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Please refer to enclosed document

Please use the space below to make comments on this part of the Neighbourhood Plan.

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SignatureC Burchell..... **Date** ...18/12/18.....

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Submission Draft Malvern Neighbourhood Plan (2015-2030)

Land off Hayslan Road, Malvern

Representations by Savills on behalf of Barwood
Land



Introduction

1.1 This Report has been prepared by Savills on behalf of Barwood Strategic Land II LLP (Barwood Land) in response to the submission draft version of Malvern Neighbourhood Plan and in particular, its proposed Local Green Space ('LGS') designation of land off Hayslan Road, Malvern.

Site Ownership/Site

1.2 The land controlled by Barwood Land comprises 8.5 hectares of land, comprised of 3 fields to the east of the railway line, heading north towards Malvern Link ('the Site'). The site is in private ownership, with no public access permitted other than on the designated Public Rights of Way. The two eastern most fields (known locally as 'Hayslan Fields' is was last used as school playing fields over 20 years ago and has been in agricultural use ever since.

The draft Malvern Neighbourhood Plan

1.3 The draft Malvern Neighbourhood Plan ('the draft NP'), prepared by Malvern Town Council ('the Town Council'), will be formally submitted to Malvern Hills District Council ('the District Council') after consultation has taken place. Consultation was carried out until 26th January 2018. Currently, Regulation 16 consultation is taking place until Friday 21st December 2018.

1.4 Following this consultation, the draft NP will become the subject of an independent examination to ensure it meets 'basic conditions and other matters' as set out at Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and the national Planning Practice Guidance ('the PPG').

Summary of Representations

1.5 The draft NP proposes the designation of the Site as Local Green Space ('LGS') through proposed Policy MG1. This designation is illustrated at Figure 5.1.2 of the draft NP which refers to the Site as 'Hayslan Fields, Hayslan Road'.

1.6 Barwood Land wholly objects to the proposed LGS designation of the Site for the reasons which this Report explains in detail.

Report Structure

1.7 The following Section of this Report sets out the relevant policy context in greater detail while Section 3 provides Barwood Land's response to the draft NP having regard to 'basic conditions' and in particular:

- Appropriateness, having regard to national planning policy and the advice of the Secretary of State;
- Contribution to the delivery of sustainable development; and
- General conformity with the strategic objectives of the District Council's emerging Local Plan.

1.8 Appendix 1 of this Report comprises a report prepared by Tyler Grange which provides a review and critique of the methodology and findings of the Consultation Draft Visual Study Report that forms the evidence base to the Neighbourhood Plan.

1.9 In summary, and as this Report explains, the proposed LGS designation of the Site does not meet 'basic conditions' and must therefore be removed from the Neighbourhood Plan before it is subject to a local referendum.

National and Local Planning Policy Context

2.1. The Localism Act (2011) makes provision for Neighbourhood Planning, empowering local communities to develop a shared vision for their neighbourhood and deliver the sustainable development they need through planning policies relating to the development and use of land.

Basic Conditions

2.2. For a Neighbourhood Plan to proceed to a referendum, the Localism Act requires the appointed Examiner to consider whether it meets the 'basic conditions' set out at Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and summarised in Paragraph ID41-065-20140306 of the national Planning Practice Guidance (PPG).

2.3. The basic conditions are:

"(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

(b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.

(c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.

(d) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

(e) The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).



(f) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

(g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)."

National Planning Policy and Guidance

- 2.4. The National Planning Policy Framework ('the NPPF'), originally published in 2012 and revised in July 2018, sets out the requirements for the preparation of Neighbourhood Plans and the role they must play in meeting the development needs of the local area.
- 2.5. The requirements set out in the NPPF are supplemented by the Neighbourhood Plan section of the national Planning Practice Guidance ('the PPG') and its allied sections on Viability, Housing Land Availability Assessment and Strategic Environmental Assessment. The provisions of the NPPF and the PPG are mandatory material considerations for the purposes of basic condition 8(2)(a). Paragraph 214 of NPPF 2018 states that *"the policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019"*. It is unlikely that the MNP will be submitted for examination before this date, however, for the purposes of completeness we have made reference to the relevant paragraphs of NPPF 2012 and NPPF 2018 throughout this document.
- 2.6. The NPPF, in placing a presumption in favour of sustainable development at its heart, recognises that for Neighbourhood Planning, this will mean that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Neighbourhood plans should be in general conformity with the strategic policies contained in any development plan that covers their area. They should *"shape and direct development that is outside of these strategic policies"* (para. 7).
- 2.7. The PPG adds at paragraph 040 (Reference ID 41-040-20160211) that *"...proportionate, robust evidence should support the choices made and the approach taken"* by a Neighbourhood Plan and in respect of their preparation, states that:

"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared." (Paragraph 041 Reference ID 41-041-20140306)

- 2.8. The PPG also advises that those responsible for a Neighbourhood Plan, i.e. the qualifying body, must demonstrate how the draft Neighbourhood Plan will contribute towards sustainable development, being underpinned by *"proportionate evidence....on how the draft neighbourhood plan or order guides development to sustainable solutions"* (paragraph 072 Reference ID: 41-072-20140306).

Local Green Space Provisions

- 2.9. Paragraph 99 of the NPPF 2018 states that local communities through local and neighbourhood plans *"...allows communities to identify and protect green areas of particular importance to them"*.
- 2.10. The NPPF acknowledges that *"designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period"* (NPPF 2018 para. 99 / NPPF 2012 para. 76). The NPPF goes on to state that designating land as LGS *"should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services"* (NPPF 2018 para 99/ NPPF 2012 para 76).
- 2.11. With this in mind, both the NPPF 2018 and 2012 are explicit in stating that Local Green Space designation should only be used where the green space is:
- *"in reasonably close proximity to the community it serves;*



- *demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *local in character and is not an extensive tract of land"* (NPPF 2018 para 100 / NPPF 2012 para. 77).

2.12. Importantly, NPPF 2012 para. 77 states that 'the Local Green Space designation will not be appropriate for most green areas or open space.'

2.13. In order for an area to be designated as Local Green Space, it has to meet all the criteria for designation set by paragraph 100 of the NPPF 2018. It is therefore essential that, when seeking to designate LGS, plan-makers clearly demonstrate, through compelling evidence, that the requirements for its designation are met in full. These being: it is reasonably located to the community it serves; it is demonstrably special to a local community and is of a particular local significance; it is local in character; and it is not an extensive tract of land.

2.14. NPPF 2018 para. 101 states that "*policies for managing development within a Local Green Space should be consistent with those for Green Belts*". Effectively, designated Local Green Space affords a similar level of protection as that afforded to the Green Belt. This reinforces how important it is that plan-makers include evidential and robust information to support their proposed LGS designations and clearly demonstrate that their application meets national planning policy requirements in full. To assist plan-makers further in this regard, the PPG provides the following advice:

- Paragraph: 007 Reference ID: 37-007-20140306: "*Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making*" [Savills emphasis].



