

# **Clifton upon Teme Neighbourhood Plan**

## **The Report by the Independent Examiner**

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## Summary

The preparation of the Neighbourhood Plan for Clifton upon Teme has been a major undertaking for a small community. It has involved extensive community involvement and it demonstrates a strong focus on the distinctive character of the village and its surroundings. It has been helpful that there is an up to date Local Plan in place to provide a clear strategic context and there is evidence of effective joint working with the local planning authority.

I am satisfied that the preparation of the Plan has met the legal requirements and to a large extent the policies of the submitted plan meet the basic conditions. While I have recommended several modifications, most of these are relatively minor. In some cases, the wording of the policy as submitted is not clearly justified and in other cases the modifications are to align more closely with the intentions of the NPPF. In a few cases the policy or elements of it express general intentions rather than clear guidelines for decision taking, do not add to national or Local Plan policies or do not relate to the development and use of land. For this reason, I have recommended a few policy deletions.

The documentation for the Plan and supporting documents is generally clearly presented and this has been a help to me in conducting the examination. However, the Basic Conditions Statement could have done more to explain the relationship with national policy and guidance and strategic local plan policies. Also in some cases the text on maps and in the key to maps needs to be much clearer.

I have concluded that, if the modifications that I have recommended are made:

The Clifton upon Teme Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;

Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;

The making of the Plan would contribute to the achievement of sustainable development;

The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

**I am therefore pleased to recommend that the Clifton upon Teme Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. The Plan includes the whole Parish of Clifton upon Teme and I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.<sup>1</sup> **I therefore conclude that there is no need to extend the referendum area.**

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<sup>1</sup> PPG Reference ID: 41-059-20140306

## **Introduction**

1. The Localism Act 2011 has provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Clifton upon Teme Parish Council is the qualifying body for the Clifton upon Teme Neighbourhood Plan 2016-2030, which I shall refer to as the CuTNP or the Plan. The Plan area covers the whole of the parish of Clifton upon Teme.
3. Clifton upon Teme is a small village in a very rural location about 8 miles north-west of Worcester. It has a population of about 750 and stands in an elevated position above the deep valley of the River Teme to the north-east of the village. It dates back to Saxon times and the present form of the village clearly reflects its long history and its importance in medieval times. The village has a limited range of services including a primary school, village shop/post office and two public houses. It also has an infrequent bus service to Worcester. It also has a wide range of community based organisations, many related to sport and recreation.
4. If, following a recommendation from this examination, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. As such it will be an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

## **Appointment of the Independent Examiner**

5. I have been appointed by Malvern Hills District Council (MHDC) with the agreement of Clifton upon Teme Parish Council (CuTPC) to carry out the independent examination of the Clifton upon Teme Neighbourhood Plan.
6. I confirm that I am independent of both MHDC and CuTPC and have no interest in any land which is affected by the CuTNP. I have never had any other professional involvement in the village.
7. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed over 20 neighbourhood plan examinations and three health checks. I

therefore have the appropriate qualifications and experience to carry out this examination.

### **The Scope of the Examination**

8. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
9. I must:
  - a) decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.
  - b) decide whether the Neighbourhood Development Plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan.
  - c) make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the Plan area.
10. The Plan meets the basic conditions if:
  - a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
  - b) the making of the Plan contributes to sustainable development;
  - c) the making of the 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);
  - d) the making of the Plan does not breach, and is otherwise compatible with, EU obligations.
11. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a

case. In carrying out the examination I concluded that the examination could be completed without a hearing.

12. The main documents which I have referred to in the examination are listed below:
- Clifton upon Teme Neighbourhood Development Plan 2016-2030 Submission Version November 2016
  - Clifton upon Teme Submission Neighbourhood Development Plan Basic Conditions Statement
  - Clifton upon Teme Submission Neighbourhood Development Plan Consultation Statement Autumn 2016 and accompanying Tables 1-3
  - South Worcestershire Development Plan adopted in 2016
  - Draft Clifton upon Teme Neighbourhood Plan Strategic Environmental Assessment Screening Opinion May 2016
  - Responses to Regulation 16 Consultation on the submission draft of the Clifton upon Teme Neighbourhood Plan
  - The Neighbourhood Planning (General) Regulations 2012 as amended in 2015 which are referred to as the NPR
  - The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).
  - The National Planning Policy Framework which is referred to as the NPPF
  - National Planning Practice Guidance referred to as PPG
13. The documents submitted include all of those that are required to be submitted except that those sent to me did not include either a Strategic Environmental Assessment Environmental Report or a Statement of Reasons indicating why the Plan is unlikely to have significant environmental effects as required by the Neighbourhood Planning Regulations 2012<sup>2</sup>. This is considered further in paragraphs 33-35
15. I made an unaccompanied visit to Clifton upon Teme on 14 July 2017 to familiarise myself with the village and help me to understand the implications of the Plan policies. I spent most of the day walking around the village and its surroundings to view all the key locations referred to in the Plan.

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<sup>2</sup> Section 15 (1) (e) introduced by the Neighbourhood Planning (General) (Amendment) regulations 2015.

## **The Preparation of the Plan**

16. An application for the designation of the whole of the parish of Clifton upon Teme as a neighbourhood area was submitted by CuTPC to MHDC on 22 April 2013. MHDC Council undertook consultation as was then required by regulation 6 of the NPR for a six-week period ending from 17 May 2013 to 28 June 2013 and the neighbourhood area was designated 24 September 2013. The designation was subsequently published on the Council's website in accordance with regulation 7(1) of the NPR.
17. As required under Section 38B (1) (a) of the Planning and Compulsory Purchase Act 2004 the Plan clearly states the period to which it relates, which is 2016-2030.
18. The Plan must not include any provision about development that is excluded development as defined in Section 61K, which is inserted into the 1990 Town and Country Planning Act. Excluded development includes "county matters", such as mineral extraction and waste disposal, and major infrastructure projects. I am satisfied that the submitted Plan contains no policies which relate directly to mineral extraction or the other categories of excluded development, but Policy CL1 refers to the on-site use of waste arising from development and must be considered alongside the Waste Core-Strategy.
19. I am also satisfied that the Plan does not relate to more than one neighbourhood area.

