

Malvern Hills District Council



Broadwas and Cotheridge Neighbourhood Plan Decision Statement

Broadwas and Cotheridge Neighbourhood Plan

I confirm that the Broadwas and Cotheridge Neighbourhood Plan, as revised by the modifications set out in Table 1 below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2012, and can therefore proceed to Referendum, which will be held on Thursday 1st August 2019.

I also declare that I have no disclosable personal or disclosable prejudicial interest in respect of this decision.

Signed

A handwritten signature in black ink, appearing to read 'G. Williams', with a stylized flourish at the end.

Gary Williams
Head of Planning and Infrastructure, Malvern Hills District Council

7 June 2019

Summary

Following an independent examination, Malvern Hills District Council now confirms that the Broadwas and Cotheridge Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum on Thursday 1st August 2019.

Background

On 20 June 2017, Malvern Hills District Council designated the parishes of Broadwas and Cotheridge Council as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

Extensive community consultation culminated in the draft Broadwas and Cotheridge Neighbourhood Plan Regulation 14 consultation which took place from 17 September to 29 October 2018. The consultation responses fed into the final version of the Broadwas and Cotheridge Neighbourhood Plan which was submitted to Malvern Hills District Council in January 2019, along with the associated Basic Conditions Statement, Consultation Statement and a Strategic Environmental Assessment and Habitat Regulations Assessment Screening Opinion.

The Broadwas and Cotheridge Neighbourhood Plan and associated documentation was then publicised and representations were invited. The publicity period ran from 15 February to 29 March 2019.

Malvern Hills District Council appointed an independent Examiner, Christopher Collison, to review whether the Plan should proceed to referendum in March 2019.

Having considered each of the recommendations made by the Examiner's report and the reasons for them, in consultation with the Parish Council, Malvern Hills District Council has decided to make the modifications to the draft Broadwas and Cotheridge Neighbourhood Plan as detailed in Table 1 below in order to ensure the Plan meets the Basic Conditions as set out in the legislation.

Decisions and Reasons

Malvern Hills District Council will make the following modifications, as proposed by the Examiner and agreed by the Parish Council, to ensure that the Broadwas and Cotheridge Neighbourhood Plan meets the Basic Conditions.

Table 1 – Schedule of Examiner’s Recommended Modifications and Malvern Hills District Council’s response

