



Our Ref: SH/pl/

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Dear Mr Clarke

Neighbourhood Plan: Regulation 16 consultation response

Fisher German LLP have been instructed by the Diocese of Worcester to make formal representation on the Leigh and Bransford Neighbourhood Development Plan (NDP) Regulation 16 Consultation. The representation is not to be seen as a wider consideration of the regulation 16 submission plan and is only focused on matters of material interest to the Diocese of Worcester.

It should be noted that the Diocese of Worcester have a fiduciary duty to maximise land value for the benefit of the Clergy Stipends Fund.

As such this letter will provide considered response to the Local Green Spaces policy LB/E/2 and the proposed allocation of local green space 1 (Meadow Land adjacent to Brockamin Lane).

For clarity it is outlined at this point that the Diocese of Worcester object to the proposed green space designation. The justification for which is provided below and follows on from the same comments made at the Regulation 14 consultation which we do not consider have been appropriately addressed within this submission or by the submitted consultation statement dated March 2022.



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Local Green Spaces – Policy LB/E/2

As indicated in the within paragraph 5.3.7 of the Neighbourhood Plan, guidance for green space designations is provided within paragraphs 101 to 103 of the National Planning Policy Framework (NPPF).

These paragraphs state –

Para 101

The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed and be capable of enduring beyond the end of the plan period.

Para 102

The Local Green Space designation should only be used where the green space is:

- in reasonably close proximity to the community it serves
- demonstrably special to a local community and holds particular local significance, for example because of its beauty, historic significance, recreational value, (including as a playing field), tranquility or richness of its wildlife; and
- local in character and is not an extensive tract of land

Para 103

Policies for managing development within a Local Green Space should be consistent with those for Green Belts

In consideration of the above, and specifically NPPF paragraph 102, it is clear that new green space designations need to accord with the 3 criteria outlined as well as confirming that the Green Space is capable of enduring beyond the end of the plan period in accordance with paragraph 101 of the NPPF. These matters should be demonstrated through the compilation and submission of robust the justified evidence in the plan making process.

The regulation 16 submission document describes the proposed local green space 1 (Meadow Land adjacent to Brockamin Lane) as being ...'immediately adjacent to the edge of the main body of dwellings in Bransford, local in character, and is a relatively small parcel of land. It is

valued in its own right within the landscape and for the access it provides to the larger local area. This area is crossed by a public footpath and is widely used by local walkers and dog walkers'...

In review of the above there is no disagreement with the conclusions made in regard to the proposed green space being adjacent the settlement edge or the site being local in character. The proposed designation would therefore meet the requirement of criteria 1 and 3 of paragraph 102

In consideration of criterion 2, the regulation 16 submission document has been supported by 3 additional survey documents. The Historic Environmental Record Surveys for Bransford, the Ecological Search for Leigh and Bransford and a summarised NDP survey report.

In the absence of any other survey evidence, it is considered that these documents form the main evidential basis for the proposed green space in relation to criterion 2.

On review of the Historic Environmental Record Surveys for Bransford it is clear that no significant heritage is confirmed within the proposed green space area with only geological mapping for Paleolithic potential at the southern aspect of the proposed green space. There is no building, monument or landscape component found or documented within the proposed green space.

The closest heritage monument is to the immediate north west of the proposed green space and relates to a double row tree avenue which is believed to be a small surviving section of green way. This asset is, however, not included within the green space proposal.

On the basis of the above the site as proposed is not found to hold any local significance for heritage reasons.

In consideration of the Ecological Search for Leigh and Bransford it is noted that the proposed green space is a mapped area of semi natural and priority grassland. However, upon review of the Worcestershire Habitat Inventory mapping it is apparent that the site is only classified as 'possibly unimproved grassland'

To meet the definition of unimproved grassland the site would need to have never been ploughed, reseeded or heavily fertilised. The site in question has been in agricultural use for a number of years and it is therefore not likely to be unimproved grassland.

On the basis of the above, the wildlife found within the site is likely to be very minimal and could not be defined as a rich area for wildlife.

In regard to the sites recreational value, a review of the NDP survey has been undertaken and there is no evidence within the document that any of the 36 respondents from Bransford area hold the site significant for the purpose of recreation.

There is mention of the site in relation to the creation of a village green, but this does not hold any weight in the consideration of how people view or utilise the site at present. There is no question or evidence provided to the level of use of the footpath and it should be noted that this is a linear feature across the field for which the wider recreational use of the site would not be permitted.

It is important to note that the National Planning Practice Guidance (NPPG) within paragraph 018 (ref ID:37-018-20140306) states that ...'there is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation'...

Whilst the green space is not proposed in a linear shape, if the main evidential basis for the allocation is the protection of the public right of way and its amenity, the above guidance makes it clear that protection should be maintained through the existing, other legislation that protects public rights of way.

Overall, based on the evidence provided and reviewed, it cannot be seen that the proposed open space is demonstrably special to a local community or holds particular local significance. The proposal therefore fails to accord with criterion 2 of paragraph 102 to the NPPF and should not be progressed as a site for open space designation.

As an additional point of consideration, it should also be noted that the site was progressed to the recent South Worcestershire Development Plan (SWDP) review, call for sites. Whilst it was not chosen as a site for allocation, the reason for omission was focused on the scale of the site as a whole coming forward.

It is therefore possible that a future progression of a section of the site would be better received and as such it is not certain that the entire area of the proposed green space will endure beyond the end of the plan period. The context of a rural exception site for example would be broadly

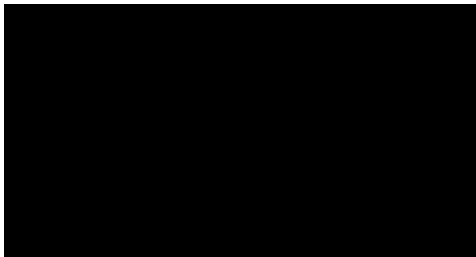
policy compliant and consistent with how green belt policy permits built development in accordance with paragraph 103 of the NPPF

The proposed green space designation is therefore also in conflict with paragraph 101 of the NPPF.

For the reasons outlined the Diocese of the Worcester formally object to the proposed green space designation and request its removal from the NDP moving forward. Notwithstanding this objection, the Diocese of Worcester would welcome further engagement with the NDP group to assist with the progression of the Leigh and Bransford NDP.

Should there be any questions regarding the above consultation response please do contact me on the details below.

Kind Regards



For and on behalf of Fisher German LLP

D: [REDACTED]
M: [REDACTED]
E: [REDACTED]