- Paragraph: 009 Reference ID: 37-009-20140306: *"Local Green Spaces may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city"* [Savills emphasis].
- Paragraph: 011 Reference ID: 37-011-20140306: *"Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space"*.
- Paragraph: 013 Reference ID: 37-013-20140306: *"The green area will need to meet the criteria set out in paragraph 77 of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis"* [Savills emphasis].
- Paragraph: 015 Reference ID: 37-015-20140306: *"There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name".* [Savills emphasis].

The Development Plan

2.15. In order to meet basic condition (e), the draft NP must be in general conformity with the strategic policies contained in the Development Plan which in this instance comprise the saved policies of The Malvern Hills District Local Plan (1996-2011) and the South Worcestershire Development Plan (adopted Feb 2016).

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- 2.16. The draft NP must take into consideration the adopted South Worcestershire Development Plan which sets out the District Council's current direction of travel in planning policy terms and land allocations.
- 2.17. Within the SWDP, Malvern is identified as the *"principal urban area within Malvern Hills District"* and is a *"centre of employment for a large part of the district"* (pg.24). Malvern is classified as 'Main Town' falling second within the settlement hierarchy as set out in Policy SWDP2. It is one of the largest Market Towns in the area and provides two train stations, offering strong links to the region and, albeit less regularly, to London. The South Worcestershire Development Plan focuses future housing and employment growth within the main towns, such as Malvern.
- 2.18. The SWDP Spatial Context states that *"Malvern needs to provide for appropriate infrastructure, maintain the vibrant and successful town and district centres and meet the housing and community needs of the existing and future population, whilst also recognising that it is important as a tourist and cultural destination"*. Policy SWDP2 establishes that the Main Towns will continue to be *"the focus of balanced growth"*. Within the Main Towns, policy will support *"housing development and the necessary associated infrastructure delivered through urban extensions, other allocations and infill development within defined development boundaries"*.
- 2.19. In order to secure its future growth, SWDP3 sets a housing target of approximately 28,400 net dwellings across the plan period to 2030, with 5,350 net additional dwellings to be provided in the 'Wider Worcester Area (Malvern Hills and Wychavon).' SWDP3 also seeks to establish employment land provision for about 280ha of which 40ha should be within Malvern. Based upon the current available evidence, it is likely that the housing requirement for the Review of the SWDP will increase above the current adopted level.
- 2.20. Strategic Policy SWDP5 relates to Green Infrastructure (GI) within housing development proposals, requiring schemes to contribute towards the *"provision, maintenance, improvement and connectivity of Green Infrastructure"*, subject to financial viability. Part C of the policy states that *"proposals that would have a detrimental impact on important GI attributes within the areas identified as 'protect and enhance' or 'protect and restore' as identified on the Environmental Character Areas map, will not be permitted"* unless it can be demonstrated that the GI is surplus



to requirements and that replacement of, or investment in, GI of equal benefit is secured. The Environmental Character Areas map indicates that the Site is categorised as 'urban - unsurveyed' with no identified requirement to protect and enhance or protect and restore.

- 2.21. The Site is designated Green Space within the adopted Policies Map. This is governed by Policy SWDP38 which restricts development on Green Space, subject to certain criteria. The site is therefore already protected by a development plan designation.
- 2.22. The SWDP is currently being reviewed, with a consultation ongoing at the current time. The consultation document confirms that the housing requirement for South Worcestershire is under review, and also that the strategic plan period will be extended to 2041. The consultation document, at 2.7-2.8, confirms that emerging NDPs will be required to take account of the emerging strategic policies, and that a housing requirement will be identified for the relevant neighbourhood plan area.

Summary

- 2.23. For a Neighbourhood Plan to proceed to a referendum, it must meet all 'basic conditions' set out at Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).
- 2.24. It is clear, from the above, that the approach towards the designation of LGS is one which requires compelling evidence to clearly demonstrate that it meets the requirements of national planning policy in full.
- 2.25. It has also been demonstrated that the draft NP must show regard to the South Worcestershire Development Plan. In particular, the draft NP must have regard to the approach within the plan which seeks to ensure that Malvern provides an increasing number of employment opportunities and housing developments, whilst maintaining the character of the area.
- 2.26. There is existing policy protection for Hayslan Fields within Policy 38 of the SWDP.

Response to the draft Neighbourhood Plan

- 3.1 This Section provides the representations to the draft NP made on behalf of Barwood Land. These representations specifically relate to proposed Policy MG1 of the draft NP which seeks to designate a total of 7 Local Green Spaces (LGSs), in different locations, throughout the Town. Barwood Land fundamentally objects to the proposed designation of the Site, described at Section 1, as LGS through Policy MG1.
- 3.2 The Site is described as "*Hayslan Fields*" by both Policy MG1 and its supporting Figure 5.1 (entitled 'Local Green Space') which depicts the location of the proposed LGSs throughout the town.

Policy MG1: Local Green Space

Policy Wording

- 3.3 Policy MG1 of the draft NP reads:
- 3.4 *"Development on sites designated as Local Green Spaces (LGS) as listed below and shown on the Key Diagram and at figure 5.1 will not be permitted unless it is considered appropriate to its function as a special area of green space within the NPA or there are very special circumstances that demonstrate that the harm to the LGS is clearly outweighed by other considerations."*
- 3.5 Local Green Space Sites:
- Malvern Vale Community Centre playing fields, Swinyard Road
 - Lower Howsell Road playing fields, Lower Howsell Road
 - Victoria Park, Pickersleigh Avenue
 - Dukes Meadow, Pickersleigh Road

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- Hayslan Fields, Hayslan Road
- Priory Park, Priory Road
- Rosebank Gardens, Wells Road

Development considered appropriate on an LGS could include:

1. Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries providing it preserves the function and value of the LGS;
2. The extension or alteration of an existing building providing it does not result in disproportionate additions over and above the size of the original building and does not have an unacceptable adverse impact on the function and value of the LGS; and,
3. The replacement of an existing building within the LGS, provided the new building is in the same use, is not materially larger than the one it replaces and does not have an unacceptable adverse impact on the function and value of the LGS.

Policy Justification

3.6 The Town Council's justification for Policy MG1 is set out at paragraph 5.2.1 of the draft NP which states that:

"Beyond the Commons the settlement includes a number of green spaces that also contribute to the character of the area, are used for informal and formal recreation and have ecological and biodiversity value. These greenspaces along with the Commons, the Hills and the wider countryside are an essential part of its green infrastructure. They are important in underpinning the overall sustainability of the NPA by performing a range of functions including flood risk management, the provision of accessible greenspace, climate change adaptation and supporting biodiversity".

