

NOTICE OF DELEGATION TO CABINET MEMBER BY STRONG LEADER

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, Marcus Hart, as Strong Leader, delegate the decision to approve the responses to the Bewdley Neighbourhood Plan to the Cabinet Member detailed below:

Cabinet Member – Councillor Ian Hardiman
Cabinet Member for Planning and Economic Regeneration

Dated:

22nd May, 2018

Signed:

.....
Leader of the Council

NOTICE OF DECISION OF CABINET MEMBER

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me by the Leader, I have made the following decision:

| Subject | Decision | Reason for decision | Date for Decision to be taken |
|---|--|--|-------------------------------|
| Bewdley Neighbourhood Plan consultation | To submit the responses to the Bewdley neighbourhood Plan | Responses are required to the Neighbourhood Plan by 4 th June 2018. | |

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 22.15/2018

Signed: 

Councillor: Ian Hardiman – Cabinet Member for Planning and Economic Regeneration

WYRE FOREST DISTRICT COUNCIL

Strong Leader Report

Bewdley Neighbourhood Plan – Pre-submission consultation comments

| OPEN | |
|---------------------------------|--|
| CORPORATE PLAN PRIORITY: | Support You To Live In Clean, Green and Safe Communities |
| DIRECTOR: | Mike Parker |
| CONTACT OFFICER: | Helen Smith |
| APPENDICES: | Wyre Forest District Council Regulation 14 consultation response to the draft Bewdley Neighbourhood Plan (Pre-submission consultation) |

1. PURPOSE OF REPORT

- 1.1 To agree the consultation comments to be submitted to Bewdley Town Council in response to their Pre-Submission Consultation on the Bewdley Neighbourhood Plan (2018-34).

2. RECOMMENDATION

The Cabinet Member is asked to DECIDE that:

The consultation comments in Appendix 1 are approved.

3. BACKGROUND

- 3.1 The Localism Act 2011 introduced a new type of planning which allows local communities more power to plan for the future of their areas by preparing a Neighbourhood Plan. Neighbourhood Plans are a significant part of the neighbourhood planning process and can be developed by Town and Parish Councils or by Neighbourhood Forums outside of the Parished areas. Once adopted, Neighbourhood Plans form part of the statutory development plan for the area and must be taken into consideration when determining planning applications.
- 3.2 The first formal step that Bewdley Town Council took in the process of preparing a Neighbourhood Plan was the designation of a Neighbourhood Area. Following an application made by the Town Council, Wyre Forest District Council designated the Parish of Bewdley as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan on 10th June 2015. This was following a four week consultation on the designation between 20th April 2015 and 18th May 2015. Three responses were received. Of these, two were in support of the area designation. The third response was from North Worcestershire Water Management setting out some information relating to flood risk.
- 3.3 The Bewdley Neighbourhood Plan is currently being consulted on as part of the Pre-submission stage. This is Regulation 14 of the Neighbourhood Planning (General) Regulations (2012). The Town Council must consult on its draft Neighbourhood Plan for a minimum of six weeks. Following the pre-submission

consultation (Regulation 14), the Town Council will submit the Neighbourhood Plan to Wyre Forest District Council (Regulation 15). Upon submission, if the District Council is satisfied that the proposed Neighbourhood Plan is robust and meets the basic conditions then the District Council will undertake a six week statutory consultation (Regulation 16). The Neighbourhood Plan would then be submitted for examination, followed by a local referendum where at least 50% of those voting must be in favour of its adoption.

- 3.4 The pre-submission consultation for the Bewdley Neighbourhood Plan runs for 8 weeks until 4th June 2018 and to enable responses to be returned in time the Strong Leader approach has been taken.

4. KEY ISSUES

- 4.1 The policy specific comments are set out in table 1 in the consultation response in Appendix 1.

- 4.2 The key issues include the following:

- Policy HS1 – Housing Growth – This policy needs further consideration by the Neighbourhood Plan group, as it doesn't do anything to support or deliver affordable housing and retirement housing.
- A Strategic Environmental Assessment (SEA) screening opinion has not been sought from the three statutory consultation bodies prior to the pre-submission consultation starting (i.e. Natural England, Historic England, Environment Agency). This should have been undertaken at an early stage and if it is concluded that an SEA Environmental Report is necessary then this should have been consulted on at the same time as the draft Neighbourhood Plan at the Pre-Submission consultation stage. The Council is therefore recommending that the Pre-Submission consultation is repeated.
- Consultation Strategy – A number of statutory consultees do not appear to have been consulted on the Pre-Submission Neighbourhood Plan. These include Historic England, Highways Agency, Coal Authority and the neighbouring Parishes and Local Authorities.

