

Broadwas and Cotheridge Parish Council

Broadwas and Cotheridge Neighbourhood Development Plan

A report to Malvern Hills District Council of the Independent Examination of the Broadwas and Cotheridge Neighbourhood Development Plan

Independent Examiner Christopher Edward Collison

Christopher Edward Collison

BA (Hons) MBA MRTPI MIED MCMi IHBC

Planning and Management Ltd

collisonchris@aol.com

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Overall Finding

This is the report of the Independent Examination of the Broadwas and Cotheridge Neighbourhood Development Plan. The plan area comprises two adjacent parishes being the entire administrative area of Broadwas and Cotheridge Parish Council within the Malvern Hills District Council area. The plan period is 2018-2030. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Broadwas and Cotheridge Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Broadwas and Cotheridge Parish Council (the Parish Council). The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Broadwas and Cotheridge Neighbourhood Area which was formally designated by Malvern Hills District Council (the District Council) on 20 June 2017. The Neighbourhood Plan has been produced by the Neighbourhood Plan Steering Group made up of volunteers from the local community.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council.² The District Council arranged a period of publication between 15 February 2019 and 29 March 2019 and subsequently submitted the Neighbourhood Plan to me for independent examination.

¹ Paragraph 183 National Planning Policy Framework (2012) (See paragraph 214 of the NPPF 2018 for an explanation why this Independent Examination is being undertaken in the context of the NPPF 2012)

² Submission date 20 January 2019

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan.³ The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.
6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application⁴.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area⁵ unless the District Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan⁶. The Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted⁷.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have

³ Paragraph 10 Schedule 4B Town and Country Planning Act 1990

⁴ Paragraph 216 of the National Planning Policy Framework 2012 explains full weight is not given at this stage

⁵ Section 3 Neighbourhood Planning Act 2017

⁶ Section 156 Housing and Planning Act 2016

⁷ Paragraph 198 National Planning Policy Framework 2012

appropriate experience. I am an experienced Independent Examiner of Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

9. As independent examiner, I am required to produce this report and must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁸ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁹

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.¹⁰ The Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”

12. The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary, I proceeded on the basis of written representations and an unaccompanied visit to the Neighbourhood Plan area.

⁸ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁹ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

¹⁰ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

Basic Conditions and other Statutory Requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.¹¹ A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the 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);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.¹²

14. As the final basic condition, on 28 December 2018, replaced a different basic condition that had previously been in place throughout much of the period of preparation of the Neighbourhood Plan I asked the District and Parish Councils to jointly confirm the Neighbourhood Plan meets the new basic condition. On 12 April 2019 I received this confirmation which I refer to later in my report.

15. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights.¹³ All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan Policies’.

16. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning

¹¹ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

¹² This Basic Condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 are amended. This basic condition replaced a basic condition “the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects”.

¹³ The Convention Rights has the same meaning as in the Human Rights Act 1998

and Compulsory Purchase Act 2004.¹⁴ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.

17. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 20 June 2017. A map of the Neighbourhood Plan boundary is included as Map 1 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Broadwas and Cotheridge Parish boundaries. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹⁵ and no other neighbourhood development plan has been made for the neighbourhood area.¹⁶ All requirements relating to the plan area have been met.
18. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹⁷ and the Neighbourhood Plan does not include provision about excluded development.¹⁸ I am able to confirm that I am satisfied that each of these requirements has been met.
19. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁹ The front cover of the Submission Version Plan clearly states the plan period to be 2018-2030.
20. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.²⁰ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted

¹⁴ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

¹⁵ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹⁶ Section 38B (2) Planning and Compulsory Purchase Act 2004

¹⁷ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁸ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁹ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

²⁰ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the National Planning Policy Framework 2012

Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other Statutory Requirements.

21. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
22. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
23. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.²¹

Documents

24. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Broadwas and Cotheridge Neighbourhood Plan 2018-2030 Proposed Plan January 2019
- Broadwas and Cotheridge Neighbourhood Plan Basic Conditions Statement 7 January 2019 [*In this report referred to as the Basic Conditions Statement*]
- Broadwas and Cotheridge Neighbourhood Plan Consultation Statement January 2019 including Appendix A [*In this report referred to as the Consultation Statement*]
- Broadwas and Cotheridge Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion and Addendum January 2019
- Broadwas and Cotheridge Neighbourhood Development Plan Background Papers 1 – 4

²¹ See 10(1) and 10(3) of Schedule 4B to the Parish and Country Planning Act 1990

- Background documents published on the Parish Council website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the District and Parish Councils, including the statement relating to Habitats Regulations Assessment sent to me by the District Council on 12 April 2019, and the Parish Council response to the representations of other parties sent to me on 23 April 2019
- South Worcestershire Development Plan Adopted February 2016
- Strategic Policies in the South Worcestershire Development Plan for the purposes of neighbourhood planning document
- South Worcestershire Development Plan Review Issues and Options Consultation November 2018
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance DCLG (June 2017) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [*In this report referred to as the Guidance*]
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Housing and Planning Act 2016
- The Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations*].
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.
- The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

25. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the Submission Plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.
26. Initial consultation with the local community included a public meeting, an exhibition, and a questionnaire survey, all occurring in the period May to July 2017. This consultation surfaced a series of key issues. A Vision and Objectives paper was produced in January 2018. A draft Neighbourhood Plan was presented to the Parish Council meeting in April 2018.
27. A wide range of consultation methods have been utilised throughout the plan preparation process including publicity through the Neighbourhood Plan website and Footprints parish magazine; press releases; Parish Council updates; three 'drop-in' events at the Village Hall; leafleting; and use of noticeboards. Steering Group meetings were open to the public and minutes published.
28. Pre-submission consultation in accordance with Regulation 14 was undertaken between 17 September 2018 and 29 October 2018. This consultation generated 19 submissions. The representations arising from the consultation are summarised in Section 3 of the Consultation Statement, and responses and changes made to the Neighbourhood Plan are set out in Section 4. The suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was approved by the Parish Council, for submission to the District Council.
29. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 15 February 2019 and 29 March 2019. Representations from 10 different parties were submitted during the period of publication. An anonymous comment was also submitted stating the Neighbourhood plan should be made easier to understand. I have been provided with copies of each of these representations. In preparing this report I have taken into consideration all of the attributed representations submitted during

the Regulation 16 period even though they may not be referred to in whole, or in part. Where representations relate to specific policies, I refer to these later in my report when considering the policy in question.

30. Worcestershire County Council state it is encouraging to see the commitment to sustainable development in the Neighbourhood Plan. A suggestion is made for additional elements of policy relating to the County Council Streetscape Design Guide. It is beyond my remit to recommend modifications to add policy components to the Neighbourhood Plan.