Part of Document	Examiner’s Recommended Modification(s)	MHDC Response
<p>Policy P1 New Residential Development within the Development Boundary</p>	<p>In Policy P1 delete “where it accords with other relevant policies of this NDP and the South Worcestershire Development Plan”</p> <p>Change the Policy title to “New Residential Development within the Development Boundary”</p>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, Policy title changed as recommended.</p>
<p>Policy P2 Development in Open Countryside</p>	<p>Replace Policy P2 with:</p> <p>“Land outside the Development Boundary for Broadwas (identified on Policy Map Inset 1) is defined as Open Countryside where proposals for development will only be supported where they are:</p> <ul style="list-style-type: none"> • dwellings for rural workers in accordance with Policy SWDP19; or • employment development in rural areas in accordance with Policy SWDP12; or • rural exception site schemes in accordance with Policy SWDP16; or • buildings for agriculture and forestry; or • replacement dwellings in accordance with Policy SWDP18 and other replacement buildings; or • house extensions that are subordinate to, and do not dominate the character and appearance of the original dwelling; or • conversions or re-use of existing buildings for 	<p>Agreed, policy replaced with amended policy as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>residential purposes that do not require substantial reconstruction or need for large extensions; or</p> <ul style="list-style-type: none"> • dwellings of exceptional quality or innovative design in accordance with paragraph 55 of the Framework; or • dwellings that represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or • renewable energy projects in accordance with Policy SWDP27; or • development specifically permitted by other SWDP policies (see SWDP Policy 2C and footnote 3); and <p>in all cases proposals demonstrate they will not unavoidably harm, or lead to loss of, irreplaceable habitat, including ancient and veteran trees unless the need for, and benefits of, the development in that location clearly outweigh the loss.”</p> <p>Change the Policy title to “Development in Open Countryside”</p>	<p>Agreed, Policy title changed as recommended.</p>
<p>Policy P3 Designation of Local Green Spaces</p>	<p>Replace Policy P3 with</p> <p>“The following areas (identified on the Policies Map Insets 1 and 2) are designated as Local Green Space where development will be ruled out other than in very special circumstances:</p>	<p>Agreed, policy replaced with amended policy as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<ul style="list-style-type: none"> • Bank on the north side of the A44 opposite Broadwas School; • Land adjacent to Taberness Close; • Land between Berryfields Close and Church Lane; • Amenity land within Highcroft Close development; and • Broad Green SSSI and Village Green.” <p>Present Policies Map Inset 1 at a larger scale so that the precise boundaries of each Local Green Space are more clearly identifiable. Expand the map notation to identify each Local Green Space by name or reference number.</p> <p>Change the Policy title to “Designation of Local Green Spaces”</p>	<p>Agreed, Policies map amended so that the precise boundaries of each Local Green Space are clearly identifiable and each Local Green Space is identifiable by name.</p> <p>Agreed, Policy title changed as recommended.</p>
<p>Policy P4 Protection and Enhancement of Recreational Green Spaces</p>	<p>Replace Policy P4 with</p> <p>“Proposals that enhance the Berryfields Children’s Play area and Sports Ground, and the Stoney Ley Sports Ground as recreational green spaces will be supported. Proposals that reduce the recreational value of these facilities will only be supported if it is clearly demonstrated the reduction of facility is surplus to requirements or that alternative equivalent facilities are secured in an equally accessible location for users.”</p>	<p>Agreed, policy replaced with amended policy as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>Change the Policy title to "Protection and Enhancement of Recreational Green Spaces"</p> <p>Identify the extent of the Stoney Ley Sports Ground on the Policies Map</p>	<p>Agreed, Policy title changed as recommended.</p> <p>Agreed, location and extent of Stoney Ley Sports Ground identified on a Policies Map.</p>
<p>Policy P5 Key Views</p>	<p>In Policy P5</p> <ul style="list-style-type: none"> • delete the first and second sentences, and the bullet points • between "Views" and "when" insert "identified on the Policies Map and Inset 1" <p>In paragraph 5.15 replace "examples and" with "the"</p>	<p>Agreed, first and second sentences, and the bullet points deleted.</p> <p>Agreed, text inserted as recommended.</p> <p>Agreed, text replaced as recommended.</p>
<p>Policy P6 Design of Development</p>	<p>In Policy P6</p> <p>In Part A</p> <ul style="list-style-type: none"> • replace the text before the colon with "To be supported residential development proposals must comply with the following design principles:" • delete "and, within that context, should reflect the aspirations set out in paragraphs 5.16 to 5.36 of this Plan" • replace the third point with "Red brick and plain clay tiles or other materials commonly used in existing surrounding development should be used." 	<p>Agreed, text replaced as recommended.</p> <p>Agreed, text deleted as recommended.</p> <p>Agreed, text replaced as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<ul style="list-style-type: none"> • replace “minimise the adverse” with “not significantly adversely” • replace “and light. Light pollution should be minimised wherever possible” with “and light spillage beyond site boundaries” • replace the 5th bullet point with “Provision should be made for safe access and development should not result in additional on-road parking.” • delete “properly” • insert “be” between “should” and “landscaped”. Delete “undue” • replace “Adequate provision” with “Provision” <p>In Part B</p> <ul style="list-style-type: none"> • replace the text before the colon with “To be supported non-residential development proposals must comply with the design principles in Part A of the Policy and: • replace “Minimises any adverse effect from” with “Not significantly adversely affect” • replace “Uses appropriate” with “May use a wider palette of” • replace “Minimises adverse” with “Not adversely” • delete “especially” • delete “s” from “provides” and delete “adequate and” • replace “off-road parking provision” with “not result in additional on-road parking” • replace the fifth point with “Use SuDS to prevent on-site 	<p>Agreed, text replaced as recommended.</p> <p>Agreed, text replaced as recommended.</p> <p>Agreed, text replaced as recommended.</p> <p>Agreed, text deleted as recommended.</p> <p>Agreed, text inserted and deleted as recommended.</p> <p>Agreed, text replaced as recommended.</p> <p>Agreed, text deleted as recommended.</p> <p>Agreed, text deleted as recommended.</p> <p>Agreed, text replaced as recommended.</p> <p>Agreed, text replaced as</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>and off-site flooding”</p> <ul style="list-style-type: none"> • replace “The site is landscaped using” with “Landscaping should use” and delete “undue” • replace “Adequate provision” with “Provision” 	<p>recommended. Agreed, text replaced as recommended. Agreed, text replaced as recommended.</p>
<p>Policy P7 Employment Uses and Farm Diversification</p>	<p>Replace Policy P7 with</p> <p>“Employment development proposals in accordance with Policy SWDP12 will be supported where: there are no significant adverse residential and other amenity effects on nearby uses; and no significant adverse environmental effects on wildlife or on the landscape; and which respect the setting of heritage assets. Homeworking proposals requiring planning permission must additionally not result in changes to the appearance of the building; not cause noise disturbance to occupiers of neighbouring properties from traffic movements or parking; and not involve storage of hazard materials.”</p>	<p>Agreed, policy replaced with amended policy as recommended.</p>
<p>Policy P8 Built Community Facilities</p>	<p>In Policy P8</p> <p>In part A delete the first sentence</p> <p>In part B replace the final point with “Sufficient parking provision is made to accommodate the vehicles and cycles of all users and staff.”</p>	<p>Agreed, first sentence deleted as recommended. Agreed, text amended as recommended.</p>
<p>Policy P9 Renewable Energy</p>	<p>In Policy P9</p>	