## **Public Consultation**

20. The submitted Consultation Statement describes in full the process of public consultation during the preparation of the Plan. The extent of consultation greatly exceeds the statutory requirements.
21. Following the designation of the Neighbourhood Area in September 2013, an open parish meeting was held, which was attended by 68 people and the formation of a steering group was discussed. The steering group was formed in December 2013 and met approximately monthly thereafter. Throughout the process of plan preparation progress was reported regularly in the Teme Triangle monthly newsletter and website. There were also regular reports to Parish Council meetings and all these reports are reproduced in the Consultation Statement.
22. A Parish Questionnaire Survey was carried out in the summer of 2014. It was distributed to 294 households and 146 replies were received. The first draft of the

Neighbourhood Plan was published for informal consultation in April 2016. It was publicised by flyers distributed to all households and businesses in the village and hard copies of the plan were made available at the Village Stores, the Lion Inn, the New Inn and the Village Hall. They were also available at all consultation events. Steering Group members attended 3 meetings of village organisations, the Primary School was invited to comment, two open presentations were held and a drop-in session was held at the Pavilion on 14 March. The policies of the Plan were refined in response to these comments

23. The formal Regulation 14 consultation on the Draft Plan was held from 4 July 2016 to 26 August 2016; the extended period of 8 weeks was to allow for the consultation taking place during a holiday period. The Draft Plan could be viewed and downloaded from the Parish Council website and hard copies were available at The Village Stores, The Lion Inn, The New Inn and the Village Hall. Letters and response forms were delivered to every household in the Parish and a public drop-in session was held at the village hall on 20 July 2016. The Consultation Statement also lists all the statutory and local organisations who were consulted in writing.
24. The Consultation Statement briefly summarises the responses received from statutory organisations, local organisations and residents and accompanying tables present the full response and the action taken in response to these representations.
25. I am satisfied that the draft plan was publicised in a way likely to bring it to the attention of people who live, work or carry on business in the area and that the Consultation Statement together with the attached tables contain the information required by Regulation 15 of the NPR.
26. Consultation on the submitted Plan was carried out by MHDC from Friday 16 December 2016 to Friday 12 February 2017 in accordance with regulation 16 of the NPR.

### **The Development Plan**

27. The statutory development plan is made up of:
  - The South Worcestershire Development Plan adopted in 2016 (SWDP)
  - The Worcestershire Waste Core Strategy

- The saved policies of the County of Hereford and Worcester Minerals Local Plan<sup>3</sup>
28. MHDC has helpfully identified the policies in the SWDP that are regarded as strategic.

### **The Basic Conditions Test**

25. The consideration of whether the Plan meets the basic conditions is the main focus of the independent examination process. It is therefore essential to be absolutely clear on the meaning of each of 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”.***

26. There are two important points to emphasise in relation to this. The first is that I must consider this requirement in relation to the making of the Plan; it thus applies to the Plan as a whole rather than to individual policies. The second point is the use of the phrase “*having regard to*”. This means that I must consider the national policy and advice but it does not mean that each policy should be in absolute conformity with it. It provides for an element of flexibility. PPG explains that “*having regard to national policy*” means that “*a neighbourhood plan must not constrain the delivery of important national policy objectives*”.<sup>4</sup> The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the Plan as a whole with national policies and guidance rather than individual policies which is the key consideration.
27. The Basic Conditions Statement relates each of the policies of the Plan to the core planning principles of the NPPF. This helpful as far as it goes, but the detailed policies of the NPPF are also relevant and provide clearer guidance on how the general principles are to be applied. While the content of the Basic Conditions Statement is not prescribed in detail the regulations, it is good practice and helpful to the examination to relate the policies of the neighbourhood plan to the relevant paragraphs of the NPPF as this something I will need to do.
28. Also, relevant to the basic conditions test is “guidance issued by the Secretary of State” as set out in PPG. The Basic Conditions Statement does not consider the

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<sup>3</sup> A new Minerals Local Plan is being prepared and is expected to be adopted in 2018

<sup>4</sup> PPG What does having regard to national policy mean? Reference ID: 41-069-20140306

relationship of the Plan to PPG but I have had frequent need to relate aspects of the Plan to it.

***“The making of the plan contributes to sustainable development”***

29. Sustainable development is the fundamental principle guiding the planning process and the assessment of this basic condition is therefore of prime importance.<sup>5</sup> The NPPF spells out the three dimensions of sustainable development: economic, social and environmental, and emphasises the interdependent nature of these. Again, it is important to note that the assessment to be undertaken relates to the Plan as a whole, but clearly the contribution of each policy needs to be considered to enable a conclusion to be reached and policies which fail to contribute to sustainable development are likely to require modification or deletion. As the NPPF points out local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made.<sup>6</sup>
30. The Basic Conditions Statement briefly explains how the Plan contributes to the sustainability objectives of the NPPF. There is inevitably a substantial overlap between the first and second basic conditions as both are concerned with the relationship of neighbourhood plans to the NPPF.

***“The making of the plan is in general conformity with the strategic policies contained in the development plan for the area”.***

31. As with the previous two conditions the test applies to the Plan as a whole, but this requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of “*general conformity*” is fundamentally that the neighbourhood plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG<sup>7</sup>. It does not preclude some variation from a strategic policy where it is justified by local circumstances providing the proposal upholds the general principle that underlies the strategic policy. Table 3 of the Basic Conditions Statement sets out the policies of the CuTNP alongside the relevant policies of the SWDP. It does not explain how the CuTNP policies are in general conformity with the strategic policies. However, it helps me to make that assessment.