31. The Environment Agency has commented: *“Based on our indicative Flood Map for Planning, it appears that the neighbourhood area falls partly within Flood Zones 2&3 of the River Teme. We are currently working with the South Worcestershire Councils on the South Worcestershire Development Plan (SWDP) to ensure those matters within our remit including the evidence base for flood risk, waste and clean water infrastructure are secured within the strategic framework of the borough. The associated Neighbourhood Plans clarifies that flood risk should not be a significant issue and that the NDP will conform with the SWDP policies. It should ensure that there is sufficient waste water infrastructure in place to accommodate growth for the duration of the plan period. The document confirms that the Neighbourhood Plan area will not be allocating sites (5.1) – “Consequently there is no need in this NDP to identify significant new allocations of land for residential development”. Future considerations. We would only make substantive further comments on the plan if you were seeking to allocate sites in flood zone 3 and 2 (the latter being used as the 1% climate change extent perhaps). It should be noted that the Flood Map for Planning provides an indication of ‘fluvial’ flood risk only. You are advised to discuss matters relating to other sources of flooding including surface water (pluvial) flooding with the South Worcestershire Land Drainage Partnership in their role as the Lead Local Flood Authority (LLFA). The LLFA also has responsibility for local flood risk management and may hold flooding information that is not identified on our Flood Map. Some watercourses have not been modelled on our Flood Maps (Our Flood Maps primarily show flooding from Main Rivers, not ordinary watercourses, or un-modelled rivers, with a catchment of less than 3km²).”* These comments do not necessitate modification of the Neighbourhood Plan to meet the Basic Conditions or other requirements.

32. Historic England welcomes the inclusion of a reference to the Worcestershire Historic Farmsteads Assessment Framework. Natural England and The Coal Authority do not have any specific comments. National Grid has made an assessment of electricity and gas transmission apparatus and has identified no record of such apparatus within the Neighbourhood Plan area. These representations do not necessitate any modification of the Neighbourhood Plan.
33. Severn Trent has submitted general guidelines and commented *“Policy 6A: Severn Trent encourage the use of SuDS and SuDS principles to manage surface water run-off. We would also recommend that the Drainage Hierarchy is included to direct surface water to natural outfall routes such as infiltration or Watercourse before utilising sewers, as supported by Planning Practice Guidance Paragraph 80. Surface water should not be permitted to connect to a foul sewer. We would also strongly recommend that local planning authorities incorporate the voluntary building standard of 110 l/p/d into their planning policies so that new development is designed in line with this approach. Further information on water efficiency can be found within the water efficiency section of this response”*. I refer to this representation when considering Policy P6 later in my report.
34. Representations on behalf of Wolverley Homes Limited object to the Neighbourhood plan *“in summary:*
- *The emerging neighbourhood plan fails to comply with national planning policy which seeks to boost the supply of housing. There is a significant evidence base demonstrating there is a local housing need. The emerging neighbourhood plan fails to plan positively to help meet that identified local housing need.*
 - *The emerging neighbourhood plan provides no housing allocations and simply attempts to set out a restrictive approach to growth within a very tight development boundary at Broadwas –at the same time acknowledging “very limited scope” for new development exists within the development boundary.*
 - *The emerging plan fails to comply with national planning policy which seeks to place modest growth at rural settlements to sustain and enhance their local services. Additionally, the emerging neighbourhood plan fails to follow the development strategy of the adopted strategic spatial plan, the South Worcestershire Development Plan (SWDP), which seeks to achieve the same*

objectives as the Framework; as noted above.

- *The suggested local green space designations set within emerging neighbourhood plan Policy P3 fails to meet the tests set out in the Framework. There is no evidence base, or creditable documentation, to justify those emerging green space designations.*
- *To be made sound, the emerging neighbourhood plan should, as a starting point, seek to make housing allocations such that, as a minimum, the local community can accommodate its currently identified housing need. Additionally, housing growth opportunities – not village cramming within tightly drawn development boundaries – should be identified to help meet the identified future housing need of the wider area as well as providing village growth to help sustain and enhance the rural services that Broadwas provides.*
- *The proposed local green space designations, particularly that at land between Berryfields Close and Church Lane, should be deleted.*
- *Land between Berryfields Close and Church Lane should be allocated such that it can sustainably help to provide some of the affordable housing requirement and housing need demonstrated to exist within the locality.”*

I have earlier in my report explained that it is not within my remit to assess the soundness of the Neighbourhood Plan. There is no requirement for a Neighbourhood Plan to allocate land for housing development. I refer to this representation when considering Policy P1 and Policy P3, and have taken it into account when considering Policy P2 later in my report.

35. A representation on behalf of Gregory Gray Associates states “*These representations concern the housing site of Zourka, Church Lane, Broadwas shown on location plan 01A attached. Taking the above three Draft Neighbourhood Plan (NP) paragraphs together (the representation identifies paragraphs Paras. 2.11, 5.1, 5.4, and 5.5.), that MHDC currently has a 5-year supply of housing land does not absolve it of any responsibility to maintain and enhance the supply of land for housing. NPPF para. 59 states the Government’s objective of ‘significantly boosting the supply of homes.’ In that context there is no*

maximum or ceiling to the supply of housing; a 5-year supply is only a minimum. NPPF paras. 68a, 69 and 78 positively support the boosting of housing supply in and on:

a. (para.68a) small sites of less 1 ha because of the ‘important contribution’ they can make to meeting the housing requirement of the area. Zourka is only 0.9ha,

b. (para.69) the NP can reasonably allocate Zourka, which already has an extant permission for residential development (permission 17/00169/FUL granted 16th April 2018),

c. (para.78) new housing in rural communities can enhance or maintain the vitality of rural communities. Broadwas is a Category 2 village which has the capacity to accommodate new development to support local services. The site of Zourka was recognised by the appeal Inspector for its ability to positively contribute to these objectives (para. 17 of his letter).

d. On its individual merits, the site of Zourka demonstrably has the capacity to contribute to these overarching objectives without harm to heritage assets or other interests of acknowledged importance. This was the clear finding of the appeal Inspector (para. 37 of his letter).

The Council is accordingly requested to either:

a. extend the Broadwas settlement boundary to include the site of Zourka as indicated on Plan 01A, or

b. allocate the site of Zourka in the Neighbourhood Plan as a housing site.” I refer to this representation when considering Policy P1 and have taken it into account when considering Policy P2 later in my report.

36. The District Council has submitted a substantial representation. This representation in large part relates to the policies of the Neighbourhood Plan. I have taken those comments into account when considering the relevant policies. Where the District Council has identified necessary corrections of the Neighbourhood Plan, I have referred to these in the Annex to my report. A number of the District Council representations propose changes to the Plan that are not necessary to meet the Basic Conditions or Convention Rights and are therefore beyond my remit with respect to the recommendation of modifications. I have made reference to some of these matters in the Annex to my report.

37. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. I placed no obligation on the Parish Council to offer any comments but such an opportunity can prove helpful where representations of other parties include

matters that have not been raised earlier in the plan preparation process. The Parish Council responded to the opportunity to comment by setting out a statement in respect of some of the Regulation 16 representations. I have taken the Parish Council response, which I received on 23 April 2019, into account in preparing my report even though I may not have referred to every point made. The District Council has published the Regulation 16 representations and the Parish Council response on their website.

38. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) explains how they were consulted;
 - c) summarises the main issues and concerns raised by the persons consulted; and
 - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.²²
39. The Consultation Statement and Evidence Base include information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Working Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

40. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows

²² Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

41. The Basic Conditions Statement states *“The policies within this NDP are considered to comply with EU Obligations in relation to Human Rights. The Plan is not detrimental to Human Rights but seeks to enhance the Human Rights of current and future residents within the parishes of Broadwas and Cotheridge.”* I have considered the European Convention on Human Rights and in particular Article 6 (1) (fairness); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).²³ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. From my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.
42. The objective of EU Directive 2001/42²⁴ is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of ‘plans and programmes’²⁵ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²⁶
43. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to Malvern Hills District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and

²³ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

²⁴ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²⁵ Defined in Article 2(a) of Directive 2001/42

²⁶ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.

