

EXAMINATION OF THE BOROUGH OF REDDITCH LOCAL PLAN No. 4 INSPECTOR'S POST-HEARINGS NOTE

Introduction

1. As you are aware, examination hearings took place last week on 23-25 September 2014. As explained at those sessions, I will be unable to reach a final view on the soundness of the Borough of Redditch Local Plan No. 4 (BORLP4) until I have also concluded the hearing sessions for the Bromsgrove District Plan (BDP), which will include consideration of the cross-boundary sites identified to meet part of the Borough of Redditch's housing needs.
2. In the meantime, I am writing to set out a number of particular concerns that have arisen as a result of relevant representations and the discussions at last week's hearings. For the avoidance of doubt, this note does not amount to a comprehensive assessment of the Plan's soundness or legal compliance, which will be addressed by my final report. Its contents are subject to the findings of that report. Nevertheless, I am raising these matters at the present stage so that Redditch Borough Council (RBC) can give early consideration to their resolution.

Site Selection Methodology & Sustainability Appraisal

3. The requirements for the consideration of alternative sites are set out in legislation¹ and national policy². I will return to this matter at the cross-boundary site hearing(s) programmed for December 2014. Nevertheless, it is clear from last week's debate that there is a potentially serious flaw in the methodology that has been undertaken in respect of the BORLP4.
4. The consideration of development sites to address the needs of the Borough of Redditch (primarily housing needs) has involved a lengthy process. Several studies, and several Sustainability Appraisal (SA) documents, have been submitted to this examination – notably those relating to various revisions of the Redditch Draft Core Strategy (CS), which was not carried forward to submission. It was clarified at the hearing that the most recent site comparison exercise is the Housing Growth Development Study (HGDS) prepared by RBC and Bromsgrove District Council (BDC)³. This was the subject of SA⁴.
5. While the HGDS reviews a range of sites around Redditch, a number of alternatives were excluded from consideration at the outset of the

¹ Notably EU Directive (2001/42/EC) on Strategic Environmental Assessment (the SEA Directive), and the Environmental Assessment of Plans and Programmes Regulations 2004 (SI No.1633) which transpose the Directive into domestic legislation.

² Paragraph 182 of the National Planning Policy Framework requires, among other matters, that the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based upon proportionate evidence.

³ Document ref. CDX1.1 (January 2013).

⁴ Document ref. CDR3.2.

study. Several were not taken forward for development for reasons that I will address in my final report. However, importantly, the HGDS also excluded from consideration two areas that were in part the subject of eventual Local Plan allocations: the strategic site at Webheath (policy 48) and land including the A435 Area of Development Restraint (ADR).

6. Subject to my comments below about the A435 ADR sites, I do not intend at this stage to reach any conclusions about the relative merits of these allocations in comparison to other sites that were allocated – or indeed rejected – in respect of meeting Redditch’s development needs. That will be addressed by my final report. However, I am concerned that the absence of detailed consideration of two above-noted areas from the HGDS means that it is difficult to assess why these two allocations were taken forward while other sites were rejected. Such analysis is not explicitly set out in the SA documents supporting either the HGDS or the BORLP4.
7. The HGDS itself comments (in respect of both sites) that the principle of future development on the ADRs was tested at the public inquiry into the previous Local Plan. It is not disputed that the principle of their development in some form and at some point in the future was accepted at previous Local Plan examinations. The Inspector who determined an appeal at Webheath⁵ reached a similar view. However, there is a difference between an in-principle acceptance of future development potential and the actual allocation of a site in a Local Plan. There is a clear legal and policy framework that requires alternatives to be explicitly tested through the plan-making process. As such, I see no reason why the acceptability of the Webheath and A435 ADR sites for allocation should not have been tested against (and in a consistent manner to) other alternatives in the context of the present Local Plan. Indeed, another ADR site (Brockhill East) was tested in the HGDS (area 6): the reason for this apparently inconsistent approach is not clear.
8. Specific concerns in respect of this matter have been raised by representors seeking to promote cross-boundary land at Brockhill West (that has not been proposed for allocation in either the BORLP4 or the BDP) and those seeking to object to the allocation of the Webheath strategic site. At the hearing, RBC suggested that – in practice – these sites had been assessed under similar sustainable development principles. It referred to work undertaken in the context of the emerging Core Strategy (CS) – specifically to the ‘CS DPD – SA Refresh’ (February – March 2010)⁶.
9. That document does present a comparison of the relative merits of the two above-noted sites. However, the assessment supported an

⁵ Ref. APP/Q1825/A/13/2205688, decision dated 17 February 2014.

