

Planning Policy, Planning Services
Malvern Hills District Council
The Council House
Avenue Road
Malvern
Worcestershire
WR14 3AF

Our Ref: P/C Div/0021/20

25 February 2021

Dear Sir or Madam

**Regulation 16 Consultation on the Submitted Hallow Neighbourhood Development Plan
Worcestershire County Council**

These representations are submitted on behalf of our client, Worcestershire County Council (WCC), in response to the public consultation on the Regulation 16 draft of the Hallow Neighbourhood Development Plan (HNDP). They are submitted in WCC's capacity as a landowner and are supported by its responses to previous public consultations on the HNDP. Accordingly, WCC contends the following:

Policy HAL1 – Development of Land at Greenhill Lane – Page 36

WCC objects to the removal of the housing allocation for its land lying to the south of Tinkers Coppice Farm under Policy HAL1 of the draft Hallow Neighbourhood Development Plan (HNDP). The landholding in question was put forward to the South Worcestershire Councils (SWCs) 'Call for Sites', whereby it was provisionally allocated under CFS0343sc for 49 dwellings under the South Worcestershire Development Plan Review (SWDPR) to meet the additional housing need of 13,957 dwellings by plan period 2041. A site plan of the provisional housing allocation in the SWDPR is enclosed in **Appendix 1**.

The HNDP proposes the replacement of CFS0343sc with 'Land at Greenhill Lane'. This is a frankly mystifying and unreasonable decision, given that the Strategic Housing and Employment Land Availability Assessment (SHELAA) did not allocate the Greenhill Lane site because of its proximity to a gas pipeline and the SWCs made clear that the smaller parcel of the WCC smallholding was preferred to be developed for housing within Hallow, due to its central location and having no significant planning constraints. The only concern raised for the WCC site was the impact on the sewage network. However, this can be mitigated by including Sustainable Drainage Systems as part of the design for the development alongside other measures. This concern is consequently no barrier at all to the delivery of the WCC site.

Moreover, paragraph 6.6 of the HNPD suggests that the allocation of Greenhill Lane will meet housing need for the Category 1 village i.e. inferring that the WCC site would not. However, given that both sites have similar indicative housing figures, there should have been no need to allocate the Parish Council's land at all and the WCC land should have remained as the preferred site.

Paragraph 6.12 of the HNPD recognises that housing figures should be treated as a minimum, yet the approach of the HNPD is to treat the figures in paragraphs 6.9 and 6.10 as being maximum totals, leading to the proposed deallocation of the WCC site. This is even though the AECOM report to the Parish Council provides no justification for such an approach.

Furthermore, whilst the SWDP is supportive in principle to Neighbourhood Plans allocating sites, Hallow is classed as a Category 1 village under SWDP 2 – *'Development Strategy and Settlement Hierarchy'*, meaning that it can support a significant number of houses, due to the amount of facilities and services available in such villages, which is in line with sustainable development. Paragraphs 11 and 119 of the National Planning Policy Framework (NPPF) (adopted February 2019) (NPPF) also denote that local planning authorities or plan-making bodies should proactively be bringing forward land for housing that can be sustainably developed and can meet the housing needs for the area. This also includes Neighbourhood Plans supporting strategic policies and the land allocated within the Local Plan.

In light of the above and as far as we are aware, there is no technical evidence that justifies setting out maximum housing figures for rural settlements under SWDP 2 – *'Development Strategy and Settlement Hierarchy.'* Taken together with the Government's recently published Planning White Paper, which will propose a new planning system that aims to increase the level of housing growth by delivering 300,000 homes annually nationally, WCC is of the view that both its site and the Parish Council site should be allocated in the Neighbourhood Plan to contribute to this national target.

The Independent Examiner will also note from the technical information in the SWDP, SWDP Review and the HNPD that there are no material considerations that prevent or delay the delivery of these two sites.