44. The District Council has issued a Strategic Environmental Assessment Screening Opinion which states *“The assessment shown in Table 2 above identifies no potential significant negative effects arising from the draft Broadwas and Cotheridge Neighbourhood Plan, and as such it is considered that it will not require a full SEA to be undertaken.”* The Screening Opinion includes confirmation that the Statutory Bodies have been consulted. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
45. I have earlier in my report referred to the replacement on 28 December 2018 of the Basic Condition relating to Habitats that had previously been in place throughout the period of preparation of the Neighbourhood Plan. In a letter attached to an email dated 12 April 2019 the District Council advised me *“Thank you for drawing our attention to the revised Basic Condition relating to the Conservation of Habitats and Species and Planning Regulations which came into force on 28 December 2018. Officers from the District Council and the Parish Council have considered the revision, and in our opinion the Broadwas and Cotheridge Neighbourhood Plan will meet the revised Basic Condition without further actions in relation to the HRA Screening Opinion being necessary.”*
46. *The original HRA Screening Opinion for the Draft Broadwas and Cotheridge Neighbourhood Plan was prepared prior to the EU Court of Justice ruling in People Over Wind and Sweetman v Coillte Teoranta (Judgement of the Court Seventh Chamber 12 April 2018) and the Court of Justice (Second Chamber) judgement of 25 July 2018 Grace, Sweetman, and National Planning Appeals Board Ireland (ECLI:EU:C2018:593). Malvern Hills District Council reviewed the HRA Screening Opinion in light of the above judgements and prepared an Addendum to the HRA Screening Opinion in January 2019. Officers from the District Council and the Parish Council consider that the HRA Screening Opinion for the Broadwas & Cotheridge Neighbourhood Plan remains valid and that a HRA Appropriate Assessment is not required for the following reasons:*
- (i) The distance of the Neighbourhood Area from internationally designated wildlife sites. There are no internationally designated wildlife sites located within the Broadwas & Cotheridge Neighbourhood Area. For the purposes of the HRA screening assessment, internationally designated wildlife sites that fall within 20km were*

considered. There is one site identified within this range – Lyppard Grange Ponds SAC which is approximately 10km east of the Broadwas & Cotheridge Neighbourhood Area.

(ii) The HRA screening assessment does not seek to take account of any measures intended to reduce or avoid any harmful effects of the Plan on any European site, in part due to the fact that the Neighbourhood Plan does not propose any development sites.

In December 2018 the District Council wrote to Natural England seeking their advice on whether any further action would be required as a result of the People over Wind judgements in relation to the Broadwas & Cotheridge Neighbourhood Plan. In an email dated 19th December 2018 (see letter below), Natural England advised that they do not consider the People over Wind judgements to be relevant to the Broadwas and Cotheridge Neighbourhood Plan because, as far as they are aware, the Neighbourhood Plan will not result in likely significant effects on European sites. The Habitat Regulations Assessment's for the Neighbourhood Plan does not rely on mitigation in order to reach the conclusion of no likely significant effects and therefore the People over Wind judgements do not come into consideration. In relation to the revised Basic Condition, our understanding is that the revision allows neighbourhood plans that require appropriate assessment to progress provided that the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 are met. Since the HRA Screening Opinion for the Broadwas and Cotheridge Neighbourhood Plan does not rely on mitigation to reach the conclusion of no likely significant effects, the District Council and Parish Council consider that the Broadwas and Cotheridge Neighbourhood Plan will meet the revised Basic Condition without further actions being necessary."

47. I am satisfied with this response and I conclude the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.

48. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

49. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood

Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

50. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The District Council as local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations:

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).²⁷

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

51. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁸ which requires plans to be “*consistent with national policy*”.

52. Lord Goldsmith has provided guidance²⁹ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

²⁷ Planning Practice Guidance paragraph 080 Reference ID: 41-080-20150209

²⁸ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the National Planning Policy Framework 2012

²⁹ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the House of Lords Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

53. The Basic Conditions Statement includes, in Section 3 a comprehensive statement how the Neighbourhood Plan has regard to the twelve core planning principles of the Framework. The Basic Conditions Statement also identifies those policies of the Neighbourhood Plan that align with those policy dimensions of the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
54. The revised National Planning Policy Framework was published on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012. Paragraph 214 of the revised Framework states "*The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted³⁰ on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.*" I have undertaken this Independent Examination of the Neighbourhood Plan in the context of the Framework published in March 2012.
55. The Neighbourhood Plan includes a positive vision for Broadwas Parish that refers to meeting the needs and wishes of those who live, work, socialise and relax in the area whilst also referring to environmental considerations with respect to the rural nature and character of the villages. The vision is underpinned by eight objectives relating to: rural character; housing; employment; community facilities; environment; transport; utilities; and green energy. The Objectives provide a link between the vision and the policies of the Neighbourhood Plan.
56. The Neighbourhood Plan includes at Section 6 proposed arrangements for the monitoring and review of the Neighbourhood Plan.
57. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to '*have regard to*' national policies and advice

³⁰ Footnote 69 of the Revised Framework states that "*for neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.*"

contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*”

58. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.³¹ The Guidance states, “*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions*”³².

59. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

60. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes at Sections 4.1 to 4.4 a statement that confirms the ways in which the Neighbourhood Plan contributes to the achievement of sustainable development considering place shaping, and social, economic and environmental factors. The appraisal identifies sustainability benefits arising from the policies of the

³¹ Paragraph 14 National Planning Policy Framework 2012

³² Planning Practice Guidance (Ref ID:41-072-20140306)

Neighbourhood Plan. The appraisal does not highlight any negative impacts on sustainability objectives.

61. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate quality; will serve economic needs; will protect and enhance social facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan seeks to:

- Support new housing development within a defined development boundary;
- Establish principles for assessment of development proposals outside the identified development boundary;
- Designate five Local Green Spaces;
- Identify recreational green spaces and support their enhancement;
- Ensure development does not substantially harm identified key views;
- Establish design principles for residential and non-residential development;
- Conditionally support employment development including home working;
- Seek enhancement of existing community facilities and establish principles for development of new built community facilities; and
- Establish criteria for support of types of renewable and low carbon energy production.

62. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the 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)

63. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local*

*Plans”.*³³ *“Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.*³⁴

64. The Guidance states, *“A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”*³⁵

65. In this independent examination, I am required to consider whether the making of the 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). Malvern Hills District Council has informed me that the Development Plan applying in the Broadwas and Cotheridge Neighbourhood Area and relevant to the Neighbourhood Plan comprises the South Worcestershire Development Plan adopted February 2016. The District Council has provided me with a document that identifies what are regarded by the Local Planning Authority as strategic policies for the purposes of neighbourhood planning.