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<sup>5</sup> NPPF Paragraph 6

<sup>6</sup> NPPF Paragraph 10

<sup>7</sup> PPG What is meant by ‘general conformity’? Reference ID: 41-074-20140306

***“The making of the order does not breach and is otherwise compatible with EU Obligations”***

Strategic Environmental Assessment

32. PPG indicates that *“where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment”*<sup>8</sup>, subsequently referred to as SEA. A SEA requires the preparation of an environmental report. In order to determine whether the plan is likely to have a significant environmental effect, a screening assessment is necessary.
33. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include:  
*“(i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or (ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”.*
34. The Basic Conditions Statement refers to a screening assessment that was carried out by MHDC in accordance with regulation 9(2) of the EAPPR. This assessment concluded that the CuTNP is unlikely to have significant environmental effects. It was the subject of consultation with the statutory consultation bodies and they confirmed this conclusion. However, while the consultation responses are included in the Consultation Statement, the screening report was not included in the bundle of submission documents sent to me. Pages 9 and 10 of the Basic Conditions Statement gave a brief summary of the reasons for the conclusion that the CuTNP is unlikely to have significant environmental effects. However, I was not satisfied that, in the absence of the screening assessment, this amounted to an adequate statement of reasons as required under paragraph 9(3) of the EAPPR.
35. I raised this issue by e mail (see Appendix 1) and it was confirmed to me that the SEA screening report had been included in the submission documents and was the subject of consultation at the Regulation 16 stage. A copy of it has subsequently been supplied to me. On this basis, I am satisfied that there is no need for a Strategic Environmental Assessment.

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<sup>8</sup> PPG Does a neighbourhood plan require a strategic environmental assessment? Reference ID: 11-027-20150209

### Appropriate Assessment under the Habitats Regulations

39. Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (CHSR) puts into effect the requirements of Article 6.3 of the EU Habitats Directive and requires that:

*“(1) Where a land use plan -*

*is 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), and*

*is not directly connected with or necessary to the management of the site,*

*the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site’s conservation objectives.”*

Amendments to these regulations were made in the Schedule 2 to the NPR which inserted Regulation 102A to the CHSR:

*“A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.”*

40. The SEA Screening Assessment also includes a screening opinion on the need for an Appropriate Assessment under the Habitats Regulations. It concluded that the nearest European site is the Lyppard Grange Ponds SAC which is about 14km SE of Clifton upon Teme. A full Habitats Assessment was carried out for the SWDP and concluded that the policies of that plan would not be likely to have a significant effect on the Lyppard Grange Ponds SAC. The report concludes that as the CuTNP does not propose development in addition to that in the SWDP there is no need for an Appropriate Assessment under the Habitats Regulations.
41. I conclude that the making of the Plan would not breach and would be otherwise compatible with EU obligations.

### **Human Rights**

42. I have not found any reason, or received any representations to suggest that the Plan in any way contravenes the European Convention on Human Rights.

## Vision and Objectives

43. The policies of the Plan are preceded by a vision and 6 objectives. The vision refers to the beauty of Clifton upon Teme and the vibrancy of the community and envisages maintaining and improving these characteristics. The objectives relate to:
- the built and natural environment
  - support for local business
  - housing
  - education, sporting and leisure opportunities
  - accessibility and information
  - partnership working.
44. While the Vision and Objectives will not form part of the development plan, they are important in defining the intentions of the Plan and I am satisfied that they are consistent with sustainable development.

## The Policies of the Plan

45. I have considered all of the policies of the Plan against the basic conditions, having regard to the evidence provided to justify the policies. Where necessary I have recommended modifications. I am only empowered to make modifications to meet the basic conditions or to correct errors.<sup>9</sup> Thus while many of the changes recommended by MHDC officers in February 2017 are constructive they are not all necessary to meet the basic conditions. I may however suggest modifications to improve the clarity of the wording of policies as one of the important elements of PPG is that *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context or the specific neighbourhood plan for which it has been prepared”*<sup>10</sup>.
46. PPG also indicates that *“Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn on to explain succinctly*

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<sup>9</sup> Paragraph 10 of Schedule 4B inserted into the Town and Country Planning Act 1990 by the Localism Act 2011.

<sup>10</sup> PPG Neighbourhood Planning How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306

*the intention and rationale of the policies in the draft neighbourhood plan...*<sup>11</sup> Several of my recommended modifications have had regard to these aspects of PPG.

47. The policies are presented in 5 sections which relate to the first 5 objectives and the partnership working objective applies to all the sections.

## **Landscape, Natural Heritage and Green Infrastructure**

### **Policy CL.1 Protecting and Enhancing Local Landscape**

48. This is a long and detailed policy with several sub-sections which aims to ensure that new development does not harm and where possible enhances the landscape in accordance with the main characteristics of areas of different landscape character. It would assist reference to the relevant part of the policy if the various subsections of the policy were numbered, but this is not a change that is necessary to meet the basic conditions.
49. The first two paragraphs of the policy relate to the protection of views from 5 locations marked on Map 3 and the need for a landscape or visual assessment where development would affect these views. In each case photographs of the views and maps showing in more detail the direction of the views are included in the supporting text. I visited all of the viewpoints on my site visit. Paragraph 109 of the NPPF refers to the need to “protect and enhance valued landscapes...” and policy SWDP 25<sup>12</sup> requires a landscape and visual assessment for proposals which are likely to have a detrimental impact on important landscape qualities. By identifying these views, the CuTNP helpfully complements Policy SWDP 25 and I am satisfied that these paragraphs are consistent with the basic conditions.
50. The third paragraph effectively repeats a section of Policy SWDP 25 and does not add to it. It is thus not specific to the neighbourhood area and is unnecessary.
51. The remaining sections of the policy set out requirements to be met in the four different landscape character areas which are represented in Clifton upon Teme. Although the introduction to these sections includes the caveat “where appropriate” each of the sections is introduced with the statement “...landscaping schemes must demonstrate that they...” The requirements that are listed then place considerable emphasis on measures to improve landscape quality. While it is entirely appropriate for the policy to

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<sup>11</sup> PPG Neighbourhood Planning What evidence is needed to support a neighbourhood plan? Reference ID 41-040-20160211

<sup>12</sup> All policy references with the prefix SWDP are from the South Worcestershire Development Plan

resist harm to the landscape, the circumstances in which new proposals could be required to enhance the landscape may be quite limited and are more likely to relate to larger scale developments where landscape enhancement may be required to mitigate other harm. It would not, for example be consistent with the presumption in favour of sustainable development to seek “new woodland planting” in relation to a modest extension to an existing building which was not harmful. I have therefore recommended a modification to ensure that the policy is applied proportionately.

52. The last part of the policy refers to the reuse of subsoils arising from the development process in landscaping and for other on site environmental purposes. It is evident from the comments of Worcestershire County Council (WCC) that this element of the policy misinterprets earlier comments from WCC on the relationship between this policy and the Waste Core Strategy. The supporting text quotes these comments but omits a vital part of them. I have therefore recommended the inclusion of the modifications suggested by WCC to correct these errors.

