

Examination of the South Worcestershire Development Plan

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STAGE 2b OF THE EXAMINATION HEARINGS

INSPECTOR'S MATTERS, ISSUES AND QUESTIONS

The invited participants should use these Matters, Issues and Questions as the basis for preparing their hearing statements.

Apart from the Councils, there is no obligation on participants to address every question in their hearing statements. You need only address those questions relevant to your representation(s). Please remember there is a 3,000 word limit per matter (excluding appendices). See the Inspector's Guidance Note for further information.

If you have nothing to add to your original representations, you may rely on them without submitting a further statement. Please advise the Programme Officer by 17 March 2015 if this is what you intend to do.

All references to policy sections below are to the original Proposed Submission Document (CD001), not the track-change version (CD002). References to Proposed Modifications (PMs) are to the PMs published for public consultation in October and November 2014.

Tuesday 14 April 2015, AM & PM, beginning at 0930

Matter G: Economic Growth (SWDP 8, 9, 10, 11, 12)

Main issues:

Whether or not these policies provide an appropriate basis to guide employment and commercial developments and to promote the vitality and viability of centres.

Questions

- 1) Is there justification for the criteria in policy SWDP 8 A concerning the scale and use of retail and leisure uses on allocated employment sites?
- 2) Is there justification for SWDP 8 C restricting development at the Malvern Hills Science Park and Malvern Technology Centre to the B1(b) use class?
- 3) Should there be a threshold of 2,500sqm for “major” office developments that are to be subject to the requirements of policy SWDP 8 D?
- 4) Is there justification for the phasing provisions of policy SWDP 8 E?
- 5) Is there justification for the criteria in policy SWDP 8 H for assessing proposals for alternative uses of employment land and buildings?
- 6) Should policy SWDP 8 I permit *sui generis* uses on all employment sites?
- 7) Is there justification for the floorspace split criterion in policy SWDP 8 K(i)?
- 8) Is policy SWDP 8 justified in its approach to employment development in rural areas?

- 9) Are the provisions of SWDP 9 C justified?
- 10) Is policy SWDP 9 D intended to apply to development in, or outside, defined centres (or both)?
- 11) Is there justification for the “need” test in policy SWDP 9 D(i)?
- 12) Should the SWDP contain a more detailed policy covering evening/night-time economy related development, especially in respect of crime and anti-social behaviour?

- 13) Are policy SWDP 10 A and B(ii) consistent with national policy guidance in the ways that they seek to protect centres’ vitality and viability?
- 14) Should policy SWDP 10 A & B both apply to all existing centres and any centres planned as part of urban extensions?
- 15) Is there justification for the Retail Impact Assessment threshold of 1,000sqm set out in policy SWDP 10 A?
- 16) Should SWDP 10 A permit retail development that increases the market share of a centre where this is required to address current deficiencies in provision?
- 17) Should policy SWDP 10 allow consideration of retail development on sites that are well-connected to the town centre where there are no in-centre sites available?
- 18) Should the planned centre at urban extension site SWDP 45/1 (Worcester South) be shown on the Policies Map as a Local Centre?
- 19) Should policy SWDP10 recognise the need for new neighbourhood centres in urban extensions?
- 20) Should policy SWDP 10 C encourage a greater mix of uses in primary frontages, in centres with a particular historic or tourist function?

- 21) Is there justification for the requirements of policy SWDP 11? Is it sufficiently clear what the 5% threshold is measured against and which vehicles are affected by it? Is the reference to the HGV Route Network appropriate?
- 22) Is policy SWDP 11 consistent with Government policy for Strategic Rail Freight Interchanges?

- 23) Is policy SWDP 12 internally consistent, and consistent with policy SWDP 2, in defining the rural area to which it applies?
- 24) In seeking to prioritise the reuse of rural buildings for non-residential purposes, is policy SWDP 12 F consistent with national policy?
- 25) Are these policies sound in all other respects, are they effectively drafted to achieve their intended purpose, and do they provide a clear indication of how a decision-maker should react to a development proposal?

Wednesday 15 April 2015, AM & PM, beginning at 0930

Matter H: Housing provision (SWDP 13, 14, 16, 18, 19, 20)

Main issue:

Whether or not these policies provide an appropriate basis to guide housing development in the Plan area.