66. I agree that the policies identified by the District Council as strategic are indeed strategic but I regard Policy SWDP25 Landscape Character to also be strategic as this requires all development proposals to be appropriate and integrate with the character of their landscape setting. I have proceeded with my independent examination of the Neighbourhood Plan on the basis that the Development Plan strategic policies relevant to the Neighbourhood Plan are:

- SWDP1 Overarching Sustainable Development Principles
- SWDP2 Development Strategy and Settlement Hierarchy
- SWDP3 Employment, Housing and Retail Provision Requirement and Delivery
- SWDP4 Moving Around South Worcestershire
- SWDP5 Green Infrastructure
- SWDP6 Historic Environment

³³ Paragraph 16 National Planning Policy Framework 2012

³⁴ Paragraph 184 National Planning Policy Framework 2012

³⁵ Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20140306

- SWDP7 Infrastructure
- SWDP8 Providing the Right Land and Buildings for Jobs
- SWDP9 Creating and Sustaining Vibrant Centres
- SWDP10 Protection and Promotion of Centres and Local Shops
- SWDP12 Employment in Rural Areas
- SWDP13 Effective Use of Land
- SWDP14 Market Housing Mix
- SWDP15 Meeting Affordable Housing Needs
- SWDP17 Travellers and Travelling Showpeople
- SWDP21 Design
- SWDP22 Biodiversity and Geodiversity
- SWDP23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
- SWDP25 Landscape Character
- SWDP27 Renewable and Low Carbon Energy
- SWDP28 Management of Flood Risk
- SWDP59 New Housing for Villages

67. Malvern Hills District Council is working with Worcester City Council and Wychavon District Council to prepare a South Worcestershire Development Plan Review. This work has proceeded to the stage where an Issues and Options Consultation document has been prepared in November 2018.

68. The Neighbourhood Plan can proceed ahead of preparation of the South Worcestershire Development Plan Review. The Guidance states: *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- *the emerging neighbourhood plan*
- *the emerging Local Plan*
- *the adopted development plan*

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”³⁶

69. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the emerging South Worcestershire Development Plan Review when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised.

70. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging South Worcestershire Development Plan Review is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “*Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan*”. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by

³⁶ Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20160211

basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.

71. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility.”³⁷ The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

72. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”³⁸

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

73. Consideration as to whether the making of the 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) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

³⁷ Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

³⁸ Planning Practice Guidance (ID ref: 41-074 201 40306)

The Neighbourhood Plan Policies

74. The Neighbourhood Plan includes 10 policies as follows:

Policy P1 Broadwas Development Boundary

Policy P2 Open Countryside in Broadwas and Cotheridge

Policy P3 Local Green Spaces: Amenity Green Spaces in Broadwas

Policy P4 Local Green Spaces: Recreational Green Spaces

Policy P5 Key Views

Policy P6 Design of Development

Policy P7 Employment Uses and Farm Diversification

Policy P8 Built Community Facilities

Policy P9 Renewable and Low Carbon Energy

Policy P10 Developer Contributions

75. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.”* *“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*³⁹

76. The Guidance states *“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.”*⁴⁰

77. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for*

³⁹ Paragraphs 184 and 185 National Planning Policy Framework 2012

⁴⁰ Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306

*neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*⁴¹

78. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”*⁴²

79. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy P1 Broadwas Development Boundary

80. This policy seeks to establish support for new housing development within a defined Development Boundary.

81. A representation on behalf of Gregory Gray Associates considers the Neighbourhood Plan does not boost significantly the supply of housing, as referred to in the Framework, and requests either the Broadwas settlement boundary is extended to include the site of Zourka (as indicated on a plan), or that site is allocated in the Neighbourhood Plan as a housing site. Representations on behalf of Wolverley Homes Limited object to the Neighbourhood Plan on the basis of its restrictive approach to growth with no housing site allocations, and proposes *“land between Berryfields Close and Church Lane should be allocated such that it can sustainably help to provide some of the affordable housing requirement and housing need demonstrated to exist within the locality.”* I refer to this latter representation in my consideration of Policy P3 also. I have taken both

⁴¹ Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

⁴² Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20140306

of these representations into account when considering Policy P2 later in my report.

82. The District Council representation includes *“The draft Broadwas and Cotheridge Neighbourhood Plan provides some limited flexibility for infill housing development within the Broadwas development boundary or outside the development boundary for use by rural workers, rural exception sites and replacement dwellings, but does not propose any new housing site allocations”* and *“it is considered that there is no evidence of an immediate unmet housing need that must be accommodated within the Neighbourhood Plan to 2030. It should be noted that the South Worcestershire Councils have commenced a revision of the South Worcestershire Development Plan. The latest evidence of housing need is indicating that the revised SWDP will need to plan for approximately an additional 14,000 dwellings across south Worcestershire in the period 2021 to 2041, but most of this will be in the period 2031 – 2041 which is beyond the period covered by the Broadwas and Cotheridge Neighbourhood Plan”*.

83. The Parish Council has noted the District Council representation and commented on the representations of other parties explaining its reasons for not extending the Development Boundary to include the site of ‘Zourka’ and for not allocating that site for housing in the Neighbourhood Plan. The Parish Council has also set out its reasons why the Neighbourhood Plan does not allocate land between Berryfields Close and Church Lane for housing development.

84. A settlement boundary is used in the Neighbourhood Plan as a policy tool to define where plan policies are to apply, and in particular through Policy P1 where new housing development proposals will be supported, and through Policy P2 where support is limited to developments of specified types. The Neighbourhood Plan does not allocate sites for development and there is no requirement that it should. The merits or demerits of housing development on the site of Zourka, or on land between Berryfields Close and Church Lane, are not a matter for my consideration. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions including whether it will *“promote less development than set out in the Local Plan”*, as referred to in paragraph 184 of the Framework.

85. The South Worcestershire Development Plan through Policy SWDP 2 seeks to establish a development strategy and settlement hierarchy. New housing development is to be focussed on Worcester City and

the other urban areas. The housing requirement to 2030 in South Worcestershire is 28,370 dwellings. The South Worcestershire Development Plan makes provision for around 28,400 dwellings to meet this need, including 18 in Broadwas.

86. Broadwas is identified as a Category 2 village. Category 1, 2 and 3 villages are stated to have a role predominately aimed at meeting locally identified housing and employment needs and are suited to accommodate market and affordable housing needs alongside limited employment for local needs. The SWDP allocates two sites that together were anticipated to deliver an indicative 18 dwellings. The Neighbourhood Plan reports that 22 new houses have been built on these sites. The contribution arising from these sites amounts to a significant boost to the supply of housing in the Neighbourhood Area. Whilst no total figure can be assumed there is undoubtedly some limited potential for additional dwellings to be provided on infill plots or possibly through the redevelopment of sites within the Development Boundary defined on the Policies Map Inset 1 of the Neighbourhood Plan. The Neighbourhood Plan places no limit on the number of homes that can be provided within the Development Boundary, although other Neighbourhood Plan policies may restrict potential additional provision. Policy P2 supports dwellings for rural workers, and homes on rural exception sites, outside the Development Boundary. Policy P2 does not place any limit on the number of homes that can be provided in accordance with that policy. I conclude the Neighbourhood Plan will not promote less development than set out in the Local Plan, as required by paragraph 184 of the Framework. It is beyond my role to recommend the Neighbourhood Plan should include any site allocation.

87. I now consider issues relating to the precise alignment of the Development Boundary. A representation requests the Development Boundary is adjusted to include the site of Zourka. Another representation requests a site allocation on land between Berryfields Close and Church Lane but does not specifically propose adjustment of the Development Boundary.