3.7 For the reasons explained below, Barwood disagrees with this statement.

- 3.8 The individual justification for each of the LGSs proposed does not form part of the draft NP or BCS, although an assessment table of the sites is provided at Appendix 5.2 of the draft NP. The full assessment forms part of an evidence base document available to view on the Town Council's website. This document, entitled 'Proposed Local Green Space Sites' (Malvern Town Council October 2018), includes brief reasons for the protection of the LGSs identified at Policy MG1.
- 3.9 The Proposed Local Green Space Sites document makes reference to NPPF 2018, despite the BCS confirming that the draft NP will be assessed against the policies set out in NPPF 2012. It describes the Site as a 'very extensive area of 8.5 hectares' comprising three fields. Section 11 of the document provides a brief assessment of Hayslan Fields. Para. 11.4 states that 'the Pickersleigh Residents Group is leading a campaign, supported by the Malvern Civic Society, to prevent housing development of the fields, and is hoping to acquire them as a public space. Appendix E provides a statement from the Group. So far, an application to have the fields named as an Asset of Community Value and given Village Green Status has failed, on technical points.'
- 3.10 The document goes on to state at paras 11.6 and 11.7 that the fields are used by walkers and naturalists. It states that 'they are a well-used amenity for the many residents who live nearby, who enjoy the wide open space with stunning views towards Great Malvern and the hills.'
- 3.11 Para 11.9 claims that the fields are a 'tranquil natural space' which serve as part of the 'Local Green Network' and provide a green break which enhances the visual amenity, when seen from the hills.
- 3.12 Appendix D includes an extract from an appeal decision which has not been referenced. We understand that this is an extract from the Inspector's report of Appeal Ref. APP/J1860/W/15/3016539 dated 26 July 2016. The submitted extract provides an assessment of the appeal scheme against policy SWDP38 but does also include some comments on the Site's use for informal recreation at para 26.

- 3.13 Appendix E contains a report prepared by Pickersleigh Residents Group presenting evidence for the Site to be designated LGS. This report outlines the public opposition to previous applications to develop the Site and states that the 'Inspector's Report [ref APP/J1860/W/15/3016539], the documentation used to defeat this Application [LPA Ref. 14/01301/OUT] and the Appeal, together with the adopted South Worcestershire Development Plan, form substantial and significant evidence for the Fields to be designated as Local Green Space'. It is noted that neither the Inspector's Report nor the SWDP provide an assessment of the site against the NPPF criteria. The '*documentation used to defeat this application*' has not been included within the Appendix and we are unable to comment on this.
- 3.14 Appendix E also states that the views from the Malvern Hills AONB towards the Site 'are part of the reason they are designated as AONB.' The Inspector's Report (PINS ref APP/J1860/W/15/3016539) states at para. 36 that the development of the Site would not have 'any direct impact on the AONB's landscape beauty' confirming that the AONB designation is unrelated to any views towards the Site.
- 3.15 Appendix E makes reference to the extensive PROWs that cross the site. As the evidence base itself notes at para 3.17, in accordance with PPG para 017, 'There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation.' This was also upheld in the Examiner's Report on the Freshford and Limpley Stoke Neighbourhood Plan.
- 3.16 Appendix E also makes reference to a photographic record of activities on the fields, however, to the best of our knowledge this has not been included within the evidence base document as it is not available on the Town Council's website. It is important to highlight that public access to the site, beyond the PROW, is not permitted and so anyone straying from the PROW and using the wider site is doing so without authorisation and are trespassing. We would also like to bring to the attention of the Examiner, that an application seeking that the site is designated as a Village Green and two applications seeking that the site is designated as an Asset of Community Value on the basis that the site has a wider recreational value have previously been refused.



3.17 Appendix E, together with the statement at para 11.4 of the Proposed Local Green Space Sites document is a clear indication that the Town Council has purposefully sought to designate the Site as LGS in order to restrict any future development at the Site throughout the lifetime of the plan, instead of appraising the Site against the relevant criteria for LGS as set by the NPPF. If a full assessment is not carried out, this is tantamount to a green belt designation which is a strategic issue and is therefore not appropriate for a Neighbourhood Plan.

Representations to Policy MG1

3.18 Barwood Land objects to Policy MG1 of the draft NP and specifically the designation of Hayslan Fields site as LGS for those reasons explained below.

Reason 1: The proposed LGS designation at the Site does not meet all the requirements of paragraph 77/ 100 of the NPPF in full

3.19 The requirements of paragraph 100 of the NPPF, and Barwood Land's response to each of these in respect of the Site and its proposed LGS, are set out at Figure 1 below.

Figure 1: Assessment of NPPF 2018 Paragraph 100/ NPPF 2012 Paragraph 77

<p><i>a) in reasonably close proximity to the community it serves</i></p>	<p>The Site is in close proximity to residential areas to the east.</p>
<p><i>b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing</i></p>	<p>No robust evidence has been submitted to support the claim that the Site is demonstrably special to the local community. Appendix 5.2 of the draft NP contains an assessment table which is not fully substantiated. While some of the issues have been raised in the evidence base, not every issue has been fully assessed, and in some cases there has been no assessment whatsoever. We consider each issue within the assessment table in turn below:</p> <p>Demonstrably special: While the evidence base claims that residents enjoy views towards Great Malvern from the Site, no evidence is presented to substantiate the claim that the Site is</p>



