

Leigh and Bransford Neighbourhood Plan
Leigh and Bransford Parish Council and Malvern Hills District Council
Response to Examiner's Clarification Note (6th July 2022)
19th July 2022

Points for Clarification	Response from Leigh and Bransford (L&BPC) and Malvern Hills District Council (MHDC)
<p>Policy LB/H/6: Housing: Site Allocation</p> <p>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.</p> <p>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.</p>	<p>Site CFS 1084 was a late submission in the SWDPR SHELAA process but was not carried forward as a proposed SWDPR allocation because the South Worcestershire Councils considered it unsuitable as it is covered by the Significant Gap policy.</p> <p>The Leigh & Bransford NDP – Background Paper: Site Assessment assessed the suitability of all sites submitted for consideration as potential housing allocations, including site CFS 1084. The Site Assessment Background Report draws on evidence from three sources, all of which consider the suitability site CFS 1084:</p> <ul style="list-style-type: none"> i. MHDC Call for Sites Assessment Matrix - see pages 8 – 9 of Background Report ii. Sustainability Appraisal of SWDPR: Malvern Hills Assessments – Appendix B (August 2019) – see pages 11 – 26 of Background Report iii. Leigh and Bransford NDP: Local Criteria Additional to Sustainability Appraisal – see page 28 of Background Report <p>In light of the above, it is considered that a proportionate assessment of site CFS 1084 was undertaken.</p>

<p>Policy LB/H/6: Housing: Site Allocation</p> <p>2. The representation of Lone Star Land is promoting, on behalf of another party, the development of land off Leigh Sinton Road (SHELAA site CFS 0640) 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 CSF 0640 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.</p> <p>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.</p>	<p>The Key Views in Policy LB/E/3 were assessed, based on a methodology from a report from Environmental, Landscape and Colour Consultancy (14) – Table 8 at https://wellingtonheathpc.org/wp-content/uploads/2016/11/APPENDIX-C-Assessment-Criteria.pdf.</p> <p>For accuracy it is suggested that the final sentence of paragraph 5.3.11 be amended and the word “using” be replaced with “, based on a methodology from”.</p> <p>In relation to matters of landscape impact and impact on key views raised by Lone Star Land:</p> <ul style="list-style-type: none">• It has been discovered that the photograph of View 3 on page 50 of the Neighbourhood Plan was inadvertently taken from a private driveway. It is suggested that the following similar photograph of View 3, taken from the public domain, could replace the current photograph.
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- It is considered that the description of View 3 on page 50 of the Neighbourhood Plan indicates that the view meets criteria for views of high visual value in Appendix F because it is a view of high scenic beauty and the view makes an important contribution to the understanding of the landscape function / contribution.
- The view from the proposed site for allocation on land off the A4103 has not been identified as a key view in the Neighbourhood Plan because it is not considered to be of a high value based on the criteria in Appendix F. The proposed site does not have views towards any special features such

	<p>as the Malvern Hills AONB, or of any particular scenic value. Views to the Designated Assets (Listed Buildings) to the south are divided by the A4103. In addition, the Listed Buildings are partially screened by hedges and overlap fencing to protect them from visual intrusion and noise from the A4103. The proposed site is already bounded by residential properties to the west. The proposed site, and its surroundings are predominantly flat with few features.</p> <p>The Parish Council have noted a text error in the second sentence of paragraph 5.3.11 and have suggested that for accuracy it might be appropriate to amend the sentence as follows - “The views have been assessed based on a looks towards the Malvern Hills AONB and has the Malvern Hills predominating in the distance but each has a different viewpoint and intermediate landscape”.</p>
<p>Policy LB/E/2</p> <p>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</p>	<p>Paragraph 102 of the Framework says that Local Green Space designation should only be used where the green space is “demonstrably special to a local community and holds a particular local significance, <i>for example</i> because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife.” The Framework does not require Local Green Space to be of heritage or wildlife importance.</p>

<p>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.</p> <p>Are you able to draw my attention to any additional existing evidence that supports the designation?</p>	<p>The meadow land adjacent to Brockamin Lane, Bransford is proposed as one of only two Local Green Spaces in the parishes of Leigh and Bransford because it is considered to be demonstrably special to the local community. The green space is widely used by local walkers and dog walkers. Its popularity and local importance stems from a number of factors including its accessibility and beauty (views to Malvern Hills)</p> <p>In addition, it is considered that the meadow land meets the Framework criteria of being reasonably close proximity to the community it serves (Bransford) and not being an extensive tract of land (2.5 hectares).</p> <p>There is no evidence to indicate that the Local Green Space would not be capable of enduring beyond the plan period (as required by paragraph 101 of the Framework) if it is designated as Local Green Space in the Neighbourhood Plan.</p>
<p>Policy LB/E/3</p> <p>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.</p> <p>I invite comment on this matter.</p>	<p>Whilst published guidance such as Natural England’s LCA guidance and the Landscape Institute’s Guidance for Landscape and Visual Impact Assessment 3rd Edition (‘GLVIA3’) explain the factors which contribute to visual value there does not seem to be a nationally agreed methodology for assessing the visual value of views.</p>

	<p>However, based on the above Natural England guidance, criteria for judging the levels of visual value were developed by Malvern-based Environmental, Landscape and Colour Consultancy and applied in the Wellington Heath Neighbourhood Plan in Herefordshire – shown on Table 8 at https://wellingtonheathpc.org/wp-content/uploads/2016/11/APPENDIX-C-Assessment-Criteria.pdf</p> <p>It was considered that criteria developed by Environmental, Landscape and Colour Consultancy, which take account of Natural England guidance, provided an appropriate framework for assessing the visual value of views in Leigh and Bransford. The criteria are listed in Appendix F of the Neighbourhood Plan.</p>
<p>Policy LB/E/8</p> <p>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).</p>	<p>It is considered that the evidence in paragraphs 5.3.22 – 5.3.24 and Appendix E of the Neighbourhood Plan better explain the rationale for Policy LB/E/8 (Biodiversity), rather than LB/E/9 (Biodiversity Net Gain).</p> <p>In light of the above, it is considered that it would be helpful if paragraphs 5.3.22 – 5.3.24 could be moved to the reasoned justification for Policy LB/E/8, under paragraph 5.3.20.</p>
<p>Policy LB/I/4</p>	<p>It is acknowledged that in order to have regard to national policy it may not be appropriate for Policy LB/I/4 to apply to all developments.</p>

<p>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:</p> <ul style="list-style-type: none">• 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. <p>I invite comment on this intended modification.</p>	<p>It is also acknowledged that there could be some duplication of the policy with Building Regulations other planning policies.</p> <p>In light of the above, we agree that the modifications under consideration would be appropriate.</p>
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