- 4.3 Following the Pre-Submission consultation, Bewdley Town Council will be submitting the Neighbourhood Plan to Wyre Forest District Council. The Council will then undertake a 6 week Statutory Consultation before appointing an examiner to undertake an independent examination of the Neighbourhood Plan. If the Neighbourhood Plan is successful at examination, it will then proceed to a community referendum during which the public will be able to vote on the plan. If the referendum is successful the Neighbourhood Plan would then form part of the Development Plan and would be used when assessing planning applications in Bewdley Parish area.

5. FINANCIAL IMPLICATIONS

- 5.1 The cost of preparing the draft Neighbourhood Plan has been met by the Parish Council. The District Council will be required to meet the costs of the examination and referendum and this will be met from the existing Planning Policy budgets.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 If the Neighbourhood Plan is successful at the community referendum, the District Council will be required to adopt it as planning policy and it will become part of the Development Plan for the purposes of determining planning applications.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 Not applicable.

8. RISK MANAGEMENT

- 8.1 None.

9. CONCLUSION

- 9.1 Bewdley Town Council have consulted Wyre Forest District Council on the draft for consultation Bewdley Neighbourhood Plan. The consultation comments in Appendix 1 set out the Council's recommendations to Bewdley Town Council on how they can amend the Neighbourhood Plan to help ensure it complies with Local Plan policies, and that it meets the basic conditions which will be tested by the examiner during the examination stage. If the examiner were to conclude that the Neighbourhood Plan did not meet the basic conditions, then it would not be able to proceed to community referendum stage. However, if the Neighbourhood Plan is successful at both examination and referendum stage, then it would form part of the Development Plan for the District and would be used to determine planning applications within the Neighbourhood Plan area.

10. CONSULTEES

- 10.1 Corporate Leadership Team.
10.2 Council Officers in Economic Prosperity & Place Directorate

11. BACKGROUND PAPERS

- 11.1 Neighbourhood Planning (General) Regulations (2012)
<http://www.legislation.gov.uk/uksi/2012/637/contents/made>
- 11.2 Bewdley Neighbourhood Plan, 2018-2034 (Pre-submission version, April 2018)
<http://www.beinbewdley.org/wp-content/uploads/2018/04/Draft-NP-FINAL-April-2018-1.pdf>

12. APPENDIX 1

- 12.1 Wyre Forest District Council Regulation 14 consultation response to the draft Bewdley Neighbourhood Plan (Pre-submission consultation)

Appendix 1

Wyre Forest District Council Regulation 14 consultation response to the draft Bewdley Neighbourhood Plan (Pre-submission consultation)

Thank you for sending the pre-submission consultation draft Bewdley Neighbourhood Plan to Wyre Forest District Council. The following response set out below has been agreed by the Council.

The District Council fully supports the Town Council's commitment to the preparation of the Neighbourhood Plan. It is also recognised that the Council has a statutory duty to support the preparation of neighbourhood plans and at this stage that duty involves the Council providing comments on the Draft Neighbourhood Plan. These comments are intended to support the Town Council in making sure that the Neighbourhood Plan which will be submitted to the District Council for examination meets the Basic Conditions and is able to proceed to referendum. Therefore, the response set out below considers the Draft Neighbourhood Plan against the Basic Conditions which are:

Has the Neighbourhood Plan taken account of the National Planning Policy Framework?

The Draft Neighbourhood Plan clearly sets out the planning policy context within which it sits. It outlines the NPPF provisions for Neighbourhood Planning and sets out details of the local policies which are relevant. It is considered that the Plan Objectives generally comply with the current NPPF although a revised NPPF is expected summer 2018. The emerging Neighbourhood Plan will therefore need to ensure that it also complies with the revised NPPF and NPPG when the final versions are published by the Government in Summer 2018.

Does it contribute to Sustainable Development?