Questions

- 1) Is there justification for the density requirements of policy SWDP 13 F?
- 2) Is there justification for the 50% brownfield housing target in policy SWDP 13 H, and the priority given to previously-developed land in SWDP 13 H (ii)?
- 3) Are the provisions of policy SWDP 13 J & K consistent with national policy and with policy SWDP 3 (as amended)?
- 4) Are the provisions of policy SWDP 13 L & M consistent with national policy? Should criterion M apply only to holdings containing best and most versatile land?
- 5) Is paragraph 8 of the reasoned justification to policy SWDP 13 consistent with national policy?
- 6) Is it appropriate that policy SWDP 14 A refers specifically to “local” needs, and to the provision of “affordably-sized homes”, “bungalows” and “custom-built homes”?
- 7) Is there evidence to support the fourth sentence of paragraph 2, and the third sentence of paragraph 3, of the reasoned justification to policy SWDP 14?
- 8) Are policy SWDP 14 A and paragraph 2 of the reasoned justification sufficiently clear as regards the requirements for housing mix on sites above and below the 5-unit threshold?
- 9) Does policy SWDP 14 give sufficient recognition to viability considerations?
- 10) Should specialist housing schemes, such as retirement housing, be exempted from the requirements of policy SWDP 14 A & B?
- 11) Is there justification for the requirement in policy SWDP 14 C for changes of use to hostels to be limited to detached properties?
- 12) Are the provisions of policy SWDP 16 consistent with national policy?
- 13) Is policy SWDP 18 sound in all respects?
- 14) Are the “temporary mobile home” requirements for new rural enterprises, in paragraph 2 of the reasoned justification to policy SWDP 19, justified and consistent with national policy? Should those requirements be set out in the policy itself?
- 15) Is there justification for the economic sustainability test as set out at Annex G, paragraph 2(a)?

- 16) Is policy SWDP 20 too prescriptive? Should it rely instead on the Lifetime Homes standard to secure its objectives?
- 17) Does policy SWDP 20 A give sufficient recognition to viability and commercial considerations?
- 18) Should policy SWDP A specify that older persons' housing on windfall sites should be in sustainable locations?
- 19) Is there justification for the requirement in policy SWDP 20 C(i) to demonstrate an undersupply of Class C2 accommodation?
- 20) Should policy SWDP 20 C(iii) permit contributions to off-site affordable housing, rather than on-site provision, in connection with mixed-use C2 and C3 accommodation?
- 21) Should housing for older people and Class C2 extra-care housing, provided in accordance with policy SWDP 20, count toward the affordable housing provision on a residential development site?
- 22) Should the Plan include a policy on self-build homes?
- 23) Are these policies sound in all other respects, are they effectively drafted to achieve their intended purpose, and do they provide a clear indication of how a decision-maker should react to a development proposal?

Thursday 16 April 2015, AM, beginning at 0930

Matter I: Affordable housing (SWDP 15, PM41-44)

Main issue: *Whether or not the Plan's requirements for the provision of affordable housing are justified, effective and consistent with national policy.*

Questions:

- 1) Are the requirements of policy SWDP 15 (as amended by PM41-44) for affordable housing provision and tenure split supported by evidence, including in respect of need and viability?
- 2) Should policy SWDP 15 set out more clearly what is sought in terms of tenure split, by reference to the Development Viability Study 2008?
- 3) Is it appropriate for policy SWDP 15 to seek affordable housing on sites of less than 10 dwellings, having regard to the Written Ministerial Statement *Small-scale developers* of 28 November 2014 and the related sections of the *Planning Policy Guidance*?
- 4) Should policy SWDP 15 require 30% provision of affordable housing on all brownfield sites of 15 or more dwellings, not just those in Worcester?
- 5) Should specialist housing, such as retirement housing, be exempt from the requirement for on-site affordable housing provision?
- 6) Should policy SWDP 15 recognise the role of the private rented sector in providing affordable housing?
- 7) Does policy SWDP 15 offer a perverse incentive to bring forward rural exception sites under policy SWDP 16?
- 8) Is there justification for the use of Contingent Deferred Obligations as envisaged by policy SWDP 15 F?
- 9) Should the Plan set out a methodology for the financial viability assessments required by policy SWDP 15 F?
- 10) Is the role which policy SWDP 15 G envisages for the Affordable Housing Supplementary Planning Document appropriate?

