



Bromsgrove
District Council
www.bromsgrove.gov.uk



14th September 2015

Dear Mr Hetherington,

1. We write further to our initial letter of 16th July 2015 in response to your Post-Hearings Note of 10th July 2015.

Issue 1: Cross-Boundary Sites

Proposed Programme and Details of Further Work

2. The Councils' have carefully considered the Post-Hearings Note and identified a positive and comprehensive programme of proposed further work which addresses the concerns identified therein. Appendix 1 sets out the proposed work programme in a series of clearly defined tasks over two stages:

- Stage A: a Broad Area Assessment (BAA) which will re-visit certain aspects of the evidence base (notably a Green Belt Review) to help provide a fuller justification for the identification of potential development areas. This will revisit the Housing Growth Development Study (HGDS) and address the matters identified in paragraph 8 of your Post-Hearings Note.
- Stage B: a Focused Area Assessment (FAA) which develops and justifies the reasoning behind proposed development sites, responding to the observation in paragraph 9 of your Post-Hearings Note.

3. Each stage is accompanied by consultation on the options considered and their Sustainability Appraisal. The work programme is supported by summary tables which set out the method and justification for that work. A glossary of key terms used in the work programme is provided at Appendix 3.

4. The Councils' consider that the attached work programme and timetable provides a way forward which is in accordance with current government policy, specifically regarding the urgency for authorities to get up-to-date Local Plans in place at the earliest opportunity in advance of early 2017. The ministerial statement of 21st July 2015 by the Minister of State for Housing and Planning, Brandon Lewis MP, firmly encourages Local Planning Authorities and the Planning Inspectorate to work pragmatically to secure the timely adoption of Local Plans.

5. With reference to Appendix 1, we would appreciate your guidance as to whether these steps meet your outstanding concerns and we would welcome discussion

(through further correspondence or an Exploratory Meeting) on whether you consider that a shorter timescale might be achieved. It is estimated that the work would be complete for the Examination to reconvene within 16 months around January 2017.

6. The proposed work programme directly focuses on the allocation of the cross boundary sites. It is envisaged there are no outstanding soundness issues to resolve in respect of the other policies within the Plans.

7. It is acknowledged that during the course of the work outlined, other issues may well present themselves as new government guidance or policy is published, or existing evidence potentially requires some updating.

8. It is the Councils' intention also to undertake any further work required to address such issues as they present themselves. If changes to currently submitted policies are required they will be included as part of the consultation periods identified below, and possible further modifications suggested.

9. Our response to you on 16th July 2015 suggested that further public consultation could be held on a proposed work programme and timetable. The Councils' are proposing to invite comments from all Examination participants on the work programme and timetable set out in Appendix 1 commencing as soon as possible following the receipt of your response. We envisage the consultation on the work programme lasting 28 days.

Other matters raised in the Post Hearing Note

Issue 2: Housing Land Supply Information

10. Reference was made in your earlier examination correspondence and at the most recent Examination hearings to emerging LPA practice when applying an appropriate buffer to any shortfall and the housing requirement. Following the Councils' request for further clarification on which emerging practice should be referred to, you advised that there were a number of recent decisions that we should consider.

11. Our attention was drawn in particular to the Local Plan Examinations for Cheshire West & Chester Council (Dec 2014) and East Cambridgeshire District Council (March 2015). The Councils have been reviewing additional recent Inspectors' decisions to help clarify the approach, although a range of different outcomes which have been reached over recent months do not readily clarify the matter. Appendix 2 (below) details these decisions and has been attached for reference. Eight decisions have been referenced in Appendix 2, four of which relate to the methodology currently applied by RBC, three relate to the methodology currently applied by BDC, and one which advocates the Liverpool approach. Appendix 2 demonstrates that a wide spectrum of decisions is still being reached in relation to the Five Year Housing Land Supply methodology across the country.

12. With Appendix 2 in mind, the Councils' seek specific clarification on the correct approach to the methodology given the range of decisions reached over the last 6-8

months by different Inspectors, prior to provision of updated Five Year Housing Land Supply information.