<p><i>field), tranquillity or richness of its wildlife; and</i></p>	<p>‘demonstrably special’ to any particular local community. The evidence base also includes a quotation purported to be from ‘a Government Inspector’ which states that the Site <i>‘provides a major asset as urban green space’</i>, however, this quotation is not attributed and has not been taken from the Appeal Decision or the Inspector’s Report on the Examination of the SWDP. Again, this does not make reference to any particular local community, beyond some local residents, for whom the site holds a particular local significance.</p> <p>Beauty/ visual amenity: The draft NP and evidence base does not provide a landscape assessment to assess the visual amenity of the site.</p> <p>Historic/ cultural significance: An application for outline permission for the redevelopment of the site was submitted in September 2014 (LPA Ref.14/01301/OUT) . This included an Archaeological and Heritage Assessment prepared by EDP which confirms that, with the exception of a Grade II listed boundary marker, there are no designated heritage assets within the site. The Assessment also notes that a trial trench evaluation found no evidence for archaeological activity within the site. At the time of the application submission, the Historic Environment Planning Officer confirmed that no deposits of archaeological significance were identified within the site.</p> <p>In addition, the MNP evidence base confirms that a field evaluation undertaken February 2018 found no archaeological features and only a limited amount of prehistoric material. This has not been included within the evidence base and we would query whether this work has been undertaken, as permission was not sought from Barwood or the Landowner to access the site and carry out any fieldwork. Paragraph 11.8 of the evidence base document states that the footpaths crossing the site are a ‘key historic feature’, however, as PROWs, these are already protected under existing</p>
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	<p>legislation. Therefore no evidence of historic significance has been presented. Recreational value: the evidence base confirms that the Site has not been used as playing fields for over 20 years. In terms of other recreational uses, the evidence base states that the Site is used by walkers and naturalists. Access however is limited to the public rights of way which are protected under separate legislation.</p> <p>Tranquil: the evidence base document describes the site as ‘tranquil’, however, this is a subjective assessment without further evidence to substantiate the claim. The Inspector’s Appeal Decision states that passing trains from the adjacent railway are intrusive, particularly within the western part of the Site (PINS Ref. PP/J1860/W/15/3016539 para 30). In such circumstances it appears perverse to claim that the site is tranquil.</p> <p>Wildlife: there are no statutory or non-statutory designations affecting the Site, nor is there any evidence to suggest that it is ‘rich in wildlife.’ The Town Council has not provided any evidence to suggest otherwise.</p> <p>The application for outline permission (September 2014) was supported by an Ecological Appraisal prepared by EDP. This confirmed that the site comprises three field parcels of ‘species-poor semi improved grassland’ and that the habitats on site are of no more than ‘local (parish)’ importance. Malvern Hills District Council raised no objections on ecological grounds.</p>
<p><i>c) local in character and is not an extensive tract of land</i></p>	<p>The PPG recognises that there are ‘no hard and fast rules about how big a Local Green Space can be’. NPPF 2018 paragraph 100(c) states that LGS should not be ‘an extensive tract of land’.</p> <p>Figure 5.1 of the Draft NP depicts the location of LGSs proposed although does not provide any indication of their size. It is evident from Fig. 5.1 that the LGS proposed at the Site is significantly larger than the other proposed LGSs; the evidence base document</p>



	<p>describes the Site as 'very extensive' at para. 11.1.</p> <p>Although the Site is bounded on all sides by urban development, owing to its size it is considered to be an 'extensive tract of land', which is acknowledged within the evidence base itself.</p>
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3.20 As set out in Fig. 1, the evidence base document does not contain robust evidence to support all of the criteria which are purported to be assessed in Appendix 5.2 of the draft NP. This is directly contrary to PPG para. 040 (as above).

Reason 2: The BCS fails to include a robust assessment of Policy MG1 against prevailing national planning policy and guidance

3.21 The BCS provides only limited assessment of the individual policies within the draft NP against national planning policy and guidance and as such, it fails to meet 'basic condition (a)'. Rather, the BCS sets out each adopted policy and states that policies within the draft NP are in conformity without providing supporting evidence to confirm this.

3.22 In particular we query paras 7.15 and 7.16 of the BCS which state that NP Policy MG1 is in accordance with adopted policy SWDP5: this is clearly not the case since the strategic policy relates to the provision of GI within new development and the protection, enhancement, and restoration of GI identified within the Environmental Character Area Map. As above, the Site is identified as 'Urban' with no requirement to protect, enhance or restore, and in this respect Policy MG1 is unrelated to strategic policy SWDP5. It therefore cannot be claimed to be in conformity with it.

Reason 3: Policy MG1 does not accord with the strategic objectives of the Development Plan and could preclude the delivery of sustainable development

3.23 As set out above, Malvern is identified as a Main Town and falls within the second tier of the development hierarchy. Policy SWDP2 requires Main Towns to continue to be the focus of balanced growth. Housing development, including infill development within defined development boundaries, will be supported in these locations.



- 3.24 Policy SWDP3 plans for an additional 40ha of employment land and 5,350 net additional dwellings over the plan period in the 'Wider Worcester Area', which includes Malvern. This includes an estimated 372 homes from windfall sites and at least 800 homes from strategic sites. This indicates that there is a need for smaller sites to come forward during the NP period, particularly if the delivery of strategic sites is constrained and/or delayed.
- 3.25 The Site occupies a sustainable location within a Main Town in which adopted strategic policies aim to secure managed growth for employment and housing, together with additional infrastructure.
- 3.26 Furthermore, the South Worcestershire Development Plan is currently in the process of being reviewed. It is through this Review process which the local planning authority will balance the need for development against a wide range of material considerations including the preservation of identified environmental assets. The Review of the Development Plan is therefore the appropriate planning mechanism to determine whether the existing Green Space policy protection remains justified. This balanced planning judgement should not be fettered by the Neighbourhood Plan designating LGS on land which, in whole or in part, may be required for development.

Reason 4: No evidence has been provided to support the LGS of the Site

- 3.27 The NPPF 2012 is explicit in recognising that LGSs will not be appropriate for most green areas or open space and so it identifies a number of criteria which LGSs must meet at para 100 (NPPF 2018).
- 3.28 It is therefore essential that, when seeking to designate LGSs, plan-makers clearly demonstrate, through compelling evidence, that the requirements for its designation are met in full, these being it is reasonably located to the community it serves; it is demonstrably special to a local community and is of a particular local significance; it is local in character and it is not an extensive tract of land (para. 100). As set out at Figure 1 above, by failing to give full consideration to the specific requirements of the NPPF, it is clear that the Town Council has not undertaken a thorough and robust assessment to justify their proposed LGS designations. This



approach is contrary to national guidance which states that ‘...proportionate, robust evidence should support the choices made and approach taken by a Neighbourhood Plan’ (PPG 040 ID 41-040-20140306). The draft NP therefore fails to meet ‘basic condition (a)’ for this reason.

Reason 5: The land is subject to an existing Green Space designation and the LGS designation is therefore unnecessary

3.29 Paragraph 011 of the PPG states that if land is already protected by designation then consideration should be given to whether any additional local benefit would be gained by designation as an LGS.

3.30 As explained above, the proposed LGS at Hayslan Fields is covered by Policy 38 (Green Space) of the adopted South Worcestershire Development Plan. This policy precludes development considered to be inappropriate unless the specified ‘exceptional circumstances’ are demonstrated. Since development plan policy protection already exists, there is no need or justification for the LGS designation. Indeed, this would simply duplicate the policy position, contrary to the provisions of the PPG.

Reason 6: Lack of notification regarding the proposed LGS

3.31 The PPG states that, in respect of LGSs, the qualifying body, i.e. those responsible for the preparation of the Neighbourhood Plan, which in this instance is the Town Council, “...should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan”.

3.32 Savills has been advised that the landowners, and Barwood Land, have not been notified of the proposed LGS at the Site until a very late stage in the preparation of the Neighbourhood Plan – Malvern St James’ School was only notified in September 2018 when the Visual Study was consulted upon and Barwood Land was only consulted when this consultation was published. As a result, Barwood Land have had limited time to prepare their representations and no opportunity to discuss this with the Neighbourhood Plan Group. The Town Council has therefore

failed to follow PPG advice and so the application of Policy MG1 of the draft NP fails to meet 'basic condition (a)' for this reason.