- 11) Is the policy sound in all other respects, is it effectively drafted to achieve their intended purpose, and does it provide a clear indication of how a decision-maker should react to a development proposal?

Thursday 16 April 2015 PM, beginning at 1400

Matter J: Gypsies and Travellers (SWDP 17, PM 242-261)

Main issue: Whether or not the Plan's provisions to meet the needs of gypsies and travellers are justified, effective and consistent with national policy.

Questions:

- 1) Is there evidence to support the requirements for permanent and temporary pitches set out in Tables 5 and 6 (as amended by PM249 & 251)?
- 2) Should policy SWDP 17 A specify that provision will be made for the net requirement as a minimum?
- 3) Is it appropriate for policy SWDP 17 B, and paragraph 4 of the reasoned justification, to specify that broad locations for gypsy and traveller sites should be considered within or on the edge of existing settlements?
- 4) Is it appropriate for policy SWDP 17 B, and paragraphs 4 & 7 of the reasoned justification (para 4 as amended by PM256), to specify that broad locations for gypsy and traveller sites should be considered at the proposed Worcester urban extensions, and in Significant Gaps?
- 5) Is there justification for the reference to "a local planning designation" in policy SWDP 17 C(i)?
- 6) Should the word "adverse" in policy SWDP 17 C (iii), (iv) & (v) be replaced by "significant"?
- 7) Should policy SWDP 17 C(ix) be replaced by a phrase equivalent to policy SWDP 16 B(iii)?
- 8) Is there justification for the requirements in policy SWDP 17 D (as amended by PM245) that applications should "meet" the criteria of the policy, and contribute to meeting unmet need?
- 9) Is the first sentence of PM257, paragraph 15, an accurate reflection of the guidance it is intended to reflect?
- 10) Is the policy sound in all other respects, is it effectively drafted to achieve their intended purpose, and does it provide a clear indication of how a decision-maker should react to a development proposal?

Tuesday 21 April 2015, AM & PM, beginning at 0930

Matter K: Environmental enhancement and protection (SWDP 21, 22, 23, 24, 25, 38)

Main issue: *Are the requirements of these policies justified and consistent with national policy?*

Questions:

- 1) Are the overall design requirements of policy SWDP 21 justified and consistent with national policy?
- 2) Is policy SWDP 21 overly prescriptive, and does it take adequate account of viability considerations?
- 3) Should the more detailed requirements of policy SWDP 21 be devolved to a Supplementary Planning Document?
- 4) Are the requirements of policy SWDP 21 B(iii) justified and effective?
- 5) Is there justification for the requirement in policy SWDP 21 B(v) to exceed national timetables for zero-carbon development?
- 6) Are the requirements of policy SWDP 21 B(v) compatible in all circumstances with the other objectives of the policy?
- 7) Are the requirements of policy SWDP 21 B(viii), first sentence, justified?
- 8) Are the provisions of policy SWDP 22 justified and consistent with national policy?
- 9) Is it necessary for policy SWDP 22 B(iii) to require a legal agreement?
- 10) Does policy SWDP 22 give adequate recognition and protection to the Abberley and Malvern Hills Geopark?
- 11) Are the off-site compensation provisions of policy SWDP 22 C appropriate in the case of geological sites?
- 12) Should policy SWDP 23 C be relocated to the reasoned justification?
- 13) Are the provisions of policy SWDP 24 justified and consistent with national policy?
- 14) Should policy SWDP 24 C provide references to key sources of evidence?
- 15) Is policy SWDP 25 justified in the weight it gives to the preservation of landscape character? Is it consistent with the presumption in favour of sustainable development?
- 16) Is the reasoned justification to policy SWDP 25 justified in referring to the landscape as a “heritage feature”?
- 17) Are policy SWDP 38 and the Policies Map justified and consistent in the way that they define the Local Green Network?
- 18) Should policy SWDP 38 be amended to recognise that some parts of the Local Green Network are allocated for development?
- 19) Is the aim of policy SWDP 38 A(ii) to address existing deficiencies in provision justified and consistent with national policy?
- 20) Are these policies sound in all other respects, are they effectively drafted to achieve their intended purpose, and do they provide a clear indication of how a decision-maker should react to a development proposal?

