeal B has not been considered in isolation to Appeal A. If the outline application were to be dismissed and the link road development allowed, the provision of restrictions on Bailrigg Lane would be in doubt, as they would be at the discretion of the Highway Authority. This could result in a link from the University to the north along Bailrigg Lane connecting to the A6. Given the limited width of the lane and lack of footways, the increased traffic would be in

¹⁵ CD 12.1

¹⁶ CD 16.2 Appeal Ref APP/A2335/W/23/3326187 Land West of Highland Brow, Galgate

conflict with pedestrian and cyclists. Thus, the proposed link road in isolation would create a highway safety issue.

65. Therefore, if I dismiss Appeal A, I must also dismiss Appeal B.

Heritage Matters (Appeal A and B)

66. The proposed developments have the potential to cause harm to the settings of the Grade II listed Bailrigg Farmhouse and Bailrigg House.

67. Bailrigg House was once a large private residence but is now converted to offices. Constructed between 1899 and 1902, the facade of the house is a mixture of red brick, stone and timber frame in a Tudor revival style. Its significance derives largely from its built form and fabric. There is no intervisibility between the House and the appeal site as a result of structures and a significant area of existing woodland. Its setting would therefore be preserved.

68. Bailrigg Farmhouse, built in 1718 is constructed of sandstone rubble and has a slate roof. It has been extended and altered including the provision of a rear porch and single storey extension connecting it to an adjacent cottage. Its significance derives from its built fabric which holds evidential, historic and aesthetic values. The Farmhouse and its outbuildings have now been converted to residential use. There is a historic functional link between the Farm complex and the appeal sites, but this has now been severed.

69. To the north and east, modern residential development and planting prevent intervisibility between the appeal sites and the listed building. Looking to the south, views are mostly obstructed by an intervening residential property and modern garages. The appeal schemes propose additional planting which would further prevent views towards and from the proposed development. The proposal would result in very minor harm that is less than substantial.

70. The parties agree in the Planning SoCG that there are no heritage grounds for withholding planning permission. It is agreed that the development would cause less than substantial harm to the setting of Bailrigg Farmhouse but that any such harm would be outweighed by the benefits of the proposal. I undertake the heritage balance with the planning balance, later in these decisions.

71. In terms of archaeology, it is likely that due to the sites continued agricultural use, probably since the medieval period, any remains would be of low heritage significance. A suitably worded planning condition on any approvals could require further investigation as part of each phase of development.

Integrity of nearby European protected sites (Appeals A and B)

72. International designations within 10km of the site include Bowland Fells SPA, Calf Hill and Cragg Woods SAC and the Morecambe Bay SAC/Ramsar. One national statutory designation, the Lune Estuary SSSI is within 3km of the Site (it forms part of the Morecambe Bay SPA/SAC/Ramsar).

73. The likely significant effects of the proposed developments on the integrity of the above sites include increased recreational disturbance, disturbance of bird species both within and outside the designated sites as well as water quality impacts. As the competent authority, I must therefore carry out an

appropriate assessment of the effects of the developments as required by the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations)

74. The Council have identified a number of mitigation measures in their Local Plan Habitat Regulations Assessment which are applicable to the appeal developments. These include the provision of homeowner packs containing information about the Morecambe Bay sites and their high ecological sensitivities. In addition, areas of lower sensitivity for recreation would be identified for residents. More than 17 hectares of public open space are proposed in the Appeal A which would provide opportunities for recreation in the immediate vicinity, providing an alternative to the highly sensitive protected sites.
75. Issues of water quality can be addressed through a Construction and Environment Management Plan. This would include measures such as maintaining appropriate buffers to watercourses, physical spill controls, sustainable urban drainage (SuDS) provision and maintenance to manage surface water run-off.
76. The above mitigation measures are intended to avoid or reduce development effects of the proposed developments. They can be ensured through the imposition of appropriate conditions should the appeals be allowed. The schemes would then result in no adverse impact on the integrity of any European site, either alone or in combination with other plans or projects. The developments would therefore comply with paragraph 186 of the Framework and LP1 Policy ENV7 which seek to protect designated sites from development proposals that have a detrimental impact on their designation.