Although the Vision of the Draft Plan will contribute to Sustainable Development within Bewdley, the District Council is concerned about the lack of reference to Sustainability Appraisal (SA), and strongly advises that this should be undertaken to inform policy development; the Council's experience with other Neighbourhood Plans is that without the appropriate SA the Inspector will not agree the Plan. Baseline information would influence the policies in the Neighbourhood Plan and set out the current sustainability issues facing the town and the sustainability objectives which the Plan should strive to achieve.

Is the Draft Neighbourhood Plan in general conformity with the strategic policies of the Local Plan?

The District Council considers the strategic policies within the Local Plan to be those policies set out within the Adopted Core Strategy (December 2010) and those contained within Part A of the Site Allocations and Policies Local Plan (July 2013). Consideration has also been given to whether the draft Neighbourhood Plan conforms to the emerging Local Plan. The Council is satisfied that whilst the Bewdley Neighbourhood Plan seeks to provide a local approach to some specific issues, in general the plan is in conformity with the Strategic Policies of the Local Plan. However, Policy HS1 needs further attention as shown in the comments below.

Is the Plan compatible with EU obligations?

The SEA Screening Report has been sent to the three statutory consultees who are currently considering it. If the statutory consultation bodies' opinion is that an SEA environmental report is necessary, then the SEA environmental report should be produced alongside the draft Neighbourhood Plan and published at the same time as the draft Neighbourhood Plan at the pre-submission consultation stage. This is to give the public/stakeholders/organisations an early and effective opportunity within an appropriate timeframe to express their opinion on the draft Neighbourhood Plan and the accompanying environmental report before it is formally submitted to the Local Authority. We note that the pre-submission consultation has started already. If the statutory consultation bodies confirm that an SEA environmental report is necessary, then we recommend that the pre-submission consultation is repeated to enable comments to be made on both the draft Neighbourhood Plan and the environmental report together.

It is not considered that the Neighbourhood Plan will have any significant adverse effect on a European site. However, Natural England will be able to provide more detailed guidance on this when they respond to the SEA screening report.

Policy Specific Comments

Table 1 below sets out detailed comments on policies which are intended to be constructive and assist in terms of their practicality of their implementation.

Table 1: Policy Specific Comments

| Relevant section of Plan | Comments |
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| Paragraph 1.7 | The last bullet point should also show regard to the emerging Local Plan. |
| Paragraph 2.17/2.18 | Beaucastle or Beau Castle is spelt differently in the two paragraphs. |
| Paragraph 2.33 | AMEND Last 2 sentences would better read: <i>"There is no Network Rail station serving Bewdley. The nearest Network Rail station to the town is in Kidderminster."</i> |
| Paragraph 2.42 | Needs renumbering to 2.42 as shows two 2.40 paragraphs. Last bullet point could be amended to read: <i>".....the ancient settlements of Wribbenhall and Wyre Hill."</i> |
| Policy CW1 – Protection of existing recreational areas and public open spaces | Should Bewdley Tennis Club be included as it is a recreational facility? |
| Section 4 – Community & Well-Being | This section and the policies within in it could make reference to the Open Space, Playing Fields and Sports Built Facilities Strategies, produced as part of the evidence base for the emerging Local Plan. See weblink here: http://www.wyreforest.gov.uk/council/docs/doc52365_20171114_cabinet_report.pdf |
| Paragraph 4.8 | Makes reference to the NPPF (2012). Now need to also consider the revised NPPF and the para numbers within this when the final version is published by Government in Summer 2018 (should be published in July). |
| Policy CW5 – Community Facilities |immediate area (what is the definition of immediate? As long as in the area would this be sufficient?) |
| 5. Managing Housing Supply | 'community-led housing' should be referenced. |