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
and Low Carbon Energy	<ul style="list-style-type: none"> • replace “the meet” with “they meet” • delete “especially as taken further in the Renewable and Low carbon Energy Supplementary Planning Guidance” 	<p>Agreed, text replaced as recommended.</p> <p>Agreed, text deleted as recommended.</p>
Minor Corrections to the Neighbourhood Plan		
Consequential modifications to the general text	<p>A number of consequential modifications to the general text, and in particular the ‘reasoned justification’ of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. Reasoned justification text must not introduce any element of policy that is not contained within the Neighbourhood Plan Policies. The final sentence of Paragraph 5.8 of the Neighbourhood Plan is an example of this that should be corrected.</p> <p>A number of the District Council representations relate to corrections. I am able to recommend modification of the Neighbourhood Plan in order to correct errors.</p> <p>I recommend minor change only in so far as it is necessary to correct an error, including those arising from updates, or where it is necessary so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>The following should be corrected:</p>	<p>Agreed, final sentence of Paragraph 5.8 corrected to reflect the revised wording of Policy P2.</p>
Contents	Proposed Plan November 2018” should be updated.	Agreed, date of Plan updated as recommended.

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	6. Monitoring and Review – It is suggested that “doesn’t” is replaced with “does not” and that capital letters are used for “Parish Council”.	Agreed, text amended as recommended.
Foreword	<p>In the second paragraph, it is only necessary to have quotation marks at the beginning and end of the Minister’s quote. In the third paragraph, it is suggested that “supplemented by guidance in Planning Practice Guidance” is inserted after “(the Framework)”.</p> <p>It is considered that some parts of paragraphs 1, 4, 5, 6 and 9 will need to be updated following the Examination.</p>	<p>Agreed, text amended as recommended.</p> <p>Agreed, relevant text amended to reflect that the Plan has been successfully examined.</p>
Map 1	Map 1 should be titled “Broadwas & Cotheridge Neighbourhood Area” – not “Neighbourhood Plan”.	Agreed, Map 1 retitled.
Planning Policy Context	<p>Paragraph 2.2 – It is suggested that “(and revised in July 2018 and February 2019)” is inserted after “The Framework was published in 2012”. It is suggested that “paragraphs 6 and 7 of the Framework” should be replaced with “paragraphs 7 and 8 of the revised Framework”.</p> <p>Paragraph 2.3 – It is suggested that reference to paragraphs 183 to 185 of the Framework should be replaced by reference to paragraphs 29 and 30 of the revised Framework.</p> <p>Paragraph 2.4 - It is suggested that the paragraph be deleted because it will not be relevant following the Examination of the Plan.</p> <p>Paragraph 2.6, 1st sentence - For accuracy, it is suggested that the word “appropriate” be replaced with “sustainable”.</p> <p>Paragraph 2.8 – For accuracy, it is suggested that the paragraph be</p>	<p>Agreed, text amended as recommended.</p> <p>Agreed, text amended as recommended.</p> <p>Agreed, paragraph deleted as recommended.</p> <p>Agreed, text amended as recommended.</p> <p>Agreed, paragraph replaced as</p>