88. A Development Boundary can represent the dividing line between built areas and open countryside, and can follow clearly defined features such as walls, hedgerows or water courses. Extant planning permissions and allocations can be included within the development boundary. The definition of the boundary however does not have to relate to some observable land use difference or dividing feature. A development boundary does not have to include the full extent of a

settlement, and development boundaries do not have to reflect land ownership boundaries or the precise curtilages of properties. Development boundaries can be used to identify the limits to future development of a settlement. One approach is to exclude curtilages of properties which have the capacity to extend the built form of a settlement in areas where this is not considered desirable. Such areas could include whole properties or parts of large residential gardens.

89. The Development Boundary proposed has been subject to community engagement and consultation during the plan preparation process. Whilst it is evident from paragraph 5.6 of the Neighbourhood Plan, and Background Paper No.1, that consideration has been given to the character of the settlement and the need for new releases of land for residential development in the plan period, the Development Boundary does not define the built-up area of Broadwas. I am satisfied the Development Boundary defines an area within which new housing development will be supported throughout the plan period and will guide development to sustainable solutions. It is beyond my role to consider whether any alternative alignment of the Development Boundary would offer a more sustainable solution.
90. The District Council suggest *“that the Policy could be re-titled ‘New Residential Development within the Development Boundary’ because the development boundary is a policy tool rather than a policy. Also, the policy relates to what development would be supported within the development boundary”*. I have recommended a modification in this respect to avoid confusion for plan users and so that the policy 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. The District Council has suggested the policy should also refer to conversion, re-use or extension of an existing building for residential use. It is beyond my remit to recommend the Policy should be extended to refer to other matters where these are not necessary to meet the Basic Conditions.
91. It is unnecessary and confusing for one policy to state *“where it accords with other relevant policies of this NDP and the South Worcestershire Development Plan”* as the entire Development Plan should be read as a whole. I have recommended a modification in this respect so that the policy 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.

92. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Broadwas and Cotheridge Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
93. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with delivering a wide choice of high-quality homes. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1:

In Policy P1 delete “where it accords with other relevant policies of this NDP and the South Worcestershire Development Plan”

Change the Policy title to “New Residential Development within the Development Boundary”

Policy P2 Open Countryside in Broadwas and Cotheridge

94. This policy seeks to establish that development outside the Development Boundary should be limited to specified types of development and that these should also avoid harm or loss of irreplaceable habitats. The Policy also seeks to establish conditional support for alterations of dwellings, and conversion or re-use of buildings for residential purposes.
95. When considering Policy P2 I have taken into account the representations submitted on behalf of Gregory Gray Associates, and on behalf of Wolverley Homes Limited. In my consideration of Policy P1 in which I also referred to Policy P2 I concluded the Neighbourhood Plan will not promote less development than set out in the Local Plan, as required by paragraph 184 of the Framework.
96. In a representation the District Council states *“It is noted that whilst Policy P1 relates to housing development, the first part of Policy P2 relates to housing, employment and renewable energy. Given that Policy P7 relates to employment uses and farm diversification and Policy P9 relates to renewable energy, it is suggested that Policy P2*

could be amended and retitled New Housing Development beyond the Development Boundary. Paragraph 55 of the Framework (paragraph 79 of the revised Framework) says that local planning authorities (and this applies to neighbourhood plans) should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling. Policy P1 refers to most of these circumstances, but is silent with respect to securing the future of heritage assets. It is considered that the first part of Policy P2 provides a local interpretation of SWDP 2C as it relates to housing development in the open countryside. The policy provides flexibility for rural exception sites, replacement dwellings in the open countryside and dwellings for rural workers, with reference to SWDP 16, 18 and 19. In relation to the second part of Policy P2, it is suggested that the criteria for extensions and conversions should be separate in order to provide a practical framework in which decision makers can apply the policy consistently and with confidence when determining planning applications. The criteria relating to extensions to existing dwellings being subordinate to, and do not dominating the character and appearance of the original dwelling, seems acceptable. Paragraph 55 of the Framework (paragraph 79 of the revised Framework) says that one of the circumstances in which isolated homes in the countryside may be supported is where the development would re-use redundant or disused buildings and enhance its immediate setting. In light of this, it is considered that criteria b in the second part of Policy P2 could be amended to read 'The conversion and re-use of redundant or disused buildings will be supported providing there is an enhancement to the building's immediate setting and there is no need for substantial reconstruction and large extensions.'" The Parish Council has commented the wordings now suggested do not appear to change the fundamental meaning or purpose of the policy. I have recommended a modification so that the Policy title is amended to reflect content and its use as a policy tool. This recommendation for modification is so that the policy 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

97. The Framework states *“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”*. Policy P2 does not refer to all of the special circumstances recognised in national policy that would justify support of a proposal for an isolated home outside the Development Boundary. I have recommended a modification in these respects so that the Policy has sufficient regard for national policy.
98. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Broadwas and Cotheridge Neighbourhood Area and relevant to the Neighbourhood Plan, in particular Policy SWDP2C, and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
99. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. As recommended to be modified the policy has regard to the components of the Framework concerned with supporting a prosperous rural economy; delivering a wide choice of high-quality homes; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 2:

Replace Policy P2 with “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:

- **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 residential purposes that do not require substantial reconstruction or need for large extensions; or
 - 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
- 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.”

Change the Policy title to “Development in Open Countryside”

Policy P3 Local Green Spaces: Amenity Green Spaces in Broadwas

100. This policy seeks to designate five areas of land as Local Green Space.
101. A representation states *“the proposed local green space designations, particularly that at land between Berryfields Close and Church Lane, should be deleted.”* The Parish Council has commented that the two Green Spaces policies (P3 and P4) seek *“to protect specific sites of specific amenity and landscape qualities, and where relevant, both recreational and wildlife/natural heritage assets.”*
102. In a representation the District Council states that their understanding is that Policy P3 relates to the designation of Local Green Space and recommends an alternative policy wording on that basis. The Parish Council has commented on the District Council representation setting out the basis for a dual policy approach, with Policy P3 relating to areas with a primarily amenity, landscape and/or

wildlife value, and a separate Policy P4 relating to areas with a primarily functional recreational value

103. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on the Policies Map Insets 1 and 2. Policies Map Inset 1 is presented at a scale that is just sufficient to identify the precise boundaries of each Local Green Space proposed for designation. Whilst I recognise electronic versions of the Policies Map Inset 1 can be expanded in order to examine particular areas this is not an option when viewing a paper copy. I have recommended a modification so that the Policies Map Inset 1 is included in the Neighbourhood Plan at a larger scale so that the precise boundaries of each Local Green Space are more clearly identifiable. The notation should be expanded to identify each Local Green Space by name or reference number. This will ensure that the policy 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.
104. The wording of the policy does not adequately reflect the terms of the designation of Local Green Spaces set out in paragraph 76 of the Framework where it is stated communities will be able to rule out development other than in very special circumstances. The Neighbourhood Plan is not able to designate Local Green Spaces on terms that are different to those set out in the Framework. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.
105. I have noted the policy seeks to describe types of development that could be considered appropriate on a Local Green Space. I have given consideration to the possibility of the policy including a full explanation of “*very special circumstances*”. Such circumstances may be that development is proposed that would clearly enhance the Local Green Space for the purposes for which it was designated, or proposals are made for essential infrastructure that cannot be located elsewhere. I have concluded such explanation would necessarily be incomplete and that decision makers must rely on paragraph 78 of the Framework that states “*local policy for managing development within a Local Green Space will be consistent with policy for Green Belts*” and the part of the Framework that relates to ‘Protecting Green Belt land’,

in particular paragraphs 87 to 91 inclusive. I have recommended a modification in this respect.

106. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them”* and *“Identifying land as Local Green Space should therefore 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 reviewed and be capable of enduring beyond the end of the plan period.”*

107. In respect of the areas intended for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended designations, which are being made in the context of the adopted South Worcestershire Development Plan, have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

108. The Framework states that Local Green Space designation *“should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is 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*
- *where the green area concerned is local in character and is not an extensive tract of land.”*⁴³

109. I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.

110. The Background Paper No.2 - Analysis of Candidate Local Green Spaces describes why the areas proposed for designation as

⁴³ Paragraph 77 National Planning Policy Framework 2012

Local Green Space are “*demonstrably special*” to a local community and hold a particular local significance. The ‘Background Paper No.2’ provides sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.

111. I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 76 and 77 of the Framework concerned with the identification and designation of Local Green Space.

112. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Broadwas and Cotheridge Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

113. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities, and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

Replace Policy P3 with “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:

- **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.”**

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.

Change the Policy title to “Designation of Local Green Spaces”

Policy P4 Local Green Spaces: Recreational Green Spaces

114. This policy seeks to establish that SWDP Policy 38 will apply to the Berryfields Children's Play area and Sports Ground, and the Stoney Ley Sports Ground. The policy also seeks to encourage enhancement of the facilities.
115. The District Council representation includes "*It is considered that there is a need for greater clarity on whether the 'Recreational Green Spaces' identified in Policy P4 are being proposed as Local Green Spaces, open spaces (as defined in the Framework) or Green Space (as defined within the SWDP)*" and "*It may be worth noting that the two proposed recreational green spaces are not currently designated Green Space for the purposes of SWDP 38.*" The Parish Council comments on the representations of other parties includes "*For the local community the key issue for the NDP to address is that these spaces are protected, howsoever they are defined.*"
116. The Framework states existing open space, sports and recreational buildings and land including playing fields should not be built on unless stated criteria apply. Policy SWDP38 provides protection to those facilities identified on the SWDP Policies Map and to new facilities secured through planning permissions. Policy SWDP38 does not apply to the facilities at the Berryfields Children's Play area and Sports Ground, and at the Stoney Ley Sports Ground. In that it is not possible for the Neighbourhood Plan to modify the SWDP I have recommended Policy P4 is modified so as to achieve similar protection in its own right whilst also having sufficient regard for national policy. I have also recommended a modification of the second part of the policy as the term "*will be encouraged*" does not provide a basis for decision making in respect of development proposals. The extent of the Berryfields Children's Play area and Sports Ground is identified partly on the Policies Map and partly on the Policies Map Inset 1. The Policies Map only identifies the location of the Stoney Ley Sports Ground for the purposes of interpretation of Policy P8 but not its extent. I have recommended a modification in this respect so that the policy 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.
117. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Broadwas and Cotheridge Neighbourhood Area and relevant to the Neighbourhood Plan and

provides an additional level of detail or distinct local approach to that set out in the strategic policies.

118. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 4:

Replace Policy P4 with “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.”

Change the Policy title to “Protection and Enhancement of Recreational Green Spaces”

Identify the extent of the Stoney Ley Sports Ground on the Policies Map

Policy P5 Key Views

119. This policy seeks to establish that development that would detract from the landscape qualities of identified sites and key views of them will not be supported.

120. In a representation the District Council states “*Policy P5 (Key Views) lacks clarity on precisely which views the policy relates to. Paragraph 5.15 indicates that the location of key views on the Policies Maps (pages 22 and 23) are “examples” of key views. Further, the first sentence of Policy P5 refers to “especially from the locations identified on the Policies Map” which implies that there may be other key views which are not shown on the Policies Map*” and “*it is considered that further evidence to support the choice of views in Policy P5 would be helpful*”. The Parish Council has commented on the representation of the District Council explaining the intention of the policy.

121. The terms “*example viewpoints*” (as used in the notation to the Background No.4 maps), “*examples*” (as used in supporting text

paragraph 5.15), and “*especially from the locations identified on the Policies Map*” (as used in the Policy text) introduce uncertainty and do not provide a basis for decision making on a planning proposal. The term “*of the sites listed below*” and their description (including the Environmental Character Areas Map) does not provide a basis for policy implementation. The term “*minimised*” is imprecise. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and 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.

122. Paragraph 109 of the Framework states the Planning system should protect and enhance valued landscapes. Subject to the modifications I have recommended I am satisfied the policy identifies the locations where a Key View will be a factor in the assessment of a proposal. In this context I am satisfied the Key Views are adequately identified on the Policies Map and Inset 1 and that supporting information contained within the Background Paper No. 4 – Key Views relating to those Key Views, in photographs and descriptions of visual attributes, and in particular relating to direction, provides sufficient detail to guide the preparation and determination of development schemes. I am satisfied the selection of Key Views has been adequately explained and their local significance has been tested through extensive consultation. Planning policy must operate in the public interest. I am satisfied the Key Views are seen from locations to which the general public have free and unrestricted access.

123. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Broadwas and Cotheridge Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

124. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 5:
In Policy P5**

- delete the first and second sentences, and the bullet points
- between “Views” and “when” insert “identified on the Policies Map and Inset 1”

In paragraph 5.15 replace “examples and” with “the”

Policy P6 Design of Development

125. This policy seeks to establish design principles for both residential and non-residential development.

126. In a representation Severn Trent has submitted general guidelines and commented *“Policy 6A: Severn Trent encourage the use of SuDS and SuDS principles to manage surface water run-off. We would also recommend that the Drainage Hierarchy is included to direct surface water to natural outfall routes such as infiltration or Watercourse before utilising sewers, as supported by Planning Practice Guidance Paragraph 80. Surface water should not be permitted to connect to a foul sewer. We would also strongly recommend that local planning authorities incorporate the voluntary building standard of 110 l/p/d into their planning policies so that new development is designed in line with this approach. Further information on water efficiency can be found within the water efficiency section of this response”*. It is beyond my remit to recommend additional policy components that are not necessary to meet the Basic Conditions or other requirements that I have identified.

127. In a representation the District Council considers *“photographs to illustrate local design characteristics would assist decision makers to ensure that the design principles in Policy P6 are applied consistently.”* The Parish Council has commented *“This is a helpful and positive suggestion, although beyond the means of the Parish Council at this stage of plan preparation. The NDP was being developed at the same time as the South Worcestershire councils were preparing their own Residential Design Guide and so there was a risk of duplication with that document, which has now been published. Assuming that policy P6 becomes part of the final made/adopted NDP then a further document could usefully be prepared as a non-statutory guide to its interpretation in the specific local context – possibly in the form of a Village Design Guide. (It makes sense that the statutory policy is adopted before the related and sub-ordinate non-statutory guidance prepared)”*. I have not recommended a modification in this

respect as it is not necessary to meet the Basic Conditions or other requirements that I have identified.