#### **Recommendations**

##### **In Policy CL1:**

**delete the third paragraph**

**In the introductory section to the policy on each of the 4 Landscape Character Areas after “landscaping schemes must demonstrate” delete “that they:” and insert “how they respond positively to opportunities consistent with the scale of the development to:”**

**In paragraph 4.1.11 after “...for noise attenuation.” add “*However, to prevent inappropriate development, these kinds of proposals will be considered against Policy WCS 5: Landfill and disposal.*”**

**Rephrase the last paragraph of Policy CL1 to read: “In developments which propose the re-use of waste such as subsoils arising from the development process on site, schemes will be expected to conform with policies in the Waste Core Strategy and Environment Agency Advice.”**

##### **Policy CL2 Protecting and Enhancing Biodiversity**

53. Maps 5a, 5b and 5c and 6a and 6b show areas which have been identified as Local Wildlife Sites, Broadleaved Woodland, Ancient Woodland, and the Biodiversity Action Plan Network. Maps 5a and 6b both show Local Wildlife Sites. The policy requires that development proposals that would have an impact on these areas should demonstrate how biodiversity will be protected and enhanced. This approach is consistent with the approach set out in paragraph 118 of the NPPF and with Policy

SWDP 22. While it does not significantly add to these policies, the detailed evidence provided on the significance of the Local Wildlife Sites in particular is valuable. I am satisfied that the policy is consistent with the basic conditions.

### **Policy CL3 Green Infrastructure**

54. Policy CL3 requires new developments to protect and where appropriate enhance or add to existing green infrastructure networks. The supporting text cross refers to the Worcestershire Green Infrastructure Framework and the Environmental Character Areas on which it is based. Maps 7a and 7b illustrate the two Environmental Character Areas which include parts of Clifton Upon Teme. However, these maps do not show the boundary of Clifton Upon Teme so it is not easy to interpret them. Also, and this is common to many of the maps in the Plan, the text of the key is very small and therefore difficult to read. I have therefore recommended a modification to clarify this.
55. The policy overlaps the requirements of policies CL1 and CL2 to some extent but also refers to potential ways of enhancing biodiversity including sustainable drainage systems, new planting and provision for bat roosting and bird nesting. The policy complements Policies SWDP 5 and SWDP 29.
56. As with several policies, the extent to which new development can contribute to new provision and enhancement will be limited by the modest scale of development that is envisaged in the parish over the plan period. For example, master planning as referred to in the first part of the policy is normally applied to developments of a larger scale than are envisaged here. However, the policy will only be applied “as appropriate” and I am satisfied that it meets the basic conditions.

### **Recommendation**

**Modify Maps 7a and 7b to show the boundary of the parish of Clifton upon Teme and increase the size of the text on the maps and the keys to make them legible.**

### **Policy CB1 Design Guidance for New Buildings and Extensions in Clifton upon Teme Conservation area**

57. Clifton Upon Teme has a long history which is reflected in its rich heritage of listed buildings and other built heritage assets. The centre of the village along The Anchorage and The Village is a Conservation Area. Policy CB1 sets out design guidelines for development within the Conservation Area. Paragraph 137 of the NPPF supports new development that would make a positive contribution the significance of

Conservation Areas. Paragraphs 132-136 set out the proportionate approach to be taken to development that would affect a heritage asset, whereby the extent of the harm should be related to the significance of the asset. Policies SWDP6 and SWDP24 reinforce this approach.

58. The guidelines set out in Policy CB1 require new development to respect the characteristics of the Conservation Area in terms of density, height, scale, materials and local design details. I am satisfied that these requirements are consistent with the basic conditions except for points 2 and 6. While development in the Conservation Area is generally of a small domestic scale it is punctuated by a few larger buildings of 2.5 or 3 stories which add interest and character to the street scene as is illustrated in the photograph on the front cover of the Plan. It is too prescriptive to assume that any new building of more than two stories would be unacceptably harmful. I have therefore recommended a modification to allow some additional flexibility, reflect the presumption in favour of sustainable development and therefore meet the basic conditions.
59. The final part of the policy requires the provision of integrated bin stores and recycling facilities to minimise visual impact. In my view, this is too prescriptive to be consistent with the presumption in favour of sustainable development and I have recommended a modification to meet the basic conditions.

### **Recommendations**

**In Policy CB1 2. After “...not exceed two storeys” insert “unless it can be demonstrated that the significance of the building and the quality of the design would ensure that it makes a positive contribution to the Conservation Area.**

**Modify CB1 6. To read “Development proposals are required to provide integrated or well screened bin storage or recycling facilities.”**

### **Policy CB2 General Building Design Principles for Development within the Development Boundary**

60. This policy sets out design principles for development within the development boundary. The policy is linked to the definition of thirteen character zones within the village. For each of these the main design characteristics are defined in Appendix 6. The maintenance of local distinctiveness is a key element of the approach of the NPPF to design<sup>13</sup> and I agree with the MHDC officers that this is a constructive and well

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<sup>13</sup> NPPF paragraph 60

executed approach to providing local design guidance. Map 9 contains a great deal of detailed information, but the key is not legible and it is vital that, if it is to be applied, the font size of the scale and the size of some of the symbols on the map should be increased. On request, I was supplied with an A3 version of the map and, while this was helpful, even at this scale it is difficult for me to decipher some of the symbols, particularly those showing building heights.

