

**Regulation 16 Consultation  
on the Submitted Welland Neighbourhood Plan  
RESPONSE FORM**

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Welland Parish Council has submitted the draft Welland Neighbourhood Plan to Malvern Hills District Council. In accordance with Regulation 16, Malvern Hills District Council would like to invite comments from organisations and individuals on the Neighbourhood Plan.

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Please fill in your details in the boxes below:

Full Name: MICHAEL JONES

Organisation (if applicable): FOSSE PLANNING

Address (including postcode):

[REDACTED]

[REDACTED]

Telephone number:

[REDACTED]

Email address:

[REDACTED]

Please state which part of the draft Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

POLICY SD1

Please use the space below to make comments on this part of the Neighbourhood Plan.

Policy SD1 concerns the promotion and achievement of Sustainable Development with paragraph 5.1.1 stating that “The purpose of this Plan is to ensure new development contributes to the achievement of sustainable development”.

As this reflects National planning policies contained in the NPPF on sustainable development (set out in paragraphs 7-14 in the NPPF) Policy SD1 is entirely appropriate. Unfortunately the reasoned justification to Policy SD1 entirely disregards paragraph 11 which is extremely concerning since it deals directly with Plan making and Decision making.

NPPF Paragraph 11 (a) requires that all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects with Paragraph 11 (b) requiring that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas **unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.**

Nowhere in the Neighbourhood Plan is this very clear National policy statement mentioned, despite the only “housing allocation” in the Plan being wholly on land that is to be protected under Paragraph 11 (b) (i)

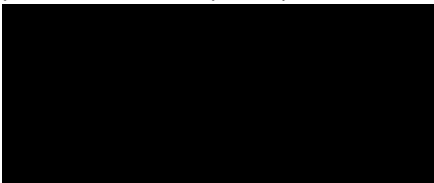
This failure to address the fundamental principle of achieving sustainable development by disregarding Paragraph 11 in the NPPF, is considered to be a fundamental flaw in the preparation and production of the Neighbourhood Plan.

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POLICY B1

Please use the space below to make comments on this part of the Neighbourhood Plan.

Whilst the principle of promoting Biodiversity is fully supportable and consistent with the NPPF and the Development Plan, it is not open for Neighbourhood Plans to introduce a requirement that is not consistent with National Planning policies or the relevant regulations.

The Policy needs to delete reference to a requirement to deliver at least 10% net gain in local biodiversity.

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POLICY LC1

Please use the space below to make comments on this part of the Neighbourhood Plan.

No objections are raised with regard to the wording and intent of Policy LC1, but the policy has not been applied in the consideration of the only "housing allocation" in the Plan (Policy H4.)

Paragraph 5.5.6 states that *the cumulative adverse impacts on landscape and visual sensitivity may be harmful to the AONB and its setting. Individual proposals will need to consider the potential cumulative effects.... along with existing and planned future development.*

Despite this clear statement of intent, the site identified for housing (Policy H4,) proposes a further extension to the existing development (at what is now known as Cornfield Close,) despite the findings of the Welland Neighbourhood Plan Landscape Assessment Report (2015) and its updates in 2019 and 2022, which are said to have informed the production of the Neighbourhood Plan.

The 2015 Report included the site the subject of Policy H4, in parcel 41, where the landscape capacity to accept development was viewed as low/moderate. Reference was made to a pending appeal decision for 24 dwellings on part of parcel 41, where the application had been refused on grounds including impact upon the AONB. It is clear that the 2015 Landscape Assessment considered that residential development on parcel 41 including the appeal site, would be harmful to the AONB.

The 2019 LSCA Review of Selected Sites report assesses the Policy H4 site as within Area 1. It refers to the impact of the 24 houses approved on appeal (now Cornfield Close) and concludes that the level of visual sensitivity has increased from moderate to moderate/high because of recent development and that the level of landscape capacity should be reduced to low – low/moderate.