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| Paragraph 5.6 | No mention is made regarding data from the housing need survey (HNS) about need. A paragraph should be added with key findings e.g. greatest demand for 2 bedroom properties etc? |
| Policy HS1 – Housing Growth | <p>Pleased that proposed site allocations in the emerging Local Plan for more than 50 dwellings have been referenced. However a number of sites smaller than 50 units could come forward, the Town Council could helpfully consider its position on sites less than 50 units coming forward, otherwise this is quite a restrictive policy – why no more than 50 units? What is your justification for this?</p> <p>2nd bullet point – How can this be measured and defined e.g. beauty, tranquil?</p> <p>What about affordable housing for young people and retirement housing for older persons? The introduction section to this policy says a lot about this, but the policy does nothing to develop the ideas.</p> |
| Paragraph 5.8 | It is believed that the survey identified a need for 213. Also the HNS actually shows the distribution over the next 10 years - it isn't an allocation so maybe should be amended to "equivalent to 22 per annum" |
| Paragraph 5.9 | Refers to Policy HS3 but there is no HS3 policy. |
| Policy HS2 | WFDC Policy 18b numbering/wording could change as the emerging Local Plan continues to take shape. |
| Policy JLE1 | <p>A1, A2, A3, A4 complies with WFDC. However, in Policy SAL.GPB2 of the adopted Site Allocations and Policies Local Plan it also includes A5 (hot food takeaways). See Policy SAL,GPB2 of the adopted Site Allocations and Policies Local Plan:</p> <p><i>“Primary Shopping Frontage</i> <i>Within the defined Primary Shopping Frontage development proposals for retail use at ground floor (A1-A5) will be permitted where:</i></p> <p><i>i. The scale and type of development proposed is directly related to the role and function of the centre and its catchment area and it contributes to the provision of a safe environment.</i></p> <p><i>ii. There would be no adverse impact on the vitality and viability of the centre or other centres.</i></p> <p><i>iii. They do not result in an adverse cluster of non-retail (A1) uses or unduly fragment the retail area.</i></p> <p><i>iv. They provide an active frontage and are open for business during the day.”</i></p> <p>The draft Neighbourhood Plan also lists C1 Hotels. Could this cause car parking problems in the town centre?</p> <p>This policy and policy HC2 are very similar. Note that neither of these two policies would be able to prevent permitted development as defined by Government.</p> |
| Policy JLE2 – Future Employment & Tourism | The policy title includes the word ‘employment’ but the policy wording refers to tourism and cultural activities – it is therefore not necessary to have ‘employment’ in the policy title, as this doesn’t seem to relate to what the policy is about. |
| Paragraph 6.13 | Museum attracts 200,000 visitors per year, includes a cafe, craft workers, a programme of events, education, exhibitions of Wyre Forest collection, heritage weddings and a shop. It is a focal point for the local community and is joined to QE2 Gardens, could this information be included in the |

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| | Neighbourhood Plan . |
| Policy JLE5 – Markets | <i>“Proposals for the development of land or buildings, to create a permanent outdoor and/or indoor market will be supported”</i> as long as it is appropriately located. What about car parking issues and road congestion? |
| Paragraph 7.15 | The sentence should be amended to read: <i>“There are three privately owned ‘Pay and Display’ car parks: at the rear of The George Hotel Load Street; in High Street and at the rear of Bewdley Farm Shop in Dog Lane”.</i> |
| Policy INF4 – Bus Services | What is meant by the word ‘accessibility’? What type of accessibility does this refer to? Walking and cycling are also important modes of sustainable accessibility and should be encouraged and promoted. |
| Paragraph 7.30 | The Neighbourhood Plan could identify potential locations for the pedestrian footbridge based on responses to the public consultation. The location with the least visual impact may be between the end of Lax Lane and Gardener’s Meadow Car Park. Need to have an idea about where this would go and what it might look like in order for WFDC to provide more than in principle support. |
| Paragraph 8.8 | Typo - delete the word ‘a’ in the sentence. |
| Paragraph 8.9 | <i>“It is also in line with the Environment Agency and Severn Trent Watercourse and Water Management Strategy.”</i> Clarification is needed as to what this refers to? |
| Paragraph 8.15 | Refers both to older drainage systems that serve existing development and the use of sustainable drainage techniques in new developments. Are these linked? Is it meant that if an area gets redeveloped then drainage systems serving that site will need to be brought up to modern standards, which for runoff will include the use of SuDS? What does the reference in this paragraph actually refer to? |
| Policy PC4 – Protecting Open Spaces | A map key is required to explain what the shaded area on map is showing. This also applies to the others maps. |
| Paragraph 8.19 | Typo bypass not ‘Bye-pass’ |
| Policy PC3 | Pleased to read that the development of Riverside North area for mixed residential and A3 use (food and drink) has now been removed. Policy can be supported in its current wording although this policy does not make it very clear what enhancement is envisaged? |
| Policy PC6 – Landscape Character | What is the source of the Landscape Character dataset? When will the dataset next be updated? Will your policy still be applicable if the data gets updated? Think about policy wording to try to avoid this issue arising. |
| Policy HC 1 | AMEND as need to use correct terminology for listed buildings.: Suggest amend first paragraph to read: <i>“.....(as defined in the most recently adopted Wyre Forest District Council Conservation Area Character Appraisal, the National Heritage List for England and Adopted Local Heritage Lists) and demonstrate that their character and significance...”</i> National Heritage List is fluid – it changes daily online so its always up-to-date conservation areas and locally listed buildings. |