For ease of reference, the positive characteristics of the WCC site, which are recognised by the SHELAA site assessments, are as follows:

- Development of the site for Class C3 housing would be wholly in accordance with paragraphs 8, 11, 20(a), 35, 59, 67, 117, 118(d), 119, 122, 123(a), 137 and 138 of the NPPF;
- Development of the site would be wholly in-keeping for the village of Hallow and it would act as a larger infill development adjacent to the development boundary, like SWDP 59zzi and (18/00851/FUL);
- The site is not within a Flood Zone;
- There are no records of any protected species being present;
- No history of previously contaminated land on site. Although the site is located within 250m of a landfill buffer, a risk assessment is all that is required;
- Good access to local facilities, such as being within walking distance of Hallow Post Office, Hallow C of E Primary School, The Crown Inn, Hallow Village Hall and Ladygo Stores;
- Public transport is also good; for example, there is a bus stop located directly outside the proposed smaller cut site of CFS0343sc, with bus numbers 294, 296, 308, 758 and 824 serving the village to the city of Worcester and the towns of Kidderminster and Stourport;

- The site is in an area of sand and gravel deposits. However, there is no known commercial interest in extracting the material;
- Utilities and services are present within its vicinity thanks to the presence of Coppice Close and Heath Close cul-de-sacs adjacent to the development boundary;
- Vehicular and pedestrian access to the site can be made onto the A443 on the opposite side of Moseley Road;
- Although the WCC site is not within the Hallow Conservation Area, delivery of development there will pay material regard to this and Hallow's historical and linear form of development, as mentioned in Paragraph 6.7 of the HNDP; and
- Whilst the WCC site is wholly within green infrastructure areas (Teme Valley & Wyre forest and Severn Meadows Corridor), there is no reason why development of the site cannot contribute towards its provision, maintenance, improvement and connectivity.

WCC therefore contends that the fairest solution to this matter would be for both 'Land lying to the south of Tinkers Coppice Farm' and 'Land at Greenhill Lane' to be allocated within the HNDP. Allocating both sites would also be in accordance with the Government's Planning White Paper objective that more sites should come forward to increase housing supply across the nation. This includes Hallow Parish.

However, if there must be a choice, it should be the WCC land that is allocated given the evidence clearly demonstrates the lack of impediments to its development compared to the Greenhill Lane site.

Policy HAL6 – Local Green Space – Page 65

WCC objects to the allocations of HAL6/1 – 'Tinkers Coppice Wood' and HAL6/2 – 'Gravel Pit' under this policy. They are both located within the smallholding of Tinkers Coppice Farm, which is owned by WCC. The reasoning for this objection is as follows.

In relation to Tinkers Coppice Wood, the woodland is not safe for public access due to there being no formal Public Rights of Way, apart from a footpath that intersects the north western corner, and a steep change in gradient on the south-eastern part of the site. Refusal for a local primary school to use the woodland has also been given because of the concerns around safety. Conversely, the lake under allocation HAL6/2 was created after mineral extraction ceased, which means that WCC cannot guarantee that the lake is safe (notwithstanding also becoming liable for insurance costs, maintenance costs and upkeep of the site if people access it anyway).

Contrary to 'Table 7 – Local Green Space Assessment' on page 68 of the HNDP, both proposed allocations do not meet the criteria for Green Space under paragraph 100 of the National Planning Policy Framework (NPPF) (February 2019). Both sites are not within reasonable proximity to the community they would serve due to being isolated from the village of Hallow and the public footpaths mentioned within Table 7 follows the outskirts of the WCC owned sites. The only exception is Public Right of Way 629C, which should only be used to cut through a narrow section of the coppice. In this respect, if a member of the public were to enter the coppice or use the lake, then this would be deemed as trespassing under Criminal Justice and Public Order Act 1994.

In relation to parts (b) and (c) of paragraph 100 of the NPPF, proposed designation HAL6/2 does not meet the criteria of being local significance or local in character because of the lake being there as a consequence of commercial mineral extraction from Ball Mill Quarry, who have also extracted sand and gravel deposits from other nearby sites in Hallow and Grimley since 1958 (for further detail, please see planning application 15/000016/CM). The coppice under HAL6/1 is already designated as an ancient woodland. If the two sites were to be allocated as Green Space because of the historic significance of the coppice and richness of its wildlife at the lake as stated in Table 7, this would cause more harm than

good in practice unfortunately. Opening the sites to the general public would disturb nesting birds surrounding the lake, of which ten bird species identified here are on the 'red list' of conservation concern according to the British Trust of Ornithology, and potentially irreversible damage could be caused to the coppice through fire or eroding the flora and fauna from the sudden increase in visitor numbers.