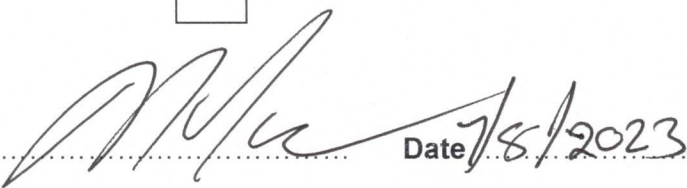
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POLICY LC1 (continued)

Please use the space below to make comments on this part of the Neighbourhood Plan.

The 2022 update refers to the further impact of the permission for 14 more houses that was granted in 2019. Paragraph 4.5.7 is critical of the permitted development and that it will have adverse impacts upon the landscape and will represent a long urban extension into good quality countryside. Reference is also made to the cumulative impact of built development which directly echoes the wording in paragraph 5.5.6 of the NP where the *cumulative adverse effects on landscape and visual sensitivity from individual developments maybe harmful to the AONB and its setting*. This is directly relevant to any planned further expansion of the land north of Cornfield Close, given that the 2015 and 2019 Landscape analysis which underpins the NP, was totally opposed.

Accordingly, had Policy LC1 been properly applied in the formulation of the NP it would have been wholly perverse to have brought forward the site subject to Policy H4, given it is directly in contravention to Policy LC1.

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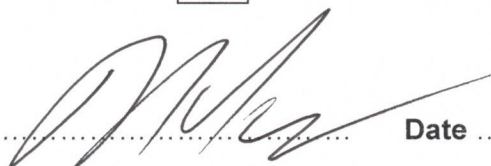
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POLICY HLP

Please use the space below to make comments on this part of the Neighbourhood Plan.

Policy HLP is clearly aimed at reflecting the emerging SWDP Review and its proposed housing requirement for the village of Welland.

The SWDP Review has only reached Regulation 19 stage and has yet to be submitted to the Secretary of State. Until it has been submitted and that objections to it can be identified and assessed, it can be given very little weight. Until it has been examined and its evidence base on matters including housing need and strategy across the SWDP area, fully tested, any indicative housing requirement in the Regulation 19 document can only be afforded little weight.

Whilst it is appropriate for the emerging NP to have regard to the housing requirement in the regulation 19 SWDP Review, given that it proposes a significantly reduced strategic housing requirement for Welland that the adopted SWDP (which allocated 90 dwellings) and that Welland is a Category 1 settlement, the fact that the NP only identifies a site for 13 dwellings does not demonstrate a positive approach to planning for housing needs when the site "allocated" represents circa 50% of a housing requirement that has yet to be found acceptable.


At the very least, the NP should look to identify a site or sites to meet the requirement identified in the emerging SWDP Review in full. By relying upon circa 50% of the 25 dwelling "requirement" coming forward as windfall sites, provides little certainty that the NP will meet in full the low level of housing need currently identified for Welland. Whilst National Planning Policy guidance allows a proportion of a NP's local housing requirement to be met by windfalls to meet the criteria set out in paragraph 14b of the NPPF, this cannot be deemed to apply to a policy of requiring circa 50% of the requirement to be met by windfalls, especially given that the constraints to development that exist.

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POLICY H2

Please use the space below to make comments on this part of the Neighbourhood Plan.

Policy H2 is well intended and in part reflects National planning policy and Development Plan policy on delivering affordable housing. However the Policy is fundamentally weakened by the proposal to deliver 100% affordable housing on its only "allocated" housing site because this level of affordable housing should be brought forward as a rural exception site and not a housing allocation.

Existing National and Development Plan policy already allows rural exception sites to come forward (NPPF paragraph 78) within any rural area, including Green Belt or areas of AONB. The existing development of Cornfield Close came forward as a rural exception site, albeit the 2014 appeal decision found that the local housing need had already been satisfied and therefore the development was contrary to Policy CN3 on rural exception sites. In that occasion the Inspector deemed that the proposal was acceptable notwithstanding it wasn't in accordance with Policy CN3 and would cause harm to the AONB, because the District Council could not demonstrate a 5-year housing supply. The 2019 permission was granted on the sole basis that it was found to be acceptable as a rural exception site, despite strong objections from the District Council's landscape officer and the AONB Unit due to adverse impact upon the AONB.

