

INDEPENDENT EXAMINATION OF THE LEIGH AND BRANSFORD NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINER:
Christopher Collison BA(Hons) MBA MRTPI MIED IHBC

To Malvern Hills District Council and Leigh and Bransford Parish Council

By email to David Clarke, Principal Planning Policy Officer, Malvern Hills District Council, and Peter King, Clerk, Leigh and Bransford Parish Council

Dated 6 July 2022

Dear Peter and David

Leigh and Bransford Neighbourhood Development Plan Independent Examination – Examiner letter seeking clarification of matters

Further to my initial letter of 13 June 2022 I am writing to seek clarification of the following matters:

Policy LB/H/6: Housing: Site Allocation

1. The representation by Pegasus Group on behalf of clients' questions reliance on evidence to support the emerging SWDP Review and states the Neighbourhood Plan fails to apply rigour in its analysis and exploration of potential opportunities presented by competitor sites including their client's site. The representation states selection of the site allocated by Policy LB/H/6 is unjustified as their client's site (CFS1084) has not been thoroughly considered through the SHLEAA process, and the additional Parish Council criteria appear only to have been assessed for the allocated site and not for any other reasonable alternatives. I invite comment on these matters raised in this representation. In any response, please expand on the Parish Council comment "the site was fully considered using information from the SA" made in respect of this Regulation 16 representation.
2. The representation of Lone Star Land is promoting, on behalf of another party, the development of land off Leigh Sinton Road (SHELAA site CFS50640) for residential development and community uses. The representation (in respect of Policy LB/H/6) considers the detailed site assessment to be flawed for several stated reasons namely the SWDP Category of Leigh Sinton; safe access to highways; access to village amenities; impact on heritage assets;

landscape impact; and impact on key views. The representation refers to assessment of site CSF50640 off Leigh Sinton Road (now removed from NDP); protection of SWDP is out of date; and map commentary. The Parish Council has commented on several aspects of this representation including the category of settlement, access to village amenities, and mapping. I invite you to draw my attention to any existing evidence that may be contained in the Neighbourhood Plan submission or supporting documents relevant to the matters of landscape impact and impact on key views raised in this representation.

Policy LB/E/2

3. A representation on behalf of the Diocese of Worcester objects to the designation of Meadow Land adjacent to Brockamin Lane, Bransford as Local Green Space on the basis the land is not 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. The representation states the Neighbourhood Plan evidence base provides no evidence of a heritage or wildlife basis for designation and there is no evidence of recreation use other than potential use of a footpath. The representation refers to the Guidance where it states “there is no need to designate linear corridors as LGS simply to protect rights of way, which are already protected under other legislation. The representation also questions whether a designation would endure beyond the end of the Plan period given its potential (possibly in part) to be developed, for example as a rural exception site. I have noted paragraph 5.3.9 of the Neighbourhood Plan seeks to justify the designation as LGS and the comment on this representation made by the Parish Council. Are you able to draw my attention to any additional existing evidence that supports the designation?

Policy LB/E/3

4. The representation of Lone Star Land states a document produced by Environmental Landscape and Colour Consultancy should be available to allow interested parties to understand how views have been assessed. I invite comment on this matter.

Policy LB/E/8

5. The District Council state relevant and robust evidence may exist, but has not been drawn upon to explain the rationale for a policy. For example, the supporting text for Policy LB/E/9 (Biodiversity Net Gain) refers to an “Ecological Search for Leigh & Bransford Neighbourhood Area”, the findings

of which may have been helpful for identifying biodiversity sites to be protected or enhanced under Policy LB/E/8 (Biodiversity).

Policy LB//4

6. I have noted the Parish Council comment on the District Council representation including suggested amended text for part d of the policy but do not consider it appropriate for criterion d to relate to technical design standards. In the light of the District Council representation and in particular national and strategic policy I am considering a modification:
- to limit the application of the policy to major developments only so that the policy has sufficient regard for national policy;
 - to delete part c. as it duplicates strategic policy or includes requirements that have not been sufficiently justified;
 - to delete part d. as this is a matter for Building Regulations that may change throughout the plan period; and
 - to delete part e. as biodiversity is dealt with in Policies LB/E/8 add LB/E/9 and in strategic policies.
- I invite comment on this intended modification.

I request any response to these matters is agreed as a joint response of the Parish and District Councils wherever possible. This request for clarification and any response should be published on the District Council website.

In order to maintain the momentum of the Independent Examination I would be grateful if any reply could be sent to me by 12.00 Noon on Wednesday 20 July 2022.

As the Independent Examination progresses, I may seek clarification with respect to other matters. For the avoidance of doubt recommendations of modification of the Neighbourhood Plan that may be contained in my report of Independent Examination will not be limited to those matters in respect of which I have requested clarification.

I should be grateful if the District Council and the Parish Council could acknowledge receipt of this email.

Best regards

Chris Collison
Independent Examiner
Planning and Management Ltd