128. The policies of the Neighbourhood Plan must be sufficiently precise to be used in the formulation and determination of planning proposals. The policy is without consequence and the terms “*is encouraged*” and “*especially*” do not provide a basis for the determination of proposals. The terms “*in principle*” “*minimise*” “*minimised*”, “*minimises*”, “*adequate*”, “*properly*”, “*undue*”, “*in particular*”, “*wherever possible*”, “*wherever practicable*”, and “*wherever appropriate*” are imprecise. The policy does not have regard for national policy with respect to the treatment of community aspirations set out in the Guidance, and seeks to assign policy status to supporting text which it may not. I have recommended a modification so that the policy has sufficient regard for national policy and 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.

129. Paragraph 58 of the Framework, in stating planning policies should aim to ensure that developments establish a strong sense of place, makes specific reference to “*streetscapes and buildings to create attractive and comfortable places to live, work and visit.*” The Framework also states “*local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally*” and “*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness*”⁴⁴. As recommended to be modified the policy has regard for these elements of national policy.

130. Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these.⁴⁵ The Written Ministerial Statement to Parliament of the

⁴⁴ Paragraphs 59 and 60 National Planning Policy Framework 2012

⁴⁵ <https://www.gov.uk/guidance/housing-optional-technical-standards>

Secretary of State (CLG) on 25 March 2015 included the following: *“From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”*. I consider the policy is appropriate in that it relates to design standards rather than technical standards. However, the term *“environmentally responsible sources”* is imprecise and does not recognise the need for attention to viability and deliverability as required by paragraph 173 of the Framework, and the need for design policies to avoid unnecessary prescription as required by paragraph 59 of the Framework. I have recommended a modification in this respect.

131. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Broadwas and Cotheridge Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies, in particular Policy SWDP21.

132. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with requiring good design; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6:

In Policy P6

In Part A

- **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.”**

- 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”

In Part B

- 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 and off-site flooding”
- replace “The site is landscaped using” with “Landscaping should use” and delete “undue”
- replace “Adequate provision” with “Provision”

Policy P7 Employment Uses and Farm Diversification

133. This policy seeks to establish support for employment uses including homeworking.

134. In a representation the District Council states “*duplication or partial duplication / overlap with some strategic policies in the SWDP, could lead to an unnecessarily complex process of applying Neighbourhood Plan and SWDP policies to proposals by decision*”

takers. In light of this it is suggested that consideration is given to whether all aspects are necessary or appropriate” and “The first part of Policy P7 largely reiterates SWDP 12, but adds that consideration should also be given to residential amenity and environmental effects. It is considered that the term “environmental effects” is imprecise and could not be applied consistently and with confidence by decision makers. In relation to the second part of Policy P7, if existing small commercial ventures are authorised and do not require further planning consent then this part of the policy is considered to be unnecessary. The third part of Policy P7 supports home-based working providing that it does not lead to an adverse impact on the amenity of adjacent users and uses. It should be noted that many home-based businesses do not need planning permission. The fourth part of Policy P7 reiterates SWDP 12C relating to the expansion of existing employment sites in rural areas, but adds that consideration should also be given to the impact on local roads, residential amenity, public enjoyment of the countryside, landscape, heritage assets and wildlife. The second and fourth parts of Policy P7 appear to reiterate SWDP 12 and add some local context. The relationship between Policy P7 and SWDP 12, however, is unclear.”

135. The Parish Council has commented “Farm diversification gave rise to some of the strongest objections/comments at Regulation 14 stage of the draft NDP and this policy, and supporting text, were substantially revised as a result. There is a careful balancing exercise to be drawn between enabling local enterprises to thrive whilst protecting the amenity of residents. During the course of preparation of the plan, potential Planning Enforcement issues have arisen with some sites – perhaps as to be expected in a rural parish close to a large urban area. The point of Policy P7 is, in part, to ensure a clear basis for assessing new development proposals and to highlight the issues that need to be taken into account in Planning Enforcement cases. SWDP12 cannot be changed with an NDP – but this policy is intended, inter-alia, to assist in its interpretation in the specific context of Broadwas and Cotheridge”.

136. Continuation of “authorised operation” is not a matter for formulation of local planning policy. It is confusing and unnecessary to state Policy SWDP12 “will apply throughout the Neighbourhood Area” as the Development Plan should be read as a whole. Unsociable hours of operation would in themselves not give rise to planning issues but resultant amenity issues may, and they are referred to in the policy. The Framework states “development should only be prevented

or refused on transport grounds where the residual cumulative impacts of development are severe.” The term “*emissions*” is imprecise and is in any case one type of amenity issue covered by the policy. The term “*public enjoyment of the countryside*” is imprecise. The policy does not reflect the approach to the conservation and enhancement of the historic environment set out in in the Framework. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and 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. The reference to Policy SWDP12 in Policy P2 serves the purpose of specifying types of development that will be supported outside the Development Boundary. Policy P2 and Policy P7 are compatible. It is appropriate for Policy P7 to introduce additional criteria to those in SWDP12 to achieve a distinct local approach.

137. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Broadwas and Cotheridge Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
138. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with supporting a prosperous rural economy. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 7:

Replace Policy P7 with “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.”

Policy P8 Built Community Facilities

139. This policy seeks to guard against loss or harm to community facilities and establish requirements relating to the provision of new or enhanced community facilities.
140. In a representation the District Council suggests that the key sites be identified in the Policies Map. The Parish Council has commented *“the sites are identified on the Policies Map with symbols rather than outlines due to the scale of the map. A supplementary document could be provided at a larger scale but would appear to unnecessary as the sites are physically small and their curtilages are clearly defined on the ground”*. I am satisfied the use of symbols on the Policies Map adequately serves to identify the location of the facilities concerned, and is appropriate to the nature of Policy P8.
141. The District Council also states *“Policy P8 has 3 parts: The first sentence of Policy P8A proposes that new development support the enhancement of 8 named “community infrastructure and facilities” through shared facilities or developer contributions. The first part of the policy suggests that this should be in accordance with SWDP 37 (Built Community Facilities). However, it should be noted that SWDP 37 does not specifically encourage the enhancement of built community facilities through sharing facilities or require developer contributions as suggested in Policy P8. Further, it is considered that developer contributions for facilities such as the public house would not be appropriate. The second sentence of Policy P8A seeks to protect 8 named community facilities unless the criteria in SWDP 37B are met. The second part of Policy P8A is considered to be in general conformity with the SWDP. To provide greater clarity for applicants and decision makers it is suggested that the Neighbourhood Plan includes a map showing the location of the community facilities that are to be protected under Policy P8A. The third part of Policy P8, P8B, supports new community facilities or enhancement of existing facilities, subject to 3 criteria being met. Paragraph 70 of the Framework (paragraph 92 of the revised Framework) says planning policies should plan positively for community facilities and guard against the unnecessary loss of valued facilities and services. It is considered that the second part of Policy 8A and Part B of the Policy would be in general conformity with SWDP 37 (Built Community Facilities)”*.
142. The District Council also states *“Duplication or partial duplication / overlap with some strategic policies in the SWDP could lead to an*

unnecessarily complex process of applying Neighbourhood Plan and SWDP policies to proposals by decision takers. In light of this it is suggested that consideration is given to whether all aspects of these policies are necessary or appropriate.”