Given that rural exception sites are predicated on delivering affordable housing on sites which would otherwise not be considered suitable for housing, it is a fundamental flaw of Policy H2 to identify as a housing allocation a site that is required to be brought forward for 100% affordable housing. That requirement should be met by approving RESs on sites that have not been brought forward for housing.

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POLICY H4

Please use the space below to make comments on this part of the Neighbourhood Plan.

Policy H4, proposes the allocation of 13 dwellings which represent circa 50% of the identified housing requirement for Welland in the NP. As commented upon under Policy H2, the requirement under H4 (i) to deliver 100% affordable housing on the site would make it inappropriate to be included as a housing allocation, since 100% affordable housing should be brought forward as a Rural exception Site (RES) as is already allowed by National and Development Plan policy. Therefore the "allocation" under Policy H4 is a flawed policy since it adds nothing to existing National and Development Plan policy. Furthermore, the Policy would not meet the criteria set out in paragraph 14b of the NPPF

As referred to in the response to Policy LC1, the site has been deemed harmful to the AONB in the landscape analysis that underpins the NP. By acknowledging that the site should be 100% affordable and therefore akin to a RES, Policy H4 is, by implication, acknowledging that the site would be unacceptable for housing unless it is deemed a RES.

Given that the NP and its evidence base already finds the site unacceptable in terms of its impact upon the AONB, it would also have to assess it against Paragraph 177 of the NPPF. Both the 2014 and 2019 applications considered the Framework's policy on major development within the AONB, where permission should only be granted in exceptional circumstances. In the 2014 appeal decision the Inspector concluded that 24 houses did not constitute major development. In the 2019 application, the officer's report considered the subject again and concluded that... *the size of the village, its position within the AONB, and the cumulative amount of development at Cornfield Close, are all relevant. With regard to these matters and the likely impact on the purposes of the designation, the proposal does not represent 'major' development in the AONB under national policy.* In support of this conclusion the report cited two appeal decisions where a site for 29 dwellings in the AONB was deemed to be major development whereas another for 39 dwellings was not.

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POLICY H4 (Sheet 2 continued )

Please use the space below to make comments on this part of the Neighbourhood Plan.

Whilst accepting that the judgment of what constitutes major development in the AONB is a matter for the decision maker, the conclusions reached in the officer report for the 2019 application are difficult to understand. The appeal for 39 dwellings that was cited, involved development at Tetbury which is a market town of a completely different scale to Welland. As major development is normally regarded as sites of 10 or more dwellings, whilst local considerations can sometimes justify larger schemes as not being regarded as major development within the context of an AONB, the officer's conclusion in 2019 relied in part upon the impact of the 2014 development in deeming that 14 additional dwellings would not represent major development.

In effect this represents a misapplication of the policy pertaining to development in an AONB. Paragraph 177 in the Framework, isn't meant to be misinterpreted as allowing a phased release of a site to get around its requirements which is precisely what has happened. Had the LPA considered an application for 38 houses, it is inconceivable that it would have reached a similar conclusion on major development. Whilst that decision cannot be undone as it has been implemented, it would be a total abuse of National and Development Plan policy, if the NP is now basing its selection of the land (which is the subject of Policy H4,) without considering the combined impact of the previous two schemes and properly applying the requirements of Paragraph 177.

The failure of the NP to undertake a proper assessment of the impact of the combined development upon the AONB is a fundamental flaw that undermines the housing policies in the NP. It is tantamount to encouraging the use of "salami" tactics within the AONB to obviate the requirement set out in Paragraph 177. Given that Policy H4 is also not a true housing allocation but constitutes a RES proposal, Policy H4 is not robust. It should be removed and replaced with an acceptable housing allocation(s) that at the very least, delivers the minimum identified housing requirement of 25 dwellings.

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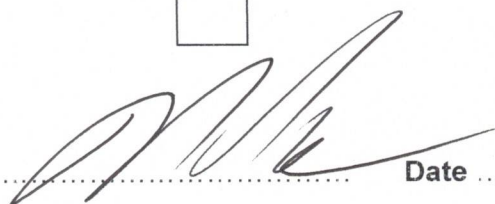
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