Paragraph 17 of the Planning Practice Guidance (PPG) (Reference ID: 37-017-20140306) does suggest that designation for Green Space may be considered on restricted access land for its wildlife, historic significance or beauty. However, given that the smallholding is also a working agricultural farm, then the WCC site should not be viewed as a suitable designation for green space.

The allocations are also not in accordance with Policy SWDP 38 and SWDPR 43 - '*Green Space*' of the South Worcestershire Development Plan (SWDP) (adopted February 2016) or the South Worcestershire Development Plan Review (SWDPR), due to the above planning and legal constraints attached to the sites, which act against the main concept of green space being designated due to being heavily used by the local community.

WCC recognises that in planning terms, green space does not grant the right of access onto the land. However, in practice, the public will interpret the green spaces allocations as signalling that the land is open access, which will ultimately lead to problems and conflicts on what is a privately run smallholding.

Finally, it should be noted that there is no formal car parking available at either site. Access to the coppice would involve either walking on the adjacent footpath to the busy A443, or via a narrow lane to access the lake with limited places to pass. It would also cause traffic congestion for the only road into the nearby village of Grimley.

Given the reasons stated above, HAL6/1 and HAL6/2 should be removed from being designated as Green Space under the HNDP because of neither site being policy compliant with the NPPF, SWDP or SWDPR. There are also several planning, ecological, legal and safety concerns relating to both sites and this should be taken into consideration, since the main aim of Green Space is to be used by the local community, which would have direct and indirect negative impacts for the Coppice and the lake.

Policy HAL8 – Green Infrastructure – Page 72

WCC objects to a large parcel of Tinkers Coppice Farm being designated as Green Infrastructure under this policy. WCC is also surprised at the designation, given that WCC specifically advised the Parish Council against allocating the land for Green Space in previous submissions. The reasoning for this is as follows.

Green Infrastructure is defined as "A network of green spaces and natural elements that intersperse and connect villages, towns and cities" under Green Infrastructure Framework 1: Context and Baseline produced by WCC. The National Planning Practice Guidance also provides clear examples of what green infrastructure can include, such as playing fields, allotments, private gardens and other areas of open space (Paragraph: 004 Reference ID: 8-004-20190721). Given that Tinkers Coppice Farm consists of land that is mixed arable and livestock and so heavily farmed, it does not meet the criteria of acting as a corridor to link to other Green Infrastructure assets and therefore not in accordance with part (c) of Policy HAL8 for restoring or creating new infrastructure links and connections.

Furthermore, Green Infrastructure is supposed to be of multifunctional use that comprises of green spaces and water features, will enhance environmental quality and form a recreational area for residents and visitors under Paragraph 7.21 of the HNDP. WCC's landholding does not comply with these criteria. This in turn means that allocating the site would not be compliant with Policy SWDP 5 – '*Green Infrastructure*' of the South Worcestershire Development Plan (February 2016). The landholding is leased to a tenant farmer and encouraging the public to access the land through the allocation would seriously prejudice farming operations there.

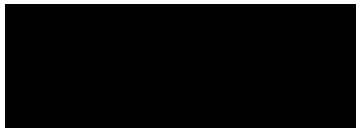
Moreover, Policy HAL8 of the HNDP does not specify how the designated green infrastructure will be maintained, which is contrary to paragraph 8.16 of the Reasoned Justification to Policy SWDPR 4 – ‘Green Infrastructure’ within the SWDPR. Once the draft Local Plan is adopted, an arrangement is required to manage the Green Infrastructure designation, whether that is through the form of a management company, a community led scheme or the adoption of the Green Infrastructure network by another organisation. As the HNDP does not provide an explanation as to how the proposed designation of Green Infrastructure within Hallow will be managed to ensure it is viable and fully funded in the long term, it is therefore undeliverable.

Consideration should also be given to the fact that the smallholding is designated as Grade 2 and 3 under the Agricultural Land Classification and is therefore classed as being of the ‘best and most versatile land’. Under Paragraph 170(b) of the NPPF, this means that the land is seen to be of economic benefit in providing crops for food and non-food uses. The operations there should therefore not be impeded by being allocated as Green Infrastructure.

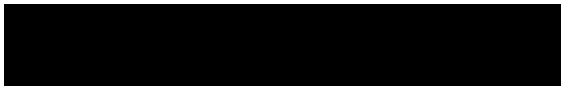
WCC accordingly request that the smallholding of Tinkers Coppice Farm be removed from the proposed designation of green infrastructure in the draft HNDP. The site is after all a working farm, meaning that it does not meet the criteria for the proposed designation.