143. It is appropriate for the Policy to provide an additional level of detail by identifying the community facilities to which Policy SWDP37B will apply. It is however not appropriate for the Policy to state Policy SWDP37 requires developer contributions in respect of community infrastructure and facilities when it does not. I have recommended a modification so that reference to developer contributions occurs in Policy P10 only. Policy SWDP37 requires consideration whether the combining or rationalisation of existing facilities would be more appropriate than the provision of a new facility. This is not the same as an expectation as stated in Policy P8. The term “adequate” is imprecise. I have recommended a modification in these respects also, so that the policy 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.
144. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Broadwas and Cotheridge Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
145. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 8:

In Policy P8

In part A delete the first sentence

In part B replace the final point with “Sufficient parking provision is made to accommodate the vehicles and cycles of all users and staff.”

Policy P9 Renewable and Low Carbon Energy

146. This policy seeks to establish support for stand-alone renewable energy and low carbon energy proposals, with the exception of wind turbines.
147. In a representation the District Council states *“Duplication or partial duplication / overlap with some strategic policies in the SWDP could lead to an unnecessarily complex process of applying Neighbourhood Plan and SWDP policies to proposals by decision takers. In light of this it is suggested that consideration is given to whether all aspects of these policies are necessary or appropriate.”* The Parish Council has noted this representation. Policy SWDP27 assigns assessment of sites suitable for wind energy development to neighbourhood plans. Policy P9 fulfils that role and through the presentation of criteria introduces a distinct local approach to the determination of proposals for other forms of renewable and low carbon energy development.
148. The District Council also states *“Policy P9 supports proposals for stand-alone renewable and low carbon energy schemes (with the exception of wind turbines), subject to meeting the requirements of SWDP 27 and the associated Renewable & Low Carbon Energy SPD. Policy P9 includes a list of general considerations to be taken into account when assessing proposals. Para 5.41 indicates that the parishes would provide in-principle support for projects which have community benefits. Paragraph 97 of the Framework (paragraph 152 of the revised Framework) says that local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning. Paragraph 154 of the revised Framework says proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing. Policy P9 is considered to be consistent with the Framework in relation to wind energy.”*
149. The determination of planning proposals does not facilitate an indication of *“especially”*, and reference to an entire Supplementary

Planning Guidance document does not provide a practical framework for decision making. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and 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.

150. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Broadwas and Cotheridge Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

151. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 9:

In Policy P9

- **replace “the meet” with “they meet”**
- **delete “especially as taken further in the Renewable and Low carbon Energy Supplementary Planning Guidance”**

Policy P10 Developer Contributions

152. This policy seeks to establish that locally determined expenditure from developer contributions and other development related sources will be directed towards named projects.

153. In a representation the District Council states *“The Framework, paragraph 204 (paragraph 56 in the revised Framework) says that planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development. In light of the above, depending on the wording of the S106 agreements, the Parish Council may not always be able to spend developer contributions on*

their priorities. For CIL payments, where development that levies a charge occurs in the area, the items in the policy could be paid for (either in full or in part) by the Neighbourhood Planning portion generated through CIL. As currently worded, it is considered that the policy lacks sufficient clarity that a decision maker could apply it consistently and with confidence when determining planning applications.” The Parish Council states “It is in the nature of Section 106 agreements that they are specific to the development under consideration – and there may well be little if any scope for discussion as to the purpose of any funds raised. In the case of CIL funds there is a degree of discretion available to the Parish Council. The purpose of Policy P10 is to set out the Parish Council’s priorities. It cannot be predicted when or how much of any CIL payments will arise during the plan period and so a statement of priorities (to be reviewed as part of the monitoring of the NDP) is the correct approach at this stage.”

154. The preparation of a Neighbourhood Plan provides an appropriate opportunity for a community to agree a list of projects that would be funded through the community element of CIL and other locally determined expenditure arising from developer contributions and other development related sources.

155. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan (adopted February 2016) applying in the Broadwas and Cotheridge Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

156. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with planning conditions and obligations. This policy meets the Basic Conditions.

Summary and Referendum

157. I have recommended 9 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

158. I am satisfied that the Neighbourhood Plan⁴⁶:

- is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990 and meets the Basic Conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the 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);
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
 - the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁴⁷

I recommend to Malvern Hills District Council that the Broadwas and Cotheridge Neighbourhood Development Plan for the plan period up to 2030 should, subject to the modifications I have put forward, be submitted to referendum.

159. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁴⁸ I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable*”

⁴⁶ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

⁴⁷ This basic condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 (5) are amended

⁴⁸ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

*impact beyond the neighbourhood area*⁴⁹. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Malvern Hills District Council as a Neighbourhood Area on 20 June 2017.

Annex: Minor Corrections to the Neighbourhood Plan

160. 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.
161. 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.⁵⁰ The following should be corrected:
162. Contents. Proposed Plan November 2018” should be updated.
6. Monitoring and Review – It is suggested that “doesn’t” is replaced with “does not” and that capital letters are used for “Parish Council”.
163. Foreword. 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)”. It is considered that some parts of paragraphs 1, 4, 5, 6 and 9 will need to be updated following the Examination.
164. Map 1 should be titled “Broadwas & Cotheridge Neighbourhood Area” – not “Neighbourhood Plan”.
165. Paragraph 2.2 – It is suggested that “(and revised in July 2018 and February 2019)” is inserted after “The Framework was published

⁴⁹ Planning Practice Guidance Reference ID: 41-059-20140306

⁵⁰ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

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”.

166. 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.
167. Paragraph 2.4 - It is suggested that the paragraph be deleted because it will not be relevant following the Examination of the Plan.
168. Paragraph 2.6, 1st sentence - For accuracy, it is suggested that the word “appropriate” be replaced with “sustainable”.
169. Paragraph 2.8 – For accuracy, it is suggested that the paragraph be 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.”
170. 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”
171. 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.” 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.
172. Paragraph 2.13 – It is suggested that specific reference is made to Appendix 2 rather than “an appendix”.

173. Paragraph 2.15 – For accuracy, replace “South Worcestershire district councils” with “South Worcestershire Councils”. As background, Worcester is a city council.
174. Paragraph 3.2, 3rd bullet point – It is suggested that “doesn’t” is replaced with “does not”
175. Para 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.
176. Paragraph 5.2, sentence 3 – For accuracy, it is suggested that “is thereby provided” is replaced with “could potentially be met”
177. 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>)”
178. 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.”
179. 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.”
180. Paragraph 5.6, 3rd sentence – It is suggested that “Open Countryside policies are” is replaced with “SWDP 2C is”.
181. Paragraph 5.6, 4th sentence – It is suggested that “senior plan of the SWDP” is replaced with “strategic policy SWDP 2”.
182. Paragraph 5.7 – For clarity and accuracy, a number of amendments are suggested for paragraph 5.7:
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.

183. Paragraph 5.8 – For clarity and accuracy, a number of amendments are suggested for paragraph 5.8:

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.

184. 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.

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).

185. 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.

186. 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.

Recommended modification 10:

Modify general text to achieve consistency with the modified policies, and to correct identified errors including those arising from updates.

187. 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.
188. For ease of reference, it would be helpful if the Contents page included page numbers.
189. 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.
190. 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.
191. 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.
192. 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.

Chris Collison
Planning and Management Ltd
collisonchris@aol.com
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REPORT ENDS