Issue 3: Gypsy and Traveller Sites

13. The background information in the form of the Worcestershire GTAA can be considered as part of the re-evaluation of the BORLP4 and will be consulted on in due course.

Issue 4: Housing Standards / Renewable Energy

14. Both of these specific matters which you raised in the Post Hearing Note (paragraphs 18 and 19) will remain under review by the Councils and will be dealt with appropriately in due course.

15. The Members of both Councils' have been briefed on the intended approach and appropriate endorsements have been sought. A response to the above matters would be greatly appreciated, and will allow the Councils to commence consultation on an appropriate work programme and timetable.

Yours sincerely

A solid black rectangular box used to redact the signature of Ruth Bamford.

Ruth Bamford

RBC/BDC Plan making actions	September 2015- January 2017
Task 1	
Consult on work programme and timetable	
Timing	
4 weeks in mid-September 2015 - early October 2015	
Method	
Via the examination website the Councils' response to the Inspector and this document will be published for a period of 4 weeks for comments.	
Justification	
This will allow the Councils' to understand from all participants at the outset their views as to whether the proposed scheme of work is sufficiently positive and robust to satisfy the concerns expressed in the Inspectors Post Hearing Note (10 July 2015) and to ensure full engagement.	

Task 2	
Undertake further Green Belt Review around Redditch (GBR)	
Timing	
September 2015 - January 2016	
Method	
<ul style="list-style-type: none"> • Identify full draft methodology • Outline of policy context and need for review • Desk based assessment including constraints mapping to identify land parcels • Site visits to check, for example, the validity of the land parcels identified, identify strong and weak boundaries and to make an assessment against the 5 purposes of Green Belt within the NPPF • Present comparative site assessment information in a clear and transparent format • Conclusions and recommendations • Feed conclusions into evidence base 	
Justification	
Undertaking further Green Belt Review work is considered necessary because of discussion during the Cross Boundary EiP session regarding the extent of Green Belt assessment in the Housing Growth Development Study.	

Task 3	
Review and assemble evidence base	
Timing	
September 2015 - February 2016	
Method	
Previous inputs into the Housing Growth Development Study will be reassessed in light of the EiP hearings, submitted representations to the Plans, and the subsequent Inspectors Post-Hearings Note. Where there are any issues with the evidence additional evidence gathering will take place. The collection and review of the evidence is a task which will run throughout the entire work programme and as such will overlap with all other tasks.	
Justification	
This is an opportunity to revisit information to ensure robust evidence has been	

gathered to inform the Broad Area Assessment.

Task 4

Produce Broad Area Assessment (BAA)

Timing

October 2015 - January 2016

Method

- Establish Assessment principles
- Desk based work and constraints mapping
- Eliminate any inappropriate sites with full reasoned explanation
- Examine opportunities for smaller sites (checking the SHLAA)
- Site visits to assess/record landscape, views, connectivity etc
- Compilation of information gathered and presentation in tables, maps etc
- Identify whether further evidence required
- Comparison of sites using for example SWOT analysis or traffic light signals
- Integration with Sustainability Appraisal
- Determine suggested focussed areas to inform cross boundary preferred options consultation
- Consult (6 weeks)

Justification

Changes to the Redditch SA mean that the original justification (partly informed by the stand alone Housing Growth Development Study Sustainability Appraisal) which helped determine those areas that were taken forward to the Focussed Area Assessment cannot be relied upon to have the same outcome.

Task 5 a

Sustainability Appraisal of options

Timing

October 2015 - February 2016

Method

0. Non-Technical Summary
 1. Introduction
 2. SA Method
 3. SA Context & Baseline
 4. Options and Alternatives considered (Revised Preferred Options Stage)
 5. SA of the BORLP4 (incl. cumulative effects, reasons for selection/rejection, mitigation)
 6. Monitoring
- Appendices:
1. Statement of compliance
 2. Baseline review
 3. Consultation responses
 4. Policy appraisal
 5. Appraisal of Potential Development Areas
 6. Appraisal of Proposed Strategic Development Sites

Justification

A new SA to accompany the Revised cross boundary options is required, which incorporates the appraisal of the new Broad Area Assessment undertaken

Task 5 b
Develop updated cross boundary options
Timing
January 2016 - February 2016
Method
All the evidence and SA work to this point will be considered and as a result an appropriate set of options produced.
Justification
An opportunity to filter out development options which are not suitable for inclusion within this Plan (fully informed by the SA process), and to present the update justification for the chosen options.

