

Please find my comments of the above draft plan (KDNP). I was only made aware of the submission of the KDNP to MHDC and the deadline for comments at an evening meeting of Kempsey PACT on 15 Feb 17 and I have been unable to give as much attention to the document as I would wish in the time available. I accept some responsibility for that but question the effectiveness of the consultation undertaken. The fact that so few comments have been made – compared with the considerably larger number made at the previous consultation stage – is testimony to that.

My comments are in 2 parts. Firstly, in order to cover as much ground as quickly as possible, I attach a copy of the KDNP on which I have entered margin comments. These vary considerably between correcting typos and omissions to suggestions to provide consistency to more substantial views. I do not have time to edit further. The copy has been converted to Word and is not reproduced entirely accurately. Even so, I hope it can be followed. If the comments are required in tabular form please let me know – however they are submitted to you within the deadline.

The second part of my comments follow:

General

1. There is a confusing mix of seemingly new ‘Kempsey’ policies and amended/adapted SWDP policies. Even where there is a KNDP version it is often cross-referenced to an equivalent SWDP policy, which is also to be taken into account or be subject to. Often the KDNP version is not as stringent as that of the SWDP. I have attempted to identify such instances in part 1 of my comments. The significance of this may be that, since the KDNP once ‘made’ is to take precedence where conflict arises, the potential for the KNDP lesser version to prevail is evident. It is not apparent that that is the intention but if it is the watered down KNDP versions need justification, ie, why should different criteria for, for instance, rural dwellings apply in Kempsey PC than elsewhere in South Worcestershire. Such justification is lacking.
2. Even then, such practice is not consistent and in other instances where there are also relevant SWDP policies they are not identified. This also leaves the reader uncertain about which is to prevail.
3. If it is not intended that different policy criteria are to apply in Kempsey PC then it is very questionable that the KDMP versions are necessary at all. Again, I have questioned a number on that basis. Duplicating the SWDP – particularly incompletely – adds a potentially confusing layer to an already complex planning process.
4. If SWDP policies are to be incorporated as they are, then there are a number which are omitted but seemingly relevant and it is not clear why. Density, housing for the elderly, flood risk all have relevance to the Kempsey situation. If, as is reasonable, full reliance is to be placed on the SWDP for such considerations, my comment 3. Is even more pertinent.
5. Similarly there is a growing gap between development taking place and the commensurate provision of supporting services and facilities – I have commented particularly in Part 1 on school places.
6. As to the decision-maker being able to implement the KDNP, NPPF para 154 states that local plans should have clear policies on what will and what will not be allowed – the KDNP is in danger of clouding that application.

Policy K10

7. Policy K10 is one of the very few and as well as the most significant of the ‘Kempsey’ policies. It is also that which attracted most comment at the previous consultation stage and the application has

continued to receive public comment since, usually adverse. Since the application proposal is entirely reliant on the KDNP and that policy K10 is contentious, the application must be considered premature and prejudicial to the proper consideration of the KDNP, not the least because my submissions here would be prejudiced were the application to be favourably determined in the meantime.

8. Even so, I comment both on the principle of the combined K10Bi and K10Bii proposal and on the specific policy content.
9. The justification for the scale of community, sport and recreation facilities proposed in the plan are not clear. While the claimed sources are given the results are less easy to find and a robust assessment of the what is proposed is difficult to say the least. The need for further such facilities may not be in doubt and I do not question that there is considerable national and local policy support. The implication of the scale of development proposed however is its affordability and how the required finance might be obtained.
10. Moreover, the selection process for site K10Bi is surprisingly slim – a willing owner is no doubt a benefit but should not necessarily outweigh securing land by other means if the resulting facility would be far more satisfactory. Seemingly better located sites such as that adjoining Plovers Rise appear to have been rapidly dismissed. Moreover, other factors such as satisfactory access have been pushed to the back and, in the case of K10Bi, the mantram that the highway authority will sort it all out has too easily relied on. What of, for instance, the application of Policy K8 which requires public transport. That is why, for fairness and equality, that policy should be clearly stated to apply to the K10Bi proposal.
11. The justification for housing on K10Bii is that it would enable the provision of the K10Bi facilities. It is not sufficient to secure the land, for this justification to apply it is essential that provision of the whole facility is committed. If K10Bii is to be treated as enabling development – more usually used when securing the repair of listed buildings for instance – the same considerations should apply. The enabling development should not take place until the whole of the community etc. facility is committed, or should only take place in a phased manner commensurate with the provision of the facility. My suggested alterations to Policy K10 and the justification go some way to that end.
12. Similarly, my alterations also required that the 3 KDMP a)-c) tests relate to the financing of the whole facility, not simply site acquisition. If there is not sufficient funding for the whole thing then the enabling development is not justified.
13. It is becoming more and more apparent that the Parish Council have already concluded that the K10Bi proposal cannot be financed without K10Bii and that both are already fait accompli. The KDMP reference to ‘possible’ enabling development (with ‘possible’ highlighted as if to emphasise that it is not a done deal!) is disingenuous and the plan proposal itself predetermined. That both undermines public confidence in the planning process and the predominance of the plan-led system set out in NPPF. My suggestions at least ensure that the KDMP more accurately portrays what should be the situation and is proper for that reason alone, notwithstanding that the developer and the Parish Council (and perhaps MHDC) are intent on jumping the gun!

For the remainder and in view of the time constraint, I rely on Part 1 of my comments, which together with the above will be the basis of my submissions at the examination.

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