Wednesday 22 April 2015 AM, beginning at 0930

Matter L: Management of water and mineral resources, pollution & waste
(SWDP 28, 29, 30, 31, 32, 33)

Main issue: Are the requirements of these policies justified and consistent with national policy?

Questions:

- 1) Are the requirements of policy SWDP 28 B(iv) justified and consistent with national policy?
- 2) Are the requirements of policy SWDP 30 C justified by evidence and consistent with national policy and the Building Regulations?
- 3) Do the requirements of policy SWDP 30 D take adequate account of viability considerations?
- 4) Is policy SWDP 30 necessary or does it unnecessarily duplicate other legislation?
- 5) Should policy SWDP 32 A(i) include a reference to viability considerations?
- 6) Are these policies sound in all other respects, are they effectively drafted to achieve their intended purpose, and do they provide a clear indication of how a decision-maker should react to a development proposal?

Matter M: Tourism and Community Uses (SWDP 34, 35, 36, 37, 39, 40, 41, 42)

Main issue: Are the requirements of these policies justified and consistent with national policy?

Questions:

- 1) Should policy SWDP 34 A(ii) also refer to the natural environment, and should paragraph 4 of the reasoned justification specifically mention the Abberley and Malvern Hills Geopark?
- 2) Should policy SWDP 37 give greater guidance on the provision of community facilities and require early consideration of the use of existing buildings, including church property?
- 3) Are the requirements of policy SWDP 39, including Table 10, justified by evidence and consistent with policy SWDP 5 and with national policy?
- 4) Are these policies sound in all other respects, are they effectively drafted to achieve their intended purpose, and do they provide a clear indication of how a decision-maker should react to a development proposal?

Wednesday 22 April 2015 PM, beginning at 1400

Matter N: Telecommunications, broadband and energy (SWDP 26, 27)

Main issue: Are the requirements of these policies justified and consistent with national policy?

Questions:

- 1) Should policy SWDP 26 be amended to recognise the availability of telecommunications and broadband as a sustainability credential in new development proposals?
- 2) Is policy SWDP 26 A justified and consistent with national policy in requiring developers to facilitate and contribute towards the provision of broadband infrastructure?
- 3) Are the requirements of SWDP 26 C & D justified and consistent with national policy?
- 4) Are the requirements of policy SWDP 27 in respect of carbon dioxide emission reduction targets and CHP justified by evidence and consistent with national policy and the Building Regulations? Should different requirements be made?
- 5) Is there justification for the provisions of policy SWDP 27 C & D and are these parts of the policy effectively expressed?
- 6) Is policy SWDP 27 G justified and consistent with national policy in seeking a financial contribution towards the Carbon Offset Fund, including in circumstances where financial viability prevents the other policy targets being met?
- 7) Are the provisions of policy SWDP 27 H in respect of off-site renewable and low-carbon energy schemes justified and consistent with national policy?
- 8) Are these policies sound in all other respects, are they effectively drafted to achieve their intended purpose, and do they provide a clear indication of how a decision-maker should react to a development proposal?

Thursday 23 April 2015 AM, beginning at 0930

Matter O: Implementation, Viability & Monitoring (SWDP 62, 63)

Main issues: Whether or not the Plan contains adequate provisions for implementation and monitoring.

Whether or not the development sought by the Plan is deliverable having regard to viability considerations.

Questions:

- 1) Is policy SWDP 62 sound and consistent with national policy in respect of the provisions it makes for implementation of the Plan's proposals?
- 2) Should policy SWDP 62 make specific reference to phasing so as to accord with SWDP 8 E?
- 3) Is there evidence to show that the cumulative impact of the Plan's standards and policies will not put its implementation at serious risk, and will facilitate development throughout the economic cycle?
- 4) Does policy SWDP 63 contain adequate provisions to ensure that the implementation of the Plan is effectively monitored?

3 February 2015