Task 6
Consultation
Timing
March 2016 - April 2016 (6 week period)
Method
All consultation to be carried out in line with the Statement of Community Involvement
Justification
Consultation to enable the Councils' to receive the views of participants in respect of the evidence relating to the directions of growth i.e. Broad Area Assessment and to refine the scope of the Focussed Area Assessment.

Task 7
Review and assemble further evidence
Timing
February 2016 - October 2016
Method
Analysis of all responses to the consultation at Task 7 above will be considered, and where required further evidence gathered to inform the Councils' approach in addressing the responses in the Focussed Area Assessment.
Justification
Opportunity to consider consultation responses and revisit information to ensure robust evidence is being applied to Focussed Area Assessment

Task 8
Focussed Area Assessment (FAA)
Timing
May 2016 - September 2016
Method
<ul style="list-style-type: none"> • Analyse results of Consultation and implications • Produce summary of conclusions for each site from each evidence base document for example Green Belt Review • Carry out more detailed constraints work on FAA sites • Masterplanning, for example, identifying smaller sites, capacities, appropriate densities ridgelines and present visually • Identify infrastructure, deliverability and phasing issues for each site

<ul style="list-style-type: none"> • Consider and commission additional evidence • Sustainability Appraisal of FAA sites • Comparison of sites ie SWOT/traffic lights • Identify preferred site(s) • Clear Conclusions with justification for the preferred sites
Justification
Production of a Focussed Area Assessment is a requirement of the Post-Hearings Note (paragraph 9). Opportunity to provide full justification for proposals and full explanation of why sites have been selected or excluded.

Task 9a
Sustainability Appraisal of Focused Area Assessment and suggested modifications
Timing
May 2016 - October 2016
Method
0. Non-Technical Summary 1. Introduction 2. SA Method 3. SA Context & Baseline 4. Options and Alternatives considered (Revised Preferred Options Stage) 5. SA of the BORLP4 (incl. cumulative effects, reasons for selection/rejection, mitigation) 6. Monitoring Appendices: 1. Statement of compliance 2. Baseline review 3. Consultation responses 4. Policy appraisal 5. Appraisal of Potential Development Areas 6. Appraisal of Proposed Strategic Development Sites
Justification
A new Sustainability Appraisal to accompany the Revised cross boundary options is required, which incorporates the appraisal of the new Focused Area Assessment and suggested modifications

Task 9b
Prepare suggested modifications to Plans
Timing
July 2016 - October 2016
Method
All the evidence, responses and SA work to this point will be considered and an appropriate set of modifications will be produced.
Justification
Suggested modifications to the Plans to incorporate work undertaken in tasks 1 -10 above, clearly showing the location for cross boundary development with clear justification for the location or locations chosen

Task 10
Consultation on Modifications
Timing
November 2016 - December 2016 (6 week period)
Method
All consultation to be carried out in line with the SCI
Justification
The finalised Focussed Area Assessment and suggested modifications will be presented and will help inform the finalised evidence, modifications and Sustainability Appraisal

Task 11
Finalise evidence base
Timing
December 2016 - January 2017
Method
All the evidence, responses and SA work to this point will be considered and as a result a final evidence base produced, principally comprising the above documents.
Justification
To ensure the most up to date and relevant information has informed the final evidence base documents

Task 12
Finalise modifications to Plans
Timing
December 2016 - January 2017
Method
All the evidence, responses and SA work to this point will be considered and as a result a final set of modifications produced
Justification
To ensure the most up to date and relevant information has informed the final modifications

Task 13
Finalise Sustainability Appraisals
Timing
December 2016 - January 2017
Method
All the evidence, responses and SA work to this point will be considered and as a result final Sustainability Appraisals produced
Justification
To ensure the most up to date and relevant information has informed the final Sustainability Appraisals

Task 14
Submit Evidence, Sustainability Appraisal and Modifications
Timing
January 2017

Method
Via the programme officer all work to appear on the examination web page.
Justification
To enable the recommencement of the examination into the soundness of both BDC and RBC Plans in the context of Cross Boundary development.