Summary

- 3.33 This Section clearly demonstrates that the proposed LGS at the Site fails to comply with the requirements of paragraph 100 of the NPPF and in doing so, Policy MG1 fails to meet 'basic condition (a)'. It has also highlighted that the Town Council has provided no evidence to support its designation, with no assessment whatsoever of the proposed draft NP policies against national planning policy and guidance within the BCS.
- 3.34 The designation is also unnecessary as the land is covered by an existing Green Space designation in the adopted SWDP.
- 3.35 For those reasons explained above, the proposed LGS 'Hayslan Fields' must be deleted before the draft NP proceeds to a referendum. The Town Council must provide compelling evidence to support the designation of LGSs and has failed to do so to date.

Conclusions

- 4.1. The proposed LGS designation of the Hayslan Fields Site:
- is not based upon a thorough and robust evidence base;
 - does not meet the requirements of paragraph 100 of the NPPF 2018 (NPPF 2012 para 77);
 - has the potential to significantly undermine the delivery of sustainable development throughout the plan period by applying a blanket designation to this sustainably located site; and
 - is unnecessary and will duplicate the policy protection afforded by the adopted SWDP.
- 4.2. For these reasons, the proposed LGS designation on Hayslan Fields should be deleted.

Land off Hayslan Road, Malvern

Representations by Savills on behalf of Barwood Strategic Land II LLP



Appendix 1

Hayslan Fields, Malvern

10902_R02a_ Malvern Neighbourhood Plan Visual Study

Consultation: Landscape and Visual Review

1.0 Introduction and Purpose

- 1.1. This short report has been prepared by Tyler Grange on behalf of Barwood Land to support representations to the Malvern Neighbourhood Plan Visual Study Consultation that are being made in respect of land at Hayslan Fields.
- 1.2. The report provides a review and critique of the methodology and findings of the Consultation Draft Visual Study Report (the Visual Study) that forms part of the evidence base to inform local policies and designations within the emerging Submission Malvern Neighbourhood Plan and to inform development control decisions.
- 1.3. The report also makes reference to the wider environmental evidence base to the Neighbourhood Plan where there is cross-over between the Visual Study, especially in respect of judgements that are made about the visual attributes and landscape characteristics, features and qualities.
- 1.4. For clarity, the documents referred to within this report are as listed below:
 - Malvern Neighbourhood Plan 2015-2030 – Submission Version, September 2018
 - Malvern Neighbourhood Plan – Visual Study Report: Draft for Consultation September 2018, Carly Tinkler CMLI
 - Malvern Area of Outstanding Natural Beauty ‘Guidance on Identifying and Grading Views and Viewpoints’
- 1.5. Taken together, the above documents have been used to inform and justify the policies and designation within the Submission Neighbourhood Plan. This includes the proposed designation of the land at Hayslan Fields as ‘Local Green Space’.
- 1.6. To address issues with the evidence base identified through the review and critique of the Visual Study, this report also provides a review of the justification for the designation of land at Hayslan Fields as Local Green Space as set-out in the Submission Neighbourhood Plan.
- 1.7. The report has been prepared by a Chartered Member of the Landscape Institute and has been informed by fieldwork to determine the character and visual context and to verify the key views identified by the Visual Study.

2.0 Malvern Neighbourhood Plan

Visions and Objectives

- 2.1. The Neighbourhood Plan identifies 12 Objectives that form the foundation of the plans’ policies and proposals. These are based on the spatial issues and considerations within the

Tyler Grange LLP, Unit 430 Scott House, Custard Factory, Gibb Street, Birmingham, B9 4DT

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Registered Office: Marsden Estate, Rendcomb, Cirencester, Gloucestershire. GL7 7EX



plan area, as well as the community's' views and opinions on the future of Malvern.

- 2.2. The first three Objectives are of relevance to key views and the landscape within the Neighbourhood Plan Area (NPA):
1. *Retain the existing character of Malvern's historic spa town and its countryside setting adjacent to the Hills and Commons and ensure that new development enhance this character and are fully integrated into the fabric and infrastructure of the Area.*
 2. *Protect and enhance the Area's green infrastructure, landscape and nature conservation assets including its Hills, its Commons, its countryside and network of greenspaces within the urban area and ensure that new development protect and enrich the Area's visual amenity, key views and vistas, natural environment and landscape character.*
 3. *Protect and enrich the Area's heritage assets and historic environment and ensure new development sustains and enhances the significance of designated and non-designated heritage assets within the Area's existing townscape and landscape,*

- 2.3. As considered further below, when considering the land at Hayslan Fields, it is only the second objective that is of particular relevance to Key Views and the Visual Study:

- **Objective 1** is concerned with the historic town and the countryside setting adjacent to the Hills and Commons.

The land at Hayslan fields is situated within the wider urban area of Malvern separated from the historic spa town by the railway line and does not lie adjacent to either the Hills or Commons. The land is bounded by residential development and areas of formal recreation / sports facilities.

- **Objective 3** seeks the protection of heritage assets and the historic environment.

There are no listed buildings within or adjacent to Hayslan fields. Furthermore, the land does not lie within or adjacent to a Conservation Area, or their setting, nor within any identified important views to or from either Trinity or Greater Malvern Conservation Areas. The land is not a Registered Park and Garden or part of a designed historic landscape.

Strategy

- 2.4. When considering the strategy of the NP, it is stated at paragraph 4.11 that the plan: "... seeks to protect and enhance important views and vistas within the town. The character of the NPAs landscape is also acknowledged and to be protected through the plan."

Visual Amenity: Policy MV1: Key Views

- 2.5. Policy MV1 states that:

"Development proposals should not adversely affect, and where possible, should enhance, the existing character, quality and value of the Key Views shown on the Key Diagram and Figure 5.3 – 'Key Views Plan', and described in the Visual Study report.

Where a development proposal is likely to affect one or more of the identified "key Views", a Landscape and Visual Impact Assessment or similar study should be carried out to ensure that the existing character, quality and value of the Key View are protected and / or

enhanced.”

- 2.6. Within the Reasoned Justification text supporting Policy MV1, a summary of the purpose, methodology and findings of the Visual Study is set-out (paragraphs 5.2.1 – 5.2.15). The methodology employed by the Visual Study is considered separately further below.
- 2.7. It is stated that the Visual Study has been prepared as a “robust and objective evidence base” to inform and underpin Policy MV1, establishing study-specific criteria and methods.