Other Matters

Separation to Bailrigg village

77. The sixth KGP of Policy SG1 seeks the creation of sufficient areas of high-quality open spaces to provide a distinct sense of place and deliver a network of green corridors and walking and cycling routes across south Lancaster to the benefit of the local environment and residents. It goes on to require that such places and routes should make distinct areas of separation between new development and various defined places, including Bailrigg Village. LP1 Policy EN6 explains the intention to provide Areas of Separation to the south of Lancaster as part of the proposed Bailrigg Garden Village.
78. Scotforth Parish Council in their representation make reference to a Landscape Character Assessment Study undertaken to support the Neighbourhood Plan. This outlines a suggested Area of Separation which it states would provide protection from inappropriate development and stop the coalescence of settlements namely Lancaster and Bailrigg and Bailrigg and the University and prevent wider change in the landscape character. Figure 8 of the document illustrates an Area of Separation extending north to the power lines which cross the appeal site, east to the motorway and to the University boundary to the south.
79. The Development Framework Plan and Parameters Plan illustrate the provision of open space including allotments, SuDS features, footpaths and cycle routes new woodland and planting around Bailrigg Village. It extends further to the

north than suggested by the Landscape Study but does not extend as far to the east and south.

80. I bear in mind that Policies SG1 and EN6 are in the context of delivering the Garden Village, of which the appeal scheme is not a part. Nevertheless, I consider that the proposed development provides an appropriate degree of separation to Bailrigg Village meeting the objectives of the above policies.

Highway Issues

81. Local residents have expressed concern the impact on the local highway network. Specifically, concern had been raised about the proposed access alterations to Bailrigg Village, rat running through the proposed development to avoid the A6 and also to safety concerns as a result of the increased traffic generation on Hala Hill.
82. As part of the access strategy, it is proposed to carry out alterations at the western end of Bailrigg Lane, closing it off to vehicular traffic from the A6. This would mean that vehicles to and from the village would be directed to the access road and the route through the Health Innovation Centre on to the A6. Pedestrians and cyclist would be unaffected. A priority-controlled crossroads was originally proposed where the proposed spine road crosses Bailrigg Lane but due to safety reasons the Highway Authority required it to be altered to a priority junction.
83. With regard to the potential for rat running, whilst it is difficult to quantify to what extent this may occur, capacity assessments demonstrate that there would be no capacity issue if this did take place. The spine road through the site is proposed to be a width of 6.5 metres and there would be no highway safety issues.
84. The secondary access at Hala Hill would comprise a priority-controlled junction with a carriageway width of 6.5 metres and a 3-metre-wide footway/cycleway on either side. I acknowledge that this access is close to the bend on Blea Tarn Road. The proposal has been the subject of a Stage 1 Safety Audit at the request of the Highway Authority and no objections to it have been raised. I accept that there may be existing issues with speeding vehicles on Blea Tarn Road, together with limited visibility for vehicles emerging from side roads creating highway safety concerns. Accident data analysis demonstrates that the safety record in the vicinity of the site is acceptable and there is no evidence before me to suggest that the proposal would alter this position.
85. I am satisfied that the proposal not raise unacceptable highway safety issues and that the residual impacts on the highway network would not be severe. In this regard the scheme complies with the Framework and LP2 Policy DM29 which seeks to ensure that highway safety and efficiency is maintained or improved.

Planning Obligation

86. The appellant submitted a section 106 agreement in relation to Appeal A. This secures the provision of affordable housing and financial contributions towards a range of matters including highway improvements, a travel plan, off site sports facilities, on site open space and its management, a community hall and biodiversity net gain. The agreement also includes a blue pencil clause with

regard to a contribution towards health care provision. As the appeal is to be dismissed, it is not necessary for me to consider the obligation any further.

Planning Balance

87. The appeal site in Appeal A forms a sustainable and suitable location for development. It would not prejudice the delivery of Bailrigg Garden Village, given the uncertainty that this proposal will come forward.
88. The Council agrees that it is unable to demonstrate a 5-year supply of housing. In fact, the housing land supply position equates to 2.4 years. Data from the Council's Housing Land Monitoring Report 2023/24 shows a shortfall of 761 dwellings. The delays and infrastructure challenges to the implementation of the proposed Bailrigg Garden Village, have clearly contributed to this position. The proposed development in Appeal A appeal would provide up to 451 new market homes.
89. The situation with regard to the delivery of affordable homes is also acute. Just 287 affordable homes have been delivered in the past 7 years leading to an affordable housing shortfall of 2300 homes. Appeal A would provide up to 193 affordable homes.
90. In light of the significant need for market and affordable homes in Lancaster, I attribute substantial weight to the contribution of Appeal A in this regard.
91. The proposal would also provide around 17.7 hectares of new green infrastructure and open space including the provision of allotments, children's play areas, and off lead dog walking area. The provision of green infrastructure is a requirement of Local Plan Policies SG1, DM27 and DM43, therefore I afford this aspect of the scheme in Appeal A limited weight.
92. Appeal A would also provide a new community hall which the Parish Council would be given the opportunity to manage as well as a retail use within the proposed local centre. This would benefit both new and existing residents in the locality and therefore attracts moderate weight.
93. In terms of economic benefits, I am advised by the appellant that the proposals would bring an estimated construction spend of £76.5 million, supporting both direct and indirect jobs in the area. New residents would spend in the local economy. As some economic benefits will be for a limited time only during construction, overall, I attribute them moderate weight.
94. Turning to environmental benefits, the proposal in Appeal A would create new areas of planting and landscaping as well as SuDS features providing enhancement to biodiversity. Irrespective of my finding in regard to the Sequential Test, I recognise that the scheme proposed in Appeal A would also provide betterment in terms of a reduction in flood risk for those living close to Ou Beck and also downstream. This weighs in favour of the proposed developments.
95. The schemes provide the opportunity for sustainable travel with new pedestrian and cycle routes through the site connecting to the existing network. Whilst this provision is required to meet policy objectives, it would extend and improve connectivity in the area for the benefit of new and existing residents. I attribute these measures limited weight.