61. Part 1 of the policy specifically requires development to respond to its surroundings and the characteristics of the character zone. It also states that “Proposals should not feature designs specific to a generic scheme.” I was not entirely sure what this meant and sought clarification. The e mail exchange on this is attached at Appendix 1. The intention of the policy is that the design of new development should be influenced by the character of the area and not replicate standard designs which may be used by developers in several locations. While I understand the sentiment, it is not consistent with the presumption in favour of sustainable development to preclude such designs in principle. Specific proposals should be treated on their merits, and the guidance regarding character zones and the other criteria in this policy will be an important consideration which will ensure that the relationship with the local context is taken into consideration. I have recommended a modification to reflect this.
62. Part 2 of the policy requires a consistent approach to design considerations such as materials, fenestration and roofline. It is not prescriptive about architectural style and is open to innovative design. In this regard, it is again consistent with the NPPF.
63. Part 3 of the policy relates to materials and encourages the use of natural and locally appropriate materials. This provides positive guidance without being too prescriptive. However, it also states that “Schemes should incorporate the use of energy saving materials and materials of high quality, which have been reclaimed, salvaged or recycled...”. Following the ministerial statement of 2015<sup>14</sup> energy standards for new dwellings have been defined in building regulations and there is no clear justification for requiring the use of reclaimed, salvaged or recycled materials.
64. Part 4 of the policy aims to protect residential amenity and this is consistent with the basic conditions. It also aims to avoid light pollution and to prevent street lighting. The absence of street lighting in Clifton upon Teme is an important part of its local

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<sup>14</sup> Written Statement to Parliament: Planning update March 2015 sections headed “Housing Standards-streamlining the system” and “Plan making”

distinctiveness, and while I note that some external lighting is not subject to planning control, I am satisfied that this part of the policy meets the basic conditions.

65. As in Policy CB1 6. The wording in relation to bin storage is too prescriptive.

**Recommendations**

**Modify the last sentence of Policy CB2 1. to read: “Proposals should demonstrate how they take account of the locally distinctive character of the area in which they are to be sited.”**

**In Policy CB2 3. Delete the second sentence.**

**Modify Policy CB2 5 to read “Development proposals are required to provide integrated or well screened bin storage or recycling facilities.”**

**Policy CB3 Protecting Historic Farmsteads**

66. The policy seeks to ensure that any changes to historic farmsteads and agricultural buildings are sensitive to their character materials and form. It also requires reference to the Worcestershire Farmstead Assessment Framework which provides guidance on how to evaluate the characteristics of a group of farm buildings and use this in the design process for new development. Historic farmsteads are an important part of the character of Clifton upon Teme and it is clearly important that any development affecting them should take account of this. Map 10 shows the location of all the farmsteads and out farms in the parish and they are listed in Appendix 5. However, Map 10 is again too small to be legible. On request, I was supplied with a set of maps at a larger scale which are quite clear. Subject to the replacement of the existing map with these larger scale maps the policy meets the basic conditions.

**Recommendation**

**Replace Map 10 with the overview map and enlarged Maps 1-6 which were provided to me during the examination.**

**Policy CB4 Archaeology**

67. This policy requires any new development to take account of known archaeology and ensure any unknown deposits are identified and considered during development. This policy is consistent with Paragraph 128 of the NPPF and Policy SWDP 24. It meets the basic conditions.

**Policy CB5 Protecting Local Heritage Assets**

68. Policy CB5 relates to non-designated heritage assets which are on the MHDC Local Heritage list. It requires proposals which affect these assets to demonstrate how they

protect or enhance it and to be designed sensitively with regard to its interest and setting. In the supporting text 7 assets identified by the CuTPC are identified and suggested for nomination to the Local Heritage List. It is appropriate for the Neighbourhood Plan to do this, but the Plan correctly recognises that it is not in its power to establish new non-designated heritage assets.<sup>15</sup>

69. The policy needs to be considered alongside paragraph 135 of the NPPF, which requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account. It also requires that any harm to such assets should require a balanced judgement having regard to the scale of any harm and the significance of the asset. Policy CB5, by only referring to the protection or enhancement of assets, implies that harm to a non-designated asset will never be acceptable and this is not consistent with the approach of the NPPF. I have therefore recommended a modification to address this and meet the basic conditions.

#### **Recommendation**

**Add a third paragraph to Policy CB5 which reads “Where a proposal would result in harm to the significance an asset on the Local Heritage List the extent of the harm and the significance of the asset should be balanced against the benefits of the proposal.**

#### **Housing**

70. The policies contained in the Plan for housing development take account of the allocations in the SWDP and other planning permissions. The SWDP aims to focus most development in the larger settlements, particularly Worcester, Evesham and Malvern and, to a lesser extent, the smaller towns of Pershore, Tenbury Wells and Upton upon Severn. The villages in the rural areas are divided into three categories and Clifton upon Teme is a category 1 village which has a relatively wide range of services and facilities. In these villages, the aim is to accommodate locally identified housing and employment needs.
71. Policy SWDP 59 makes provision for housing in villages in two ways. It identifies sites for development but also allows for additional housing in the form of infill development within development areas, allocations through local initiatives including Neighbourhood Plans and rural exception sites. In Clifton upon Teme two sites are allocated: at Hope Lane for 30 dwellings and Church House Farm for 15 dwellings. Planning permission

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<sup>15</sup> PPG How are non-designated heritage assets identified? Reference ID 18a-041-20140306

has now been granted for both sites, and at Church House Farm the permission is for 17 dwellings. In addition to this planning permission has also been granted for two additional sites: land opposite Steps Farm for 20 houses and Blueshot, on the southern edge of the village where outline permission has been granted for 48 dwellings. In total, therefore, there is provision for 115 new dwellings in Clifton upon Teme which is a substantial increase in the size of the village, which had just 303 households in 2011. One of the main requirements of neighbourhood plans is that *“they should not promote less development than set out in the Local Plan...”* and officers of MHDC have stated that *“there is no immediate need to identify sites for further development in Clifton upon Teme within the Neighbourhood Plan”*. I agree with this conclusion.

### **Policy CH1 New Housing Development in Clifton upon Teme Village**

72. Policy CH1 provides for new housing development within the village development boundary subject to three criteria. The first of these requires that development is on previously developed land or is the conversion, re-use or extension of an existing building. The second criterion is that it should not involve the loss of community, recreation or employment provision and the third requires conformity with other policies of the CuTNP and SWDP. The first criterion would mean that the development of previously undeveloped land within the development boundary would be contrary to the Plan. While the potential for such development in accordance with criteria 2 and 3 is certainly very limited, no clear justification for precluding it has been given and it would not be consistent with the presumption in favour of sustainable development to do so. I have therefore recommended the deletion of criterion 1. I am satisfied that criteria 2 and 3 meet the basic conditions
73. The second part of the policy suggests that on-site parking should be provided at the rate of one space per bedroom on all new housing schemes. Officers of MHDC have suggested that there is no clear justification for this policy in the light of the Ministerial Statement of 25 March 2015, which suggested that *“Local Planning authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that it is necessary to manage their local network”*. I agree that it would be illogical for this guidance not to apply to neighbourhood plans, but it should be read alongside paragraph 39 of the NPPF which lists the factors which should be taken into account in setting local parking standards. These include the availability of public transport and local car ownership levels.