Green Infrastructure: Policy MG1: Local Green Space

- 2.8. Hayslan Fields is proposed for local designation within the NP as a Local Green Space. Policy MG1 states that development on these sites will not be permitted unless it is considered appropriate to its function as a special area of green space, or there are very special circumstances that demonstrate harm is outweighed by other considerations.
- 2.9. At paragraph 5.1.2, the NP identifies that Malvern includes: “... a number of green spaces that also contribute to the character of the area, are used for informal and formal recreation and have ecological and biodiversity value.”
- 2.10. These greenspaces are also identified as underpinning the overall sustainability of the Area: “by performing a range of functions including flood risk management, the provision of accessible greenspace, climate change adaptation and supporting biodiversity.”
- 2.11. When reviewing the Visual Study and Heritage and Character Assessment that support the Neighbourhood Plan, matters relating to the proposed designation of land at Hayslan Fields as Local Green Space and the supporting evidence and justification for this are also considered.

3.0 Malvern Neighbourhood Plan Visual Study Report

Purpose and Methodology

- 3.1. The Visual Study was undertaken in order to identify, map and assess a select number of key views and viewpoints around Malvern that are of “significant” value to the local community, and which would provide a robust and objective evidence-base to inform and underpinning Neighbourhood Plan policy that considers the visual amenity of the area and to protect selected views.
- 3.2. As set-out above, the Submission Neighbourhood Plan Policy MV1 seeks to protect the character, quality and value of key views.
- 3.3. The methodology employed by the Visual Study draws upon the Malvern Hills AONB publication ‘Guidance on Identifying and Grading Views and Viewpoints’ (the AONB guidance) when selecting and assessing locally-important key views.
- 3.4. The Visual Study emphasises that the views were identified at a local level, and go “beneath the blanket” of nationally-designated / nationally-important areas, features and key views and identify those that have local visual value within the Neighbourhood Plan visual study area.
- 3.5. This distinction is important. The AONB guidance considers views that are experienced from within the urban area, are typical of the locality and associated landscape character and are degraded by the presence of urban structures should only be graded as being “representative”. (see AONB guidance, page 8 - Table 1: Criteria for grading importance of viewpoint).



- 3.6. The majority of views experienced from within the Neighbourhood Plan visual study area fall into this category.

Landscape Character

- 3.7. The Visual Study seeks to establish the 'baseline landscape character' of the area in order to understand the nature of a particular view and how changes to the character could affect visual amenity.
- 3.8. The methodology states that "key landscape designations, features, potential focal points and landscape character types" were marked on a plan to ensure the study considered factors, including:
- Valuable / notable landscapes;
 - Buildings / structures;
 - Heritage / cultural assets and associations;
 - Public Rights of Way;
 - Green Spaces and Recreation Areas; and
 - Significant vegetation
- 3.9. Baseline landscape and visual studies were also cross-referenced. Sources of information for this include the 'Malvern Heritage and Character Assessment' that forms part of the evidence base to the Neighbourhood Plan.

Public Call for Favourite Views

- 3.10. The Visual Study details that a call for favourite views was held between April and May 2018 where people were asked to provide details of their favourite views and why they were important and worthy of protection. It is stated at paragraph 2.22 of the study that there was a "good response".

Tyler Grange Critique

- 3.11. The published Visual Study does not provide details of how the selected Key Views were informed by the consultation process, and does not include this information on the "Key View tables" where views are detailed (appendix B of the Visual Study). The study is therefore not transparent as to how it forms a "robust and objective evidence base" that considers views that are of "significant value" to the local community.

Criteria

- 3.12. The Visual Study sets-out a number of "Objective sets of criteria" to be used when identifying, selecting and grading views. As stated at paragraph 2.23 of the study: *"this was an important part of the process because a 'reasoned justification' for each of the selected key viewpoints (VPs) would need to be set out."*
- 3.13. Criteria used to identify a high level of visual value at the local, Neighbourhood Plan level include:
- Views from well used long-distance/ themed trails, public footpaths, public open spaces / Local Green Space, parks and commons that are used by "relatively large numbers of people"
 - Views with local social / cultural / historic associations;
 - Views indicative of Malvern's unique and special "sense of place" and "local distinctiveness" and reflect intrinsic character and key characteristics; and
 - Views that contribute to people's quality of life.
- 3.14. The views are graded, using categories as set-out in the AONB guidance: Exceptional;



Special; and Representative. The Study states that these have been adapted to reflect the local context and value of the views, and without the focus necessarily being on the Malvern Hills. It is also emphasised that not all of the criteria need apply within the assessment and that professional judgement must be used.

- 3.15. The criteria for each of the categories are set-out at paragraph 2.29:
- **Exceptional** *A high / very high-quality view which reflect the best of the area's characteristic elements, features and qualities. View is a very good representation of the area's strong sense of place and / or local distinctiveness. Few or no visual detractors present in the view. View very accessible / widely enjoyed by local people.*
 - **Special:** *A good / very good quality view within which at least one of the area's characteristic elements / features / qualities are present. View is representative of the area's sense of place / local distinctiveness but there are visual detractors. View accessible and many local people likely to experience the view.*
 - **Representative:** *A moderate to good quality view within which at least one of the area's characteristic elements / feature / qualities are present. View is representative of the area's sense of place / local distinctiveness but is currently noticeably degraded by visual detractors. View could potentially meet the criteria for 'Special' or 'Exceptional;' if improved for example if detractors were removed. View likely to be appreciated by several local people.*

Tyler Grange Critique

- 3.16. The criteria employed by the study (as set-out above) are strongly focussed upon matters relating to the character of the area, including local distinctiveness and qualities, elements and features.
- 3.17. Whilst these factors may influence the composition of views, there needs to be a distinction between landscape / townscape character and the actual views themselves which are being identified. The confusion between these is highlighted by the Visual Study, where it states at paragraph 2.30 that:
- ".. for example views along a KVR may not be of great 'scenic beauty', but individual or combined key features along the route, such as focal points, heritage assets, cultural associations and so on, may be highly characteristic and distinctive, and contribute to a strong sense of place; the views along the route may therefore meet the Exceptional criteria."*
- 3.18. This demonstrates the emphasis on non-visual aspects that are included within the Visual Study.
- 3.19. In order to support Neighbourhood Plan Policy MV.1, which seeks to preserve the character and visual quality of key views, the study needs to provide a clear understanding of why the views are considered important as well as how development proposals may affect the composition of the views and the key features and elements within them. This will then allow an objective assessment to be made.
- 3.20. The Study does not provide this information in a clear, consistent and transparent way. For example, there is no description or explanation for what a high, good or moderate quality view may be. There are also no criteria or thresholds set-out for these or details or how this has been assessed.
- 3.21. These issues are highlighted in the presentation of the Key Views assessment sheets contained in the Visual Study (Appendix B), as examined in relation to Hayslan Fields and Key View 10 below.



Recording and Analysis of Visual Survey

- 3.22. The Visual Study states that the descriptive information recorded during field surveys to determine character, quality and detractors, was recorded under the same headings that were used on forms devised for the public 'call for sites', including "focus of view" and "why is it important?".