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	<p>replaced with "Cotheridge does not have a development boundary and is defined as open countryside in Policy SWDP 2 (Development Strategy and Settlement Hierarchy) where development will be strictly controlled."</p> <p>Para 2.9 – Delete reference to the old Malvern Hills District Local Plan. It is suggested that the 1st sentence say "A key policy tool for controlling unsustainable development in the open countryside is through the use of "Development Boundaries" whereby"</p> <p>Para 2.11 – It is suggested that the following wording could helpfully be inserted at the beginning of para 2.11: "Whilst paragraph 69 of the revised Framework says that neighbourhood planning groups should consider the opportunities for allocating small and medium-sized sites suitable for housing in their area, the Framework does not require a Neighbourhood Plan to allocate sites. Paragraph 14 of the revised Framework says that if the Local Plan becomes out-of-date because the District Council cannot demonstrate a 5-year supply of deliverable housing sites or does not meet the Housing Delivery Test, then Neighbourhood Plan policies relating to the provision of housing will remain relevant if the Neighbourhood Plan was adopted in the last 2 years and allocates sites to meet its identified housing requirement."</p> <p>It is suggested that the final sentence of paragraph 2.11 is unhelpful and could be deleted because it wrongly implies that Neighbourhood Plans should not allocate sites for development if strategic development needs in the Local Plan are met.</p> <p>Paragraph 2.13 – It is suggested that specific reference is made to Appendix 2 rather than "an appendix".</p>	<p>recommended.</p> <p>Agreed, text amended as recommended.</p> <p>Agreed, text inserted as recommended.</p> <p>Agreed, sentence deleted as recommended.</p> <p>Agreed, text amended as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>Paragraph 2.15 – For accuracy, replace “South Worcestershire district councils” with “South Worcestershire Councils”. As background, Worcester is a city council.</p> <p>Paragraph 2.18 – For accuracy, it should be noted that the Developer Contributions SPD was adopted in July 2018. For consistency, it is suggested that “- adopted” be inserted before the date of the Renewable and Low Carbon Energy and Water Management and Flooding SPD’s.</p>	<p>Agreed, text amended as recommended.</p> <p>Agreed, text amended as recommended.</p>
Results of Consultation to date	Paragraph 3.2, 3rd bullet point – It is suggested that “doesn’t” is replaced with “does not”	Agreed, text amended as recommended.
Neighbourhood Development Plan Policies	<p>Paragraph 5.2, sentence 3 – For accuracy, it is suggested that “is thereby provided” is replaced with “could potentially be met”</p> <p>Paragraph 5.3, 2nd sentence – For clarity, it is suggested that “(published with the Draft NDP at Regulation 14 stage)” be replaced with “(available at https://www.malvern hills.gov.uk/broadwas-and-cotheridge)”</p> <p>Paragraph 5.4, 2nd sentence – For accuracy, it is suggested that the second sentence is replaced with “Development boundaries are a key planning policy tool for controlling unsustainable development in the open countryside.”</p> <p>Paragraph 5.4, 4th sentence - For accuracy, it is suggested that the fourth sentence be replaced with “The open countryside is defined as land beyond any development boundary. In the open countryside, development will be strictly controlled in accordance with Policy SWDP 2C.”</p> <p>Paragraph 5.6, 3rd sentence – It is suggested that “Open</p>	<p>Agreed, text amended as recommended.</p> <p>Agreed, text amended as recommended.</p> <p>Agreed, sentence replaced as recommended.</p> <p>Agreed, sentence replaced as recommended.</p> <p>Agreed, text amended as</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>Countryside policies are" is replaced with "SWDP 2C is".</p> <p>Paragraph 5.6, 4th sentence – It is suggested that "senior plan of the SWDP" is replaced with "strategic policy SWDP 2".</p> <p>Paragraph 5.7 – For clarity and accuracy, a number of amendments are suggested for paragraph 5.7:</p> <ul style="list-style-type: none"> • 1st sentence – insert "The village of" before "Cotheridge". Delete "and therefore no allocations are anticipated for it". • 2nd sentence – delete "No requirement for new residential development comes from the SWDP and". Replace "suggestions" with "proposals". • 3rd sentence – delete third sentence. <p>Paragraph 5.8 – For clarity and accuracy, a number of amendments are suggested for paragraph 5.8:</p> <ul style="list-style-type: none"> • 1st sentence – replace "NDP area" with "Neighbourhood Area". • 2nd sentence – insert "proposals for" between "all" and "new development". • 4th sentence - replace "Note also that in Open Countryside there are detailed requirements for alterations and extensions of existing houses, and to conversions of existing buildings for residential purposes." with "It should be noted that Policy SWDP 2C supports replacement dwellings and house extensions in the open countryside." • 5th sentence – it is considered that the sentence is not strictly accurate, particularly in relation to conversions, and should be deleted. 	