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| | <p>Amend first bullet point to read:</p> <p><i>*Designated Heritage assets which include listed buildings and Conservation Areas and their associated features</i></p> <p><i>*Undesignated heritage assets which include entries on the adopted Local Heritage Lists for Bewdley and the Severn Valley Railway as maintained by WFDC.</i></p> <p>Policy HC1 re SSSI – the word ‘interest’ is repeated.</p> |
| Paragraph 9.3 | Typo bypass not ‘Bye-pass’ |
| Paragraph 9.6 | <p>AMEND: sentence to read:</p> <p>“...the character of which it is desirable to preserve and enhance, “ (P(LBCA)A 1990, s.69(1))</p> <p>(The NPPF does not define the Conservation Area, that is done within the Planning Act 1990)</p> |
| Paragraph 9.8 | <p>AMEND last sentence to read:</p> <p>“The Planning Legislation contained within the P(LBCA)A 1990 defines both Conservation Areas and Listed Buildings, both of which are designated heritage assets as defined by the NPPF Glossary, the protection of which is fundamental to the historic character of the town”</p> |
| Paragraph 9.19 | Typo - NPPF, not LPPF. |
| Generally | Refer to “Conservation Areas” initial letters in capitals not lower case or a mix of the two |
| Generally | Try to refer to designated and undesignated heritage assets as these are the terms included within the NPPF. |
| Generally | Map of designated Neighbourhood Plan area should be in NP. |
| Generally | <p>References to specific dates or paragraph numbers in NPPF and WFDC policy liable to change.</p> <p>The Neighbourhood Plan should have regard to the revised NPPF and NPPG, which is due to be published by the Government in July 2018.</p> |
| Generally | It is usual practice to include a section at the end of the Neighbourhood Plan on ‘monitoring’, i.e. how do you intend to monitor the policies within your plan? This will be useful information if you decide to do a review of your neighbourhood plan in the future. |
| Generally | The Neighbourhood Plan makes reference to the adopted Core Strategy. Note that the Core Strategy will be replaced by the emerging Local Plan when this becomes adopted. |
| Consultation Strategy | As previously advised at the start of your consultation in April 2018, we would like to draw your attention to an issue we have noticed with the Consultation Strategy. In the Neighbourhood Development Plan Consultation Strategy at section 3 ‘Formal Consultation’ is a list of consultees. A number of organisations that are statutory consultees do not appear to be on this list and therefore may not have been consulted. These include Historic England, Highways Agency, Coal Authority and the neighbouring Parishes and Local Authorities. The full list of groups and organisations that must be consulted for a minimum of six weeks is found in the Neighbourhood Planning (General) Regulations 2012 (as amended) Schedule 1. |

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| SEA screening report | <p>An SEA screening report was submitted to us after the Pre-Submission consultation had started. This has been sent to the statutory consultation bodies and we await their formal opinion. As we have previously advised you, we consider that the SEA screening report should be sent to the statutory consultation bodies for their opinion before the pre-submission consultation (Regulation 14). If the statutory consultation bodies opinion is that an SEA environmental report is necessary, then the SEA environmental report should be produced alongside the draft Neighbourhood Plan and published at the same time as the draft Neighbourhood Plan at the pre-submission consultation. This is to give the public/stakeholders/organisations an early and effective opportunity within an appropriate timeframe to express their opinion on the draft Neighbourhood Plan and the accompanying environmental report before it is formally submitted to the Local Authority. We therefore recommend that you undertake another Pre-Submission Consultation (Reg 14), once you have completed the SEA screening process and produced an SEA environmental report (if one is found to be necessary by the statutory consultation bodies).</p> |
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Please do not hesitate to contact the Planning Policy team should you wish to discuss the comments raised within this response further.