Tyler Grange Critique

- 3.23. This information is not included within the published Visual Study document for either the public call for sites or visual surveys. The findings are summarised on the "Key View Tables" at Appendix B of the study, but are not fully detailed to allow an understanding of the comments.
- 3.24. This is an omission, as it is important to fully understand the reasoning in order to make an informed assessment of why the view is identified and those features that are of importance when seeking to understand how proposed development may affect the views.

NP Visual Study Results

- 3.25. At Section 4, the Visual Study summarises a number of foci and themes that emerged during the undertaking of the survey and which contributed to the grading of views. These are summarised in the notes on the Key View Tables.
- 3.26. As considered further below in relation to the assessment of land at Hayslan Fields and associated Key View 10 and Key Visual Route 14, these include a number of factors that are not relevant to the visual context and composition of views for the purposes of informing Policy MV1.

Significant Vegetation

- 3.27. The study also recognises the contribution that vegetation makes to the landscape character of the town as a defining characteristic and which engenders a sense of place.
- 3.28. The role of trees in screening detracting development and focussing views along framed viewing corridors towards key features is also recognised.

Conclusions

- 3.29. The Study concludes by summarising key factors and providing guidance regarding development proposals. These include the following:
- The siting, orientation and layout of new development and treatment of surfaces (colour and texture) should be considered from both high and low-level viewpoints;
 - New development should consider whether proposals would interrupt the skyline or compete with key focal points and respect / enhance the locally distinctive character and the area's sense of place.
 - New development should ensure that new planting is appropriate and characteristic of the locality, as well as long-lived and resilient.
- 3.30. These guidelines highlight the fact that the Visual Study supports Draft Neighbourhood Plan Policy MV1 which seeks to ensure that views are protected and, where possible enhanced. MV1 is not a restrictive policy and performs a development control function to help ensure development proposals are appropriate.
- 3.31. It is important to note that the Visual Study was not prepared to support restrictive spatial policies such as Local Green Spaces. These spaces perform recreation and biodiversity

functions. The Malvern Heritage and Character Assessment identifies character areas and makes recommendations for their management.

4.0 Assessment of Malvern Visual Study: Visual Route 14 and Key Viewpoint 10: Public Footpath crossing Hayslan Fields

Findings of the Visual Study

- 4.1. Having reviewed the scope and methodology of the Visual Study, the findings in relation to the land at Hayslan Fields and associated Key Views and routes are considered below.
- 4.2. This highlights the issues identified above in relation to the lack of detail or transparency as to how the views have been assessed, as well as the over-reliance on character and other matters that do not relate to visual amenity.
- 4.3. The Public Footpath that runs east-west across Hayslan Fields is identified as Key Visual Route 14 on Draft Figure 5.3 contained within the Visual Study. Key View 10 is situated towards the eastern edge of the fields, adjacent to houses that back onto the fields off Hayslan Avenue. These are illustrated on the extract below:



Extract from Visual Study: Draft Figure 5.3 – KVR 14 and KVP10

Key View Point 10

- 4.4. The Visual Study assesses KVP10 as being “Special”. As set-out above, this indicates that the view is assessed as being of good / very good quality, is publicly accessible, and is representative of the area’s characteristics, whilst recognising that there are visual detractors present.
- 4.5. The Key Views table (see extract from (Appendix B) below) identifies this assessment as being made based on factors including:
 - Important open green space, identified as Local Green Space in draft Neighbourhood Plan
 - Footpath is an ancient route and pilgrim trail
 - Hills and Great Malvern a focus of the view looking west

- Fields represent distinctive traditional rural historic character and features
- Mature trees and native tree belts
- Presence of wildlife

4.6. The assessment is accompanied by a photograph that is purported to be taken from the public footpath, looking westward.

KVP10	SPECIAL	Public fp through Hayslan Fields (illustrative view along KVR14 looking north west to south west)		Highly important open green space within urban area (proposed as Local Green Space (LGS) in NP). Fp is ancient route / pilgrim trail to Hills, well-used by pedestrians. Hills and Great Malvern town centre are key elements in views looking west, and Dredon Hill in views looking south east. Fields are very good representation of area's distinctive traditional historic rural landscape character and features having been absorbed into settlement, esp. along old routes. Significant vegetation: locally-distinctive and characteristic features include fine individual mature trees and native tree belts. Presence of wildlife. See also KVR14 and KVP88.
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Key Visual Route 14

4.7. The assessment for the footpath crossing Hayslan Fields as a Key Visual Route (KVR14) is the same as for KV10 (see extract below), showing a different photograph that would appear to be further to the west and is focussed upon views towards Great Malvern. The assessment acknowledges that there are views outwards in both an easterly and westerly direction.

KVR14	SPECIAL	Public fp across fields between W end of Hayslan Road and Albert Road North. Travelling in both directions but most iconic views are of Hills and town to west		Route runs through highly important open green spaces (and proposed LGS) within urban area. Fp is ancient route / pilgrim trail to Hills, well-used by pedestrians. Hills and Great Malvern town centre are key elements in views looking west, Dredon Hill in views looking south east. Fields are very good representation of area's distinctive traditional historic rural landscape character and features having been absorbed into settlement, esp. along old routes. Significant vegetation: locally-distinctive and characteristic features including fine individual mature trees and native tree belts. Presence of wildlife. See also KVPs 10 and 88.
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Critique of Assessment

Photographs

- 4.8. The images included within the Assessment are not representative of the views obtained from the footpath, as they are single-framed snap-shots that do not allow for a balanced understanding of the wider composition of the views or the context within which they are taken.
- 4.9. The photograph below is taken from KVP10 and is a panoramic view looking westwards along the footpath:



- 4.10. The view demonstrates that the Malvern Hills form only part of the wider view, and that Great Malvern is largely screened by intervening vegetation, being glimpsed between trees.
- 4.11. It is also clear that the distinctive historic features of the former rural landscape are limited to the mature trees that cross the fields in the middle distance. As considered further below, fields to the west of the trees are managed as paddocks and are influenced by the adjacent railway embankment and trains passing through the area. Younger tree planting to the north (right of the view) is of poorer quality on the site of former allotments.
- 4.12. The viewpoint and footpath are also situated adjacent to the built edge, which strongly influences the perception of the sense of place and tranquillity, this is illustrated by the photographs below which show the approach to Hayslan Fields along Hayslan Road and the proximity of the residential edge to the viewpoint.



View from Hayslan Road / Hayslan Avenue approaching Hayslan Fields



View from the Public Footpath entering Hayslan Field

- 4.13. Although the main focus is stated as being to the west, towards the Malvern Hills and the town, views travelling eastwards are also mentioned. There are no views included within the Visual Study looking to the west. The photograph below shows the view looking west from the footpath at the centre of Hayslan Fields. The image clearly illustrates the detracting influence of residential development that backs onto the fields. Bredon Hill is not apparent in this view.