Should there be any queries about these representations, please do not hesitate to contact us and we would be pleased to assist.

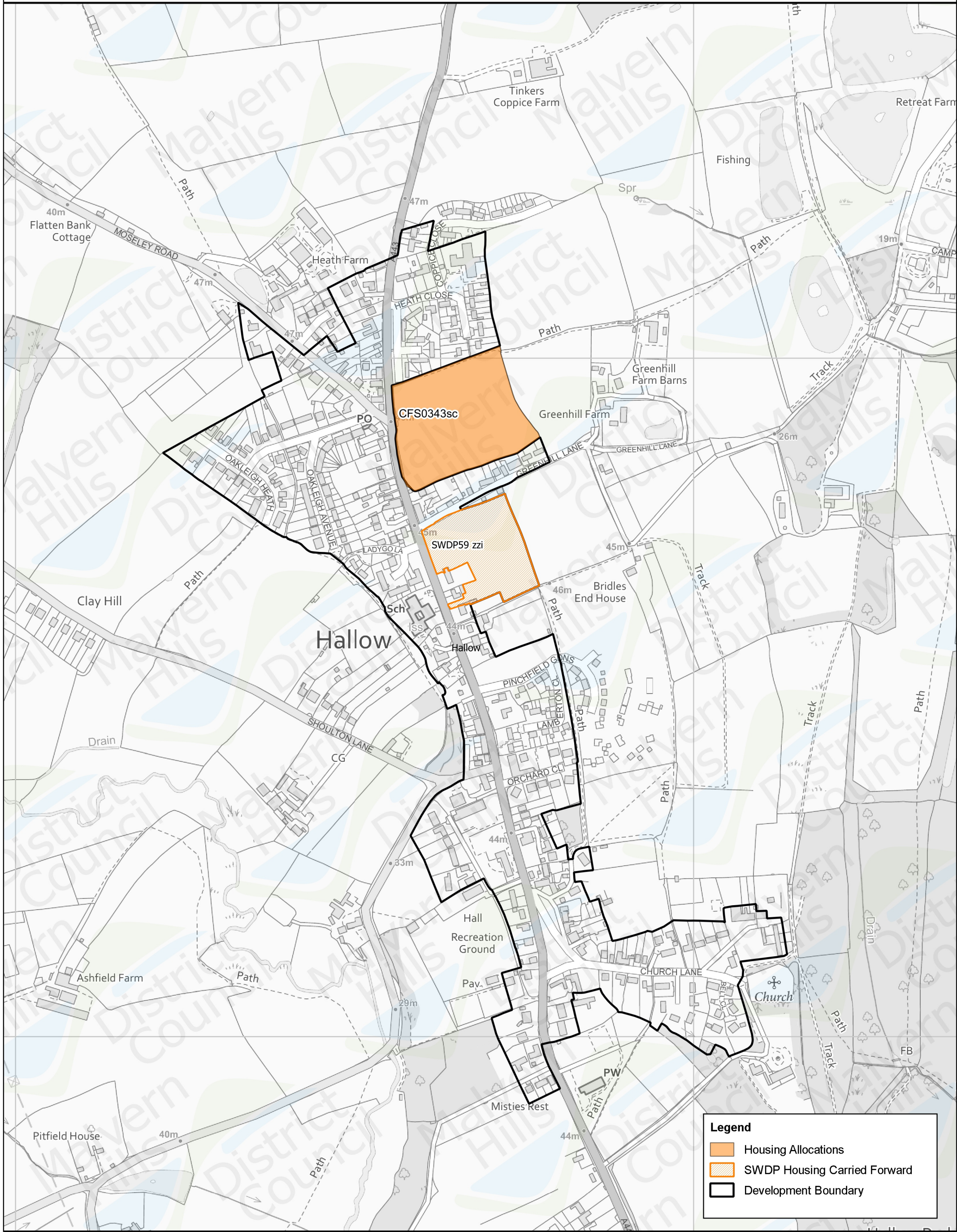
Yours faithfully



Rachel Howes MRICS FAAV FALA
Principal Land Agent



Strategic Housing and Employment Land Availability Assessment 2019



Legend

- Housing Allocations
- SWDP Housing Carried Forward
- Development Boundary