⁶ Document ref. CDR3.5.

emerging CS consultation paper⁷ that suggested both Brockhill West (part) and Webheath as major development sites. In the event, the ensuing draft CS⁸ proposed a strategic site at Brockhill West (policy 30) whilst retaining Webheath as an Area of Development Restraint⁹. The SA to which the Council refers (in which Brockhill West scored higher in respect of sustainability indicators than Webheath) therefore related to a plan with a markedly different context and outcome to that now proposed. Clearly, this cannot justify the stance taken in the BORLP4. It predates the HGDS and the specific site selection exercise carried out for the BORLP4. The analysis was not explicitly revisited in the SA of the submitted Local Plan¹⁰.

10. RBC comments that the eventual outcome (as now proposed in BORLP4) reflects its consideration of later representations from English Heritage in respect of the Brockhill West site. I will address the substance of those concerns at a later stage. Nevertheless, as a point of principle, those representations relate to matters that should fall within the scope of the SA process – which includes the historic environment within its appraisal criteria. While the subsequent HGDS provided, in principle, an opportunity to reconsider all alternatives in the light of up-to date information, the exclusion of the two above-noted ADR sites from detailed consideration in that document prevented such a comprehensive review from taking place. In short, the HGDS does not explain why Webheath was selected in advance of Brockhill West. Indeed, the only place in the evidence base in which the two sites appear to be compared directly is in the context of an emerging CS that proposed a markedly different outcome to that now proposed.
11. While the above represents a potential failing in respect of relevant legislation, it also raises a soundness concern. Clearly, the SA that supports the BORLP4 requires to be revisited. However, it seems to me that it is also necessary to address both Webheath and the A435 ADR sites in more detailed terms in the context of the HGDS – possibly in an addendum – to ensure that they have been assessed on a comparative basis to other options. In doing so, RBC should consider my comments below regarding the second of those sites. Clearly, there is a potential that such a review could result in a different outcome to that now proposed in the BORLP4. If this appears likely then I would need to be advised as soon as possible as it is likely to affect the progress of the examination as a whole.

⁷ Revised Development Strategy for the Emerging Core Strategy Consultation Paper (Feb-Mar 2010) – document ref. CDR5.9.

⁸ Revised Preferred Draft Core Strategy Development Plan Document (January 2011) – document ref. CDR1.16.

⁹ The A435 ADR was also proposed for retention as an Area of Development Restraint in that document.

¹⁰ Document ref. CDR1.11.

A435 ADR sites & Land Supply

12. Two sites are proposed for allocation in the A435 ADR – housing site 211 and employment site IN82. Housing site 211 contains three separate sections, which I term the northern, middle and southern areas. The last is also known as Broadacres Farm. All of the sites have attracted significant levels of local opposition. In contrast, the main landowner seeks a more substantial allocation in this location.
13. In response to the concerns of Stratford-on-Avon District Council (SoADC), supported by an appraisal by White Consultants, and other parties, RBC proposes reductions in the scale of development proposed for both allocations.
14. I have considered these sites in the light of relevant representations, the White Consultants' report, RBC's Review of the A435 ADR and Adjoining Land paper¹¹ and my own observations, bearing in mind my comments on the status of ADR land set out above. While my final assessments will be set out in my main report, it is necessary for me to raise concerns about some aspects of these allocations at the present point in the examination.
15. As I explained at the hearing session on 25 September 2014, I have concerns about the scope of RBC's A435 Review paper. I share some of the views expressed by SoADC/White Consultants. Specifically, the paper does not adequately explore the landscape character or visual quality of the land concerned. It does not analyse key views and does not robustly assess the role of the land in either maintaining the setting of Redditch's urban area or providing separation between the urban area and its surroundings. While raising some ecological matters, it defers assessment of others to more detailed investigation. These factors reduce the weight that can be attached to the study's conclusions.
16. Having revisited the sites following the above-noted hearing session, I have particular concerns about the middle part of site 211 (east of Claybrook Drive) and the proposed employment allocation (site IN82). The first of these lies within one of the narrowest parts of the strip of land separating the urban area from the A435. It is occupied by secondary woodland that establishes an attractive backcloth to properties in Mappleborough Green: from Claybrook Drive, it is seen as a well-established edge to the built-up area. Intervisibility between the urban area and the A435 at this point is extremely limited. To my mind, the proposed development of this part of site 211 would be detrimental to the area's character and appearance, as well as unacceptably diminishing the degree of visual separation between Mappleborough Green and Redditch.
17. I have similar views about the area of woodland that occupies the intended IN82 allocation. As already noted, the Council suggests