Appendix 2: How should the five year housing land supply shortfall and percentage buffer be dealt with?

Date	Local Authority	Source and Comments	Methodology
11 Aug 2015	East Hampshire DC	<p><i>Appeal Decision (Inspector Robert Mellor) Ref:APP/M1710/W/15/3004843</i></p> <p>The Council's 5YHLS methodology refers back to discussions which took place as part of its Core Strategy Examination, where that Inspector used the Liverpool method to address the housing shortfall. The appellant points out that the Core Strategy hearing preceded the publication of the NPPG's preference for the Sedgefield approach. However, Inspector Mellor points out in para 40 of his report that although the hearings took place prior to NPPG publication, the Core Strategy Report was issued after NPPG publication, giving the Core Strategy Inspector an opportunity to consider the declared preference for the Sedgefield method.</p> <p>In para 41, Inspector Mellor states '<i>I consider that it is reasonable in the present appeal to use the Liverpool method on the basis that: the Sedgefield method is not mandatory in national policy or guidance...</i>'</p> <p>By adopting the Liverpool method, the issue relating to when to apply the buffer becomes obsolete.</p>	Liverpool method + buffer
1 Jul 2015	Stafford BC	<p><i>Millwood Land (Stafford) Limited v Secretary of State for Communities and Local Government . Case Number: CO/85/2015 (High Court Challenge: 'Developer loses appeal over inspector's five-year land supply decision', Planning Resource) (in relation to: Appeal Decision (Inspector Keith Manning) Ref:APP/M1710/W/15/3004843)</i></p> <p>Developer High Court challenge against refusal for more than 300 dwellings was rejected by Mr Justice Hickinbottom. Inspector Manning (December 2014), made reference to the conclusions of the Inspector who examined the Plan for Stafford Borough (June 2014, para 65), who concluded that upon adoption of the Plan for Stafford BC, the council would have a robust five-year supply of deliverable sites. J. Hickinbottom concluded that this was clearly a material factor that Inspector Manning was entitled to take into account and in his view he did not arguably err in law in his analysis or his conclusion.</p>	Sedgefield method Annual requirement + buffer + shortfall (as RBC)
3 Jun 2015	South Somerset DC	<p><i>Appeal Decisions (Inspector Paul Griffiths). Ref:APP/R3325/A/13/2209680 & APP/R3325/A/13/2203867</i></p> <p>Para 42 of the Appeal Decision states '<i>The Council suggests that the 20% buffer should</i></p>	Sedgefield method Annual requirement + shortfall + buffer (as BDC)

Date	Local Authority	Source and Comments	Methodology
		<i>not be applied to the backlog as this would result in additional housing. That is incorrect.</i>	
1 June 2015	Warwick DC	<p>Examination of the Warwick District Local Plan: Inspector's findings regarding initial matters and issues (Inspector Kevin Ward)</p> <p>Para 41 states 'In terms of a five year supply of housing sites, a buffer of 20% should be applied therefore. This buffer should be applied once the shortfall from the plan period so far has been added to the basic requirement of 720 dwellings per annum.'</p>	Sedgefield method Annual requirement + shortfall + buffer (as BDC)
9 Mar 2015	East Cambridgeshire DC	<p>Report on the Examination into the East Cambridgeshire Local Plan (Inspector Michael Hetherington)</p> <p>Para 34 (bullet 3) states 'I took a view that the 5% buffer should not be applied to the shortfall.'</p> <p>Para 38 states 'I am therefore satisfied that subject to changes [main mod references] which are necessary for effectiveness and consistency with national policy, an adequate five year housing land supply has been demonstrated in line with paragraph 47 of the Framework.'</p> <p>None of the main mods listed at para 38 relate to alteration of the Council's adopted methodology for calculating 5YHLS</p>	Sedgefield method Annual requirement + buffer + shortfall (as RBC)
19 Jan 2015	Cheshire East Council	<p>DCLG Sof S letter in relation to Inspector's Report (Inspector Geoffrey Hill, 27 October 2014). Ref:APP/R0660/A/13/2209335</p> <p>S of S letter at para 14 states 'However, the Secretary of State disagrees with the Inspector's approach of including the allowances for each year's backlog in the overall sum to which the buffer should be applied as he sees this as double-counting.'</p>	Sedgefield method Annual requirement + buffer + shortfall (as RBC)
7 Jan 2015	Cheshire West & Chester Council	<p>DCLG Sof S letter in relation to Inspector's Report (Inspector Robert Mellor, 21 October 2014). Ref:APP/A0665/A/14/2214400</p> <p>S of S letter at para 3 states 'For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation.'</p> <p>The Inspectors conclusion regarding shortfall is addressed in para 55 of his report, which states 'To argue that the requirement figure then incorporates the shortfall figure and that the 20% should be applied to the whole revised requirement makes no sense.'</p>	Sedgefield method Annual requirement + buffer + shortfall (as RBC)