74. Paragraph 4.3.13 of the CuTNP presents evidence of local concern about levels of on street parking in parts of the village and demonstrates that car ownership levels in Clifton upon Teme are significantly higher than in MHDC as a whole. However, no clear evidence of the extent of these problems or justification of the level of provision proposed is given. The level of one space per bedroom is significantly higher than the standard applied generally by Worcestershire County Council<sup>16</sup> and is a very high standard especially for larger dwellings. While the Worcestershire standard applies across a wide area, including some substantial urban areas where car ownership is likely to be less and access to public transport considerably better, there is insufficient justification for the very specific standard proposed.

**Recommendations**

**Delete subsection 1 of Policy CH1**

**Delete the section of Policy CH1 that relates to car parking standards**

**Policy CH2 New Housing Development in the Parish's Countryside Area.**

75. Policy CH2 sets out criteria for new housing development in the countryside. Both the NPPF and SWDP aim to limit new housing development in the open countryside for the most part to dwellings needed for use by rural workers, the re-use of existing buildings or heritage assets and rural exception sites. The criteria in Policy CH2 are closely aligned to both the NPPF and Policy SWDP2.
76. The policy defines the approach to replacement dwellings by limiting the size of any replacement dwelling to a footprint with 30% greater areas than the original dwelling. No explicit justification is given for this threshold, but it aligns with the justification given in Policy SWDP18(iii).
77. The policy also provides for extensions to existing dwellings and, as MHDC officers point out, the title of the policy is therefore somewhat misleading. Otherwise I am satisfied that this element of the policy meets the basic conditions.
78. The same considerations apply to the section of the policy relating to car parking standards as to Policy CH1.

**Recommendations**

**In the heading to Policy CH2 delete "New".**

**Delete the last section of the policy which relates to car parking provision.**

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<sup>16</sup> Worcestershire County Council, Highways Design Guide Appendix A

## **Policy ET1 Supporting Economic Growth and Protecting Existing Employment Generating Uses**

79. Policy ET1 relates to objective 2 which aims to support the retention and development of local businesses and services. It aims to protect the sites of existing employment uses and to provide for further development on them subject to 3 criteria. The retention of sites for employment use is consistent with the policy of the SWDP for category 1 villages to accommodate employment development to meet local needs. Its cross reference to Policy SWDP 12 also makes it consistent with paragraph 22 of the NPPF which discourages the protection of sites for employment where there is no realistic prospect of such uses.
80. There seem to be some errors in the drafting of the policy which make the meaning unclear. The last sentence of the first part of the policy seems to have at least a word missing after "...employment generating". Also, the first criterion starts with "It" and the other two start with "They" which is inconsistent and confusing.
81. As drafted the restriction in the first criterion to "an existing use" does not seem to provide for the development of any new businesses. This does not reflect the positive approach to sustainable new business development that is advocated in paragraph 28 of the NPPF. It is also rather more restrictive than policy SWDP 12C which allows for *"the expansion of existing employment sites in Rural Areas where it can be demonstrated that the intensification of the existing site is not viable or practical"*. Subject to a modification to reflect these points and the necessary clarifications referred to above I am satisfied that the policy meets the basic conditions.

### **Recommendations**

**Reword the last sentence of the first paragraph of Policy ET1 to read**

**"Development of existing and new employment generating uses on existing employment sites, or where this is not possible the expansion of existing sites, will be supported when:"**

**In subsection 1 after "It" delete "is to support expansion of an existing use on an existing employment generating site and"**

**In subsections 2 and 3 delete "They" and insert "It".**

### **Policy ET2 Supporting Homeworking**

82. The policy generally supports homeworking and sets out criteria to be met where it requires planning permission. It supports development to allow for homeworking either by the expansion of an existing house or the re-use of an existing building. It allows for extensions "which are not significant". There is no inherent reason why a

significant extension should be unsustainable. The criteria set out for extensions in Policy CH2 provide clearer and appropriate guidance and I have recommended a modification to refer to them.

83. I note the concerns of MHDC officers that the inclusion in the policy of the reuse of buildings that may not be in residential use may be more permissive than Policy SWDP2. However, paragraph 55 of the NPPF supports the reuse of redundant buildings in the countryside for residential purposes where it would enhance the immediate setting and recent changes to the General Permitted Development Order<sup>17</sup> have made changes of use of agricultural and light industrial buildings to residential permitted development in many circumstances. I am satisfied that this element of the policy meets the basic conditions

**Recommendation**

**In the second line of Policy ET2 delete “are not significant” and insert “meet the requirements for extensions in Policy CH2.”**

**Policy CR1 Protection of Local Community, Retail, Commercial Facilities and Services**

84. The policy aims to resist changes of use of six identified community facilities including the village shop and the village pub, unless it can be demonstrated that they are no longer viable. This policy is entirely consistent with paragraph 28 of the NPPF (4<sup>th</sup> bullet point), with Policy SWDP 10, in relation to the village shop, and with SWDP 37B in relation to community facilities. It meets the basic conditions.

**Policy CR2 Provision of Buildings for Community Use**

85. This policy provides support in principle for the provision of new or expanded community and recreation facilities subject to four criteria. The criteria are consistent with sustainable development and the policy meets the basic conditions.

**Policy CR3 Local Green Spaces**

86. Policy CR3 allocates ten areas as Local Green Spaces. They are shown clearly on Map 14 and in Table 2 they are clearly described in relation to the criteria in paragraph 77 of the NPPF. I visited these areas on my site visit and I am satisfied that each of the spaces proposed meets the criteria for designation as a Local Green Space in its

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<sup>17</sup> The Town and Country Planning (General Permitted Development) (England) Order (2015) Class Q and The Town and Country Planning (General Permitted Development) (England) (amendment) Order (2016) Classes O and PA

own way. I note that the owner of LGS7 the Well Ground objected at the regulation 14 stage to its designation as a Local Green Space. I also had some reservations as its historic significance and distinct character is not initially apparent, and the presence of many cattle including young ones discouraged me from following the public rights of way across it. However, it is evident from the description of the site that it is an important element of the identity of the village in several ways.