View from Public Footpath in Hayslan Fields, looking west

Visual Attributes

- 4.14. Each of the criteria / factors as assessed by the Visual Study for KVP10 and KVR14 are considered below:

Important open green space, identified as Local Green Space in draft Neighbourhood Plan

- 4.15. The function of the land as open green space, does not provide an indicator of the visual value of the land, characteristics, features and the foci and composition of views. It is therefore not of relevance when establishing a baseline to inform Policy MV1 which seeks to ensure that development proposals preserve identified key views.

Footpath is an ancient route and pilgrim trail

- 4.16. There is no evidence that the footpath forms part of an ancient route or Pilgrim Trail. The footpath does not feature in any published walks within Malvern of the wider area that are promoted for their links to the history and natural beauty of Malvern.
- 4.17. An Archaeological and Heritage Assessment of the land at Hayslan Fields was undertaken by The Environmental Dimension Partnership (EDP) in June 2014 to support a planning application on the site (report ref EDP1765_04a). The Assessment was undertaken in consultation with the Malvern Hills District Council found that the fields do not form part of the setting or identified important views to or from conservation areas. The site was also subject to trial trench evaluation in April 2014 and no evidence of archaeological activity was recorded.
- 4.18. No evidence of the paths across the fields being recorded as a pilgrim trail or ancient track was found within the review of the Worcestershire Historic Environment Record undertaken as part of the Archaeological and Heritage Assessment.

Hills and Great Malvern a focus of the view looking west

- 4.19. It is recognised that there are views towards the Malvern Hills across Hayslan Fields, as there are from many streets, open spaces and Commons within the built area of Malvern. As illustrated above, the Hills are widely visible from within the area and form only part of the backdrop to views across Hayslan Fields and the urban area from KVP10 and KVR14.

Fields represent distinctive traditional rural historic character and features

- 4.20. Whilst the fields contain some remnant tree cover along field boundary hedgerows that is

indicative of the former field pattern, these are gappy with poor age structure and are typical of other trees and tree belts that extend to the north and south of Hayslan Fields within Malvern's built area.

- 4.21. The fields are strongly influenced by the adjacent residential edge, railway line and use of the western field as paddocks and stabling. These factors combine to greatly reduce any sense of tranquillity across the area and when travelling along KVR14.
- 4.22. This combined with the use of adjacent green space for sports pitches combine to reduce the rurality and time depth. These factors are illustrated on the photographs below:



Views from Key Visual Route 14 looking towards the railway embankment



View from Key Visual Route 14 looking across playing fields

- 4.23. Views across and within Hayslan Fields from the footpath are experienced within the context of the built area, adjacent housing and formal sports pitches. The fields do not share the wider open character of setting that is typical of the Commons or settlement fringes.



Mature trees and native tree belts

- 4.24. See above comments in relation to historic character. In addition to providing features that inform the character of the area, the trees frame views and provide screening both within the area and in outward views. Trees therefore have the ability to screen detracting development as well as providing landscape structure.

Presence of wildlife

- 4.25. Notwithstanding that wildlife is not an indicator of visual value, the majority of the fields are either managed paddocks or comprise species-poor semi-improved grassland that limits the inherent ecological value.
- 4.26. An Ecological Appraisal undertaken by EDP in August 2014 (report ref. EDP1765_03b) found that there were no habitats of more than local importance whilst the broadleaved woodland and trees are of some local ecological value as foraging for wildlife.

5.0 Conclusions

- 5.1. Having reviewed the methodology and findings of the Visual Study in relation to KVR14 and KVP10 at Hayslan Fields, it is clear that the study over-emphasises factors relating to the character and use of land, as opposed to matters that are of relevance to the visual context and composition of key views.
- 5.2. For example, factors relating to the role of land for recreation and habitats as part of the wider Green Infrastructure are of more relevance when considering the performance of land as green space. Also, the study fails to take into account fully the influence of adjacent development and land uses when considering the visual amenity of the routes and views identified.
- 5.3. The study also lacks transparency as to how the findings have been arrived at, with the assessment limited to a few summary notes and indicative photographs. This does not provide a robust assessment of the views and how development may influence them, their key features, composition and specific sensitivities or opportunities for their protection and enhancement.
- 5.4. Furthermore, the field notes and results of a public consultation used to identify key views and their value and importance to the local community are not included in the published report.
- 5.5. The above factors combine to undermine the purpose and validity of the assessment as a robust piece of evidence to support Neighbourhood Plan Policy MV1.
- 5.6. Policy MV1 is not a restrictive policy, and seeks to inform decisions relating to proposed new development and ensure that key views are retained and, where possible enhanced.

Hayslan Fields Local Green Space

- 5.7. It would seem that the Visual Study has been drafted to include information that supports the case for land being included as Local Green Space (LGS).
- 5.8. LGS is a spatial designation that seeks to restrict development, and relates primarily to matters relating to recreational value, wildlife, character, tranquillity and cultural significance, as well as visual amenity.
- 5.9. The justification for the designation of Hayslan Fields as LGS is included at Appendix 5.2 of



the Submission Neighbourhood Plan, a copy of which is appended to this report.

- 5.10. Notwithstanding that there are other matters than visual amenity that are relevant to the designation of LGS, the assessment contained in this report against the Visual Study factors illustrates the limited contribution of the land and unsuitability for allocation against the identified criteria.
- 5.11. As set-out above, land at Hayslan Fields makes a limited contribution to wildlife and cultural significance and is strongly influenced by adjacent land uses including a railway line, housing and sports pitches that reduce tranquillity, and place the area within an urban context, reducing the historic or rural character and sense of place.
- 5.12. Considering these factors, the land at Hayslan Fields does not sufficiently perform the functions required of Local Green Space and should not be designated within the emerging Malvern Neighbourhood Plan.



Appendix 1: Malvern Neighbourhood Plan: Appendix 5.2: Local Green Space Sites

Appendix 5.2: Local Green Space Sites (Figures 5.1.1 – 5.1.7)

Site	Close proximity to community	Demonstrably special to the local community	Beauty/ Visual amenity	Historic / Cultural Significance	Recreational Value	ranch.1	Wildlife	Local in Character
P0010: Valeem Vale Community Centre playing fields	✓	✓			✓			✓
L001: Lower Howse Road playing fields	✓	✓	✓		✓	✓		✓
L002: Victoria Park	✓	✓	✓	✓	✓	✓		✓
P001: Dunes Meadow	✓	✓	✓		✓	✓	✓	
P011: Haysan Fields	✓	✓	✓	✓		✓	✓	✓
P007: Fairy Park	✓	✓	✓	✓	✓	✓	✓	✓
P008: Rosebank Gardens	✓	✓	✓	✓	✓	✓		✓

Further information on the suitability of the above sites to be designated as Local Green Spaces is included within the Proposed Local Green Space Sites Report²⁸.

²⁸ <http://www.mackayshillings.org/documents/>