96. Against the above, are the adverse impacts of the schemes. In terms of landscape harm, this would be limited as the schemes involve built development on a greenfield site.
97. I have already found that the proposal would cause less than substantial harm to nearby heritage assets, namely Bailrigg Farmhouse. Paragraph 208 of the Framework requires that in these circumstances the harm must be weighed against the public benefits of the proposal. I find that having regard to the benefits outlined above, the harm is outweighed. This position is a matter of agreement between the parties.
98. In light of the lack of a 5-year housing land supply, the titled balance in paragraph 11d) of the Framework is engaged. However, as I have found that a Sequential Test is required and none has been submitted, in line with Footnote 7, this provides a clear reason for refusing the development proposed. The failure to provide a Sequential Test is also in conflict with Policy DM33 of the LP2, Policy SP8 of LP1 and section 14 of the Framework.
99. The appellant has submitted that if I determine that a Sequential Test is required and Footnote 7 engaged, this forms a material consideration and one factor in the planning balance. It is further argued that no harm results from this policy failure, since there is no risk of flooding to the development due to the design, layout and mitigation measures proposed and a betterment would be provided should the development proceed. The parties could not point me to an appeal decision where Footnote 7 had been engaged and yet permission had been granted. Such an approach would be unprecedented and would undermine national flood risk policy.
100. In the case of Appeal A, the overriding consideration is the failure to undertake a Sequential Test. Appeal A conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As I am dismissing Appeal A, I also dismiss Appeal B.

Conclusion

101. For the reasons given above, and having had regard to all other matters raised, I dismiss these appeals.

Helen Hockenfull

INSPECTOR

APPEARANCES

FOR THE APPELLANT :

Melissa Murphy KC	Instructed by Gladman Developments Ltd
She called	
Rob Raspberry BA (Hons) MA MRTPI	Director of Masterplanning, CSA
Matt Travis BSc (Hons) MSc MCIWEM, C.WEM CSci CEnv	Managing Director, Enzygo
Peter Dutton BA (Hons) MCD MRTPI	Planning Director, Gladman
Michael Sutton BSc *	Operations Manager, PagerPower
Tim Russell BEng (Hons) MIHT*	Associate Director, Eddisons

*Available to answer questions in relation to Shadow Flicker and Highway matters

FOR THE COUNCIL

Killian Garvey	Counsel, instructed by Lancaster City Council
He called	
Kate Hendry	Principal Planning Officer, Lancaster City Council

INTERESTED PARTIES:

Barbara Walker	Resident
Councillor Sally Maddocks	Ellel Ward Councillor
Dr Paul Tynan	Ellel Ward Councillor
Councillor Andrew Otway	Scotforth East Ward Councillor
Paul Holland	Chair Scotforth Parish Council
John Perrott	Resident
CLlr Tim Hamilton Cox	Scotforth West Ward Councillor
Paul Rasmussen	Resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

ID1	List of appearances for the appellant
ID2	SFRA maps
ID3	Appellant's Opening submissions
ID4	Council's Opening Submissions
ID5	Map showing suggested walking route for site visit
ID6	Statement from Mr Holland Scotforth Parish Council
ID7	Statement from Dr Tynan, Ellel Ward Councillor
ID8	Copies of resident's objection letters read out by Cllr Otway
ID9	Statement from Barbara Walker
ID10	Statement from Cllr Sally Maddocks
ID11	Draft planning obligation
ID12	Draft Condition re Design Code
ID13	Green Living Noise Barrier – Acoustic fencing example
ID14	Email with question from Mr Holland, Scotforth PC dated 18 October 2024
ID15	Consultation response from NHS dated 4 October 2023
ID16	Revised CIL Compliance Statement
ID17	Revised schedule of agreed conditions
ID18	Further draft planning obligation
ID19	Closing submissions from Council
ID20	Closing Submissions from the Appellant
ID21	Completed planning obligation