Date	Local Authority	Source and Comments	Methodology
15 Dec 2014	Cheshire West & Chester Council	<p><i>Report on the Examination into the Cheshire West and Chester Local Plan (Part One) Strategic Policies (Inspector Kevin Ward)</i></p> <p>Issue 7 - Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy: Paras 150 and 151 set out the approach adopted by the Council and concludes in para 154 '<i>...I conclude that the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy.</i>'</p>	Sedgefield method Annual requirement + shortfall + buffer (as BDC)

Appendix 3 Glossary

Broad Area Assessment (BAA) –The first stage of the assessment process comprising a high level sieve of potential development sites.

Consultation: Community involvement including all stake holders

Cross boundary - A site or issue that overlaps or adjoins one or more local planning authority boundary

Development Plan Documents (DPDs) – Are statutory documents contained in the local planning authority's Development Plan and include core policies and site allocations. DPDs are subject to independent examination by a Planning Inspector.

Evidence Base: A collection of research projects or studies to inform plan making.

Examination in Public (EiP): This is a form of public inquiry where an independent Planning Inspector, appointed by the Secretary of State, will 'test' the DPD to see if it meets the requirements of the relevant legislation and determine if it is 'sound'. Soundness is tested by considering whether the document is justified; effective and consistent with national policy.

Focussed Area Assessment (FAA) - The assessment of sites in finer detail following the BAA.

Green Belt: A specifically defined area where development is controlled to prevent settlements merging and to keep land open. Guidance on Green Belt policy is contained within the National Planning Policy Framework.

5 Purposes of Green Belt: A designation of land around certain cities and large built-up areas, which aims to keep this land permanently open or largely undeveloped. The purpose of the Green Belt is to:

- Check the unrestricted sprawl of large built up areas
- Prevent neighbouring towns from merging
- Safeguard the countryside from encroachment
- Preserve the setting and special character of historic towns
- Assist urban regeneration by encouraging the recycling of derelict and other urban land

Green Belt Review: Taken from Paragraph 83 of the NPPF; Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green

Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

Housing Growth Development Study (HGDS) – A non-technical study first issued in January 2013 by Bromsgrove and Redditch Councils. It recorded how the preferred locations for Redditch growth within Bromsgrove District were identified, but also assessed areas within Redditch Borough and Stratford-on-Avon District.

Preferred Options: Document(s) produced as part of the preparation of Development Plan Documents, and issued for formal public participation. It shows the preferred 'direction' of a Development Plan Document.

Strategic Housing Land Availability Assessment (SHLAA): A document that identifies suitable and available housing sites for up to the next 15 years. The document is evidence for plan making and does not allocate land for development.

Sustainability Appraisal (SA): Appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development.

Sustainable Development: A widely used definition drawn up by the World Commission on Environment and Development in 1987: "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs". The Government's four aims, to be achieved simultaneously are:

- Social progress which recognises the needs of everyone
- Effective protection of the environment
- Prudent use of natural resources
- Maintenance of high and stable levels of economic growth and employment.

SWOT Analysis: Acronym for Strength, Weaknesses, Opportunities and Threats to enable a comparison of areas or sites.

Traffic lights analysis: To enable the comparison of areas or sites using a colour coded system.