87. The policy to be applied to the Local Green Spaces is not expressed sufficiently clearly. Paragraph 78 of the NPPF indicates that *“the policy for managing development within a Local Green Space should be consistent with policy for Green Belts*. Green Belt policy does not preclude new development but identifies many categories of development that would not be inappropriate in Green Belts in paragraphs 89 and 90 of the NPPF. Clearly these cannot be directly applied to Local Green Spaces which are much smaller than Green Belts but the principle can be applied. In some Local Green Spaces, some types of development may be acceptable. For instance, play equipment on a playground or changing facilities on a playing field. I have therefore recommended an amendment to reflect this.

#### **Recommendation**

**Delete the first sentence of Policy CR3 and insert: “The areas identified on Map 14 are allocated as Local Green Spaces. In these areas development which is not consistent with the role and character of these spaces as Local Green Spaces will only be permitted in very special circumstances.**

#### **Policy CR4 Supporting Health and Wellbeing in Clifton upon Teme**

88. Policy CR4 very much reflects the principles outlined in section 8 of the NPPF *“Promoting Healthy Communities”* and paragraph 69 in particular. Thus, the aspirations behind the policy are entirely consistent with sustainable development. However, I have two important reservations about it. PPG advocates that *“A policy in a neighbourhood plan should be... drafted with sufficient clarity that a decision maker can apply it with confidence when determining applications. ... It should be distinct to reflect to reflect and respond to the unique characteristics and planning context of the specific neighbourhood for which it has been prepared.”*<sup>18</sup> The policy as drafted and the supporting text contain no evidence or justification which relates to the specific circumstances of Clifton upon Teme. It simply restates the principles of the NPPF and does not go as far as the NPPF does in paragraphs 70-75 in describing how these

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<sup>18</sup> PPG How should the policies in a neighbourhood plan be drafted? Reference ID 41-041-20140306

principles may be applied. It therefore does not provide the clear guidance to a decision maker that is required. My second concern is that the potential to apply these principles to the small scale of development in Clifton upon Teme is very limited. Three of the four major developments envisaged already have full planning permission. If the policy had outlined how these principles could be applied to the one remaining large scale development, where the permission is only in outline, it could have met the basic conditions and, depending on the timescale for decision making, it could have influenced the form of development. For the smaller scale developments that the Plan envisages the potential to apply these principles is very limited. I agree with the officers of MHDC that it would be unreasonably onerous to require a health impact assessment for all developments.

### **Recommendation**

#### **Delete Policy CR4**

#### **Policy CI1 Communication technologies**

89. Policy CI1 supports the development of new mobile telecommunication infrastructure where it would not have a harmful visual effect. It also requires that new development should be served by superfast broadband infrastructure unless it can be demonstrated that this is not possible, in which case suitable ducting should be provided to enable future connection. This policy is consistent with section 5 of the NPPF and Policy SWDP26, though these policies also contain other considerations which would be applied to this type of development and do not need to be restated in the neighbourhood plan. It is consistent with the basic conditions.

#### **Policy CI2 Supporting Improvements in Traffic Management, Signage and Street furniture**

90. This policy has two parts. The first relates to traffic management rather than new development. The legislation defines a neighbourhood plan as "*a plan which sets out policies (however expressed) for the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.*"<sup>19</sup> Measures to control speed and influence driver behaviour are not land use policies and while improvements to the public realm to support walking and cycling may be provided by new developments the way the policy is worded is not related to development proposals. This is a good example of how the Basic Conditions Statement fails to

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<sup>19</sup> Planning and Compulsory Purchase Act 2004 Section 38A (2)

properly address the relationship between the Local Plan and the policies of the CuTNP. In relation to Policy CI2 it quotes an extract from Policy SWDP 4, but this is about the contribution of new developments to movement, whereas the policy is not. This element of the policy is an expression of village aspirations and parts of it are already included in Appendix 8 point 7 as actions for the Parish Council.

91. The second part of the policy relates to the provision of street furniture and signage. While in many cases this may not require planning permission, in some cases it would and the requirement that it should enhance the character of the Conservation Area and the wider village is consistent with the basic conditions.

#### **Recommendation**

**Delete the first paragraph of Policy CI2 and at the end of paragraph 4.6.4 insert a new sentence “These measures cannot be the subject of a policy in the Plan but will be pursued by the Parish Council. (see Appendix 8 point 7).”**

#### **Policy CI3 Supporting Renewable and Low Carbon Energy Schemes and technologies**

92. Policy CI3 supports in principle community led initiatives for renewable and low carbon energy where they would improve access to such energy and would not have a harmful environmental impact. This is consistent with PPG which refers to the potential for neighbourhood plans to plan for renewable energy developments.<sup>20</sup> It is also consistent with the first bullet point of paragraph 97 of the NPPF. Also, Policy SWDP27C supports proposals for stand-alone renewable and other low carbon energy schemes. I am satisfied that the policy meets the basic conditions.

#### **Policy CI4 Energy Efficiency and Tackling Fuel Poverty**

93. This policy simply encourages the incorporation of energy efficiency measures into new development. However, the policy is not clear on what is required and it is therefore not clear how it should be applied. Moreover, the Ministerial Statement of 25 March 2015 indicated that energy efficiency standards for new housing would be defined in building regulations and that neighbourhood plans should not local standards for the performance of buildings.<sup>21</sup> While the statement only applied to new housing, building regulations cover all types of development and it is not clear what purpose this policy could serve.