<p>recommended.</p> <p>Agreed, text amended as recommended.</p> <p>Agreed, text amended as recommended.</p> <p>Agreed, text deleted as recommended.</p> <p>Agreed, text deleted as recommended.</p> <p>Agreed, text replaced as recommended.</p> <p>Agreed, text inserted as recommended.</p> <p>Agreed, text replaced as recommended.</p> <p>Agreed, sentence deleted as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>Paragraph 5.10 – Whilst Local Green Spaces should be in reasonably close proximity to the community they serve, there is no requirement that they be within a development boundary. In light of this, the relevance of the first sentence in paragraph 5.10 is unclear.</p> <p>Paragraph 5.10 - It is suggested that reference to SWDP policies 5, 6 and 38 are deleted because they are not directly relevant to the designation of Local Green Spaces. The justification for the proposed Local Green Spaces should be whether they meet the criteria in paragraph 77 of the framework (paragraph 100 in the revised Framework).</p> <p>Paragraph 5.11 – It should be noted that the purpose of Local Green Spaces is not to identify sites under pressure for development, it is to protect green areas of particular importance to the community that meet the criteria set out in the Framework.</p>	<p>Agreed, first part of first sentence deleted.</p> <p>Agreed, references to SWDP policies 5, 6 and 38 deleted as recommended.</p> <p>Agreed, references to development pressure deleted as recommended.</p>
Modify general text to achieve consistency with the modified policies, and to correct identified errors including those arising from updates.		
	<p>The District Council has made some suggestions for changes to the Neighbourhood Plan that are not necessary to meet the Basic Conditions or Convention Rights, nor necessary to correct errors. I would have no objection to these changes being made (set out below). Indeed, a number of the suggestions would positively improve the plan. However, I cannot recommend modifications as this would be beyond my remit.</p>	
Contents	<p>For ease of reference, it would be helpful if the Contents page included page numbers.</p>	<p>Agreed, Contents page to include page numbers.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
Policy P2 Development in Open Countryside	As context for Policy P2 it is suggested that reference to paragraph 55 of the Framework (paragraph 79 of the revised Framework) at the beginning of paragraph 5.8 would be helpful.	Agreed, reference to relevant Framework paragraphs inserted as recommended.
Policy P5 Key Views	Paragraph 5.14, sentence 2 refers to development pressure on a particular site. It is suggested that the justification for identifying key views to be protected should be based on the value of the landscape, not whether there has been development pressure on a site. It is suggested that the sentence should be deleted.	Agreed, references to development pressure deleted as recommended.
Policy P6 Design of Development	The supporting text for Policy P6 is detailed, but nevertheless provides contextual background information. To assist decision makers, apply Policy P6 consistently and with confidence it is strongly recommended that the supporting text is supported by photographs of the types of materials, roofs, windows, dormers, chimneys etc that characterise Broadwas and Cotheridge. Alternatively, the Parish Council may wish to consider preparing a Design Guide to inform the implementation of Policy P6 which could provide additional guidance for applicants and the decision maker.	Agreed, that photographs or a supporting Design Guide would be helpful, but it is beyond the scope of the examined Plan. Reference inserted in Section 6 (Implementation, Monitoring and Review) to consideration by the Parish Council to preparing illustrative guidance in the future.
Policy P9 Renewable Energy and Low Carbon Energy	Policy P9 relates to stand-alone renewable and low carbon energy proposals rather than building integrated technologies which are attached to the fabric of a building. It is considered that it would be helpful if this was made clearer in the supporting text.	Agreed, supporting text clarifies that Policy P9 relates to stand-alone renewable and low carbon energy proposals as recommended.

Planning Practice Guidance says that a local planning authority may make minor (non-material) updates to a neighbourhood plan which does not materially affect the policies in the plan at any time with the consent of the qualifying body.

Part of Document	Parish Council Proposed Minor Updates	MHDC Response
Results of Consultation	The Parish Council suggested minor updates with the addition of new paragraphs 3.4 and 3.5 to provide information on the Regulation 14 and Regulation 16 consultations and the independent examination of the Plan.	Agreed, the addition of paragraphs 3.4 and 3.5 do not materially affect the policies in the plan and provide further information on public consultation undertaken and the independent examination.