¹¹ Document ref. CDR5.5.

that this allocation should be 'pulled back' from its original boundary with A435 (as shown on the Policies Map¹² that was subject to public consultation). However, even the reduced area would result in the loss of effective screening between Redditch and Mappleborough Green/the A435. Given that the employment site would adjoin the southern part of housing site 211, the resulting effect would be to remove any meaningful visual separation between Redditch and Mappleborough Green in this location. On the Redditch side, the attractive woodland that fringes the eastern side of Claybrook Drive would be lost.

18. For these reasons, I am concerned about the landscape implications of the allocations proposed for the middle part of site 211 and the whole of site IN82. It is therefore necessary to consider the potential implications of my recommending the deletion of these areas in my report. In respect of site IN82, RBC suggested at last week's hearing that as a result of the increased provision of employment land that is now proposed by SoADC at Gorcott and Winyates Green Triangle¹³ the loss of site IN82 would not result in an employment land shortfall. I have no reason to doubt that assessment.
19. In respect of housing land supply, the position is less straightforward. Deletion of the middle part of site 211 would reduce the dwelling capacity of the overall site by approximately 40 dwellings (taking into account the site reductions already suggested by RBC). Given that the Council's five year land supply assessment¹⁴ does not assume that all of the A435 ADR will be developed, it may be that the loss of the middle part of site 211 would not adversely affect its five year land calculations. However, the contribution of site 211 towards meeting the whole of the plan's housing target would be reduced. Bearing in mind that there appears to be limited flexibility in the Plan's overall housing supply (see BORLP4 Appendix 2), the Council's comments on this matter are welcomed.

Gypsy & Traveller Sites

20. The Council will be aware of the concerns that I have already raised in respect of the evidence base in this matter (see for example my letter dated 10 April 2014). A note was appended to RBC's matter R2 hearing statement¹⁵ suggesting that in the light of work undertaken in preparing a Gypsy and Traveller Accommodation Assessment (GTAA) the need for pitches had been 'robustly assessed'. However, as I explained at the relevant hearing session, I am unable to attach significant weight to these comments. While the GTAA may indeed have been undertaken, it has not been submitted as an examination document. Indeed, the appendix notes that it is only in draft form. I am therefore unable to reach a view on

¹² Document ref. CDR2.1

¹³ See the Council's Schedule of Modifications (March 2014) – document ref. CDR2.1.

¹⁴ Document ref. CDR18.8.

¹⁵ Note from Dr Bullock dated 28 August 2014 (Appendix C of document R2/1).

either its conclusions or methodology. Furthermore, other interested parties have been unable to comment on it in the context of the BORLP4 examination.

21. Accordingly, I do not feel that the evidence submitted to date is sufficient to address my previous concerns. While I note the Council's suggestion, made at the relevant hearing session, that the document could be added to the examination library when it is available, this would be likely to require additional consultation – both in respect of the new evidence and any modifications to the Local Plan that may arise from it. As previously stated, I am anxious to avoid unnecessary delay to the examination. I note that the Council intends to address this matter in its Site Allocations DPD and, accordingly, the Council may wish to delay detailed consideration of the emerging GTAA until that time. In such circumstances it would be necessary for the BORLP4 to make an explicit commitment to tackling this matter in that document. However, if progress on the BORLP4 is to be delayed for other reasons, then there may be scope to give further consideration to this matter.

Conclusion

22. I welcome the Council's comments on the matters set out above as soon as possible. Any queries regarding this note should be passed to me via the Programme Officer.

Michael J Hetherington
Inspector
3 October 2014