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<sup>20</sup> PPG What is the role for community led renewable energy initiatives? Reference ID 2-004-20140306

<sup>21</sup> Written Statement to Parliament: Planning update March 2015 sections headed “Housing Standards-streamlining the system” and “Plan making”

## **Recommendation**

### **Delete Policy CI4**

#### **Summary and Referendum**

94. The preparation of the Neighbourhood Plan for Clifton upon Teme has been a major undertaking for a small community. It has involved extensive community involvement and it demonstrates a strong focus on the distinctive character of the village and its surroundings. It has been helpful that there is an up to date Local Plan in place to provide a clear strategic context and there is evidence of effective joint working with the local planning authority.
95. I am satisfied that the preparation of the Plan has met the legal requirements and to a large extent the policies of the submitted plan meet the basic conditions. While I have recommended several modifications, most of these are relatively minor. In some cases, the wording of the policy as submitted is not clearly justified and in other cases the modifications are to align more closely with the intentions of the NPPF. In a few cases the policy or elements of it express general intentions rather than clear guidelines for decision taking, do not add to national or Local Plan policies or do not relate to the development and use of land. For this reason, I have recommended a few policy deletions.
96. The documentation for the Plan and supporting documents is generally clearly presented and this has been a help to me in conducting the examination. However, the Basic Conditions Statement could have done more to explain the relationship with national policy and guidance and strategic local plan policies. Also in some cases the text on maps and in the key to maps needs to be much clearer.
97. I have concluded that, if the modifications that I have recommended are made:
- The Clifton upon Teme Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012 and that;
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;

The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

98. **I am therefore pleased to recommend that the Clifton upon Teme Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**
99. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. The Plan includes the whole Parish of Clifton upon Teme and I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.<sup>22</sup> **I therefore conclude that there is no need to extend the referendum area.**

Richard High 28 July 2017

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<sup>22</sup> PPG Reference ID: 41-059-20140306

## Appendix 1 e mail exchanges for clarification

**From:** Richard High  
**Sent:** 03 July 2017 10:37  
**To:** David Clarke  
**Cc:** Helen Winer; JHill  
**Subject:** Clifton upon soar Neighbourhood Plan - SEA screening

Dear David

I have the following queries based on the documents that have been submitted to me:

1. SEA The basic conditions statement refers on pages 9 and 10 to a screening assessment carried out by Malvern Hills District Council. It also refers to the requirement in regulation 15 of the Neighbourhood Planning Regulations, since the amendment in 2015, for the submission to the Local Planning Authority to “include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.” The following text explains that a screening report was done and concluded that the Plan is unlikely to have significant environmental effects and that the consultation bodies were consulted. The consultation report also includes these responses on pages 18-20. However this does not amount to “a statement of reasons for the determination” that the Plan is unlikely to have significant environmental effects.

The Basic Conditions Statement states that “the screening assessment can be found in Section 5 of the Malvern Hills Screening Report” but it is not clear where that can be located. I have located the screening assessment on the Clifton upon Teme Neighbourhood Planning website under the heading of Formal Consultation. This assessment is capable of being regarded as a “statement of reasons” but unfortunately it has not been included in the submission documents. In these circumstances, unless I have missed something, the only satisfactory way forward is for the Plan to be withdrawn, resubmitted with the screening report included as an appendix to an amended Basic Conditions Statement, and the Regulation 16 consultation re-run. I appreciate that this is inconvenient and will cause delay, but for the plan to proceed it must accord with the regulations.

Kind Regards

Richard

E mail reply from David Clarke dated 3 July 2017 copied to Helen Winer and J Hill

Dear Richard,

Thank you for your query regarding a statement of the reasons why a SEA is not required for the Clifton upon Teme Neighbourhood Plan.

The planning consultants acting on behalf of the Parish Council and the District Council feel that the statement of the reasons for the determination is provided in the final paragraph of page 10 of the Basic Conditions Statement.

The final paragraph on page 10 says that the SEA Screening Opinion was undertaken by MHDC and concluded that no significant environmental effects would occur as a result of the Clifton upon Teme Neighbourhood Plan. This conclusion was confirmed through consultation responses from Historic

England, Natural England and the Environment Agency. The final paragraph on page 10 also provides a link to Section 5 of the SEA Screening Opinion which provides the detailed reasons why a SEA is not required:

*5.4. Based upon the case-by-case screening assessment set out in Table 3 above, it is concluded that the Draft Clifton Upon Teme Neighbourhood Plan will not have significant effects in relation to any of the criteria set out as part of the SEA Regulations.*

*5.5. The main justification for this conclusion is that the Draft Clifton Upon Teme Neighbourhood Plan reinforces the policies featured in the emerging South Worcestershire Development Plan, which have already been subject to a Sustainability Appraisal and assessed as having no significant environmental effects. The draft neighbourhood plan does not propose any allocations which depart from the strategy set out in the SWDP, and hence it is considered that the potential impacts of the plan do not require any further investigation.*

*5.6. The policies of the Draft Clifton Upon Teme Neighbourhood Plan also seek to avoid or minimise environmental effects through the provision of guidance on issues which are specific to the neighbourhood area, such as development within the Clifton Upon Teme Conservation Area or in areas of varying Landscape Character. It is therefore likely that the Draft Clifton Upon Teme Neighbourhood Plan will have, both directly and indirectly, a positive environmental impact rather than negative, by setting out guidance addressing how developers can minimise impacts on a number of environmental receptors.*

I can confirm that the SEA Screening Opinion that is referred to in the final paragraph on page 10 was included in the submission documents and was consulted on.

I hope the above is helpful.

Regards,

David

**From:** Richard High  
**Sent:** 20 July 2017 10:31  
**To:** David Clarke  
**Cc:** Helen Winer; JHill  
**Subject:** Further queries

Dear David

I have just two more points on which I would appreciate clarification:

1. In Policy CB2 I would welcome further clarification on what is meant by "Proposals should not feature designs specific to a generic "scheme"."
2. In Map 13 could you please clarify what the BP Hut is?

Kind Regards

Richard

E mail from David Clarke dated 20 July 2017 copied to Helen Winer and J Hill

Dear Richard,

Apologies for the delay responding – I was out of the office this morning.

What is meant by “Proposals should not feature designs specific to a generic “scheme”?

Paragraph 60 of the Framework says that 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.

The intention of Policy CB2(1) is that proposals should not be standard or generic designs but instead should take account of, and compliment, the character of the area and surrounding buildings.

In Map 13 could you please clarify what the BP Hut is?

The BP Hut is the Baden Powell Hut and is where the Rainbows, Brownies and Guides meet.

I hope the above is helpful. If you have any further queries, please do not hesitate to ask.

Regards,

David

