

Leigh and Bransford Neighbourhood Development Plan

A report to Malvern Hills District Council of the Independent Examination of the Leigh and Bransford Neighbourhood Development Plan

Copy to Leigh and Bransford Parish Council

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Contents

Summary of Main Findings	3
Neighbourhood Planning	4
Independent Examination.....	4
Basic Conditions and other Statutory Requirements	6
Documents	8
Consultation.....	10
The Neighbourhood Plan taken as a whole	14
The Neighbourhood Plan Policies	24
Policy LB/H/1: New Residential Development within Leigh Sinton and Bransford Development Boundaries	31
Policy LB/H/2: Housing: Development in Open Countryside.....	33
Policy LB/H/3: Housing: Extensions and Subdivisions of Existing Buildings	34
Policy LB/H/4: Housing: Conversion and Re-use of Redundant or disused Buildings	35
Policy LB/H/5: Housing: Significant Gap	36
Policy LB/H/6: Housing: Site Allocation	37
Policy LB/D/1: Design: Maintaining Local Character	44
Policy LB/D/2: Design: Parking.....	45
Policy LB/D/3: Design: Construction Waste and Recycling.....	47
Policy LB/D/4: Design: Household Waste and Recycling	48
Policy LB/D/5: Design: Dark Skies	48
Policy LB/E/1: Landscape: Landscape Character.....	49
Policy LB/E/2: Landscape: Local Green Spaces	50
Policy LB/E/3: Landscape: Key Views	54
Policy LB/E/4: Heritage: Protecting Local Heritage Assets	56
Policy LB/E/5: Heritage: Archaeology	57
Policy LB/E/6: Heritage: Farmsteads and Agricultural Buildings	58
Policy LB/E/7: Heritage: Conservation Areas	59
Policy LB/E/8: Biodiversity	60
Policy LB/E/9: Biodiversity Net Gain	62
Policy LB/I/1: Infrastructure: Renewal and Low Carbon Energy (1)	63
Policy LB/I/2: Infrastructure: Renewal and Low Carbon Energy (2)	64

Policy LB/I/3: Infrastructure: Electric Vehicle Charging.....	65
Policy LB/I/4: Infrastructure: Flooding and Drainage	66
Policy LB/I/5: Infrastructure: Communications (1)	68
Policy LB/I/6: Infrastructure: Communications (2)	69
Policy LB/I/7: Infrastructure: Moving Around.....	69
Policy LB/WB/1: Amenities, Health and Wellbeing: Community Facilities (1)	70
Policy LB/WB/2: Amenities, Health and Wellbeing: Community Facilities (2)	72
Policy LB/WB/3: Amenities, Health and Wellbeing: Health Impact.....	72
Conclusion and Referendum.....	73
Annex: Minor Corrections to the Neighbourhood Plan.....	74

Summary of Main Findings

This is the report of the Independent Examination of the Leigh and Bransford Neighbourhood Development Plan that has been prepared by Leigh and Bransford Parish Council. The combined parishes of Leigh and Bransford Parish were designated as a Neighbourhood Area on 24 September 2013. The plan area lies within the Malvern Hills District Council area. The plan period runs until 2041. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan allocates land for residential development of approximately 52 dwellings. The allocation includes land for sports and recreation use.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Leigh and Bransford Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Leigh and Bransford Parish Council (the Parish Council). The combined parishes of Leigh and Bransford Parish were designated by Malvern Hills District Council (the District Council) as a Neighbourhood Area on 24 September 2013. The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Leigh and Bransford Neighbourhood Area (the Neighbourhood Area). The Neighbourhood Plan has been produced by a Neighbourhood Plan Working Group (the Working Group) made up of volunteers from the local community.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council for submission to the District Council. The District Council arranged a period of publication between 8 April 2022 and 20 May 2022 and subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 13 June 2022.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be taken into account and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless the District Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have 35 years' experience at Director or Head of Service level in six local planning authorities. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, and in the full range of types of urban and rural areas.
10. As independent examiner, I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
 - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
12. The representation of Lone Star Land states they would welcome the opportunity to appear at an examination to debate the points made. Paragraph 9 of Schedule 4B to the TCPA 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”
13. The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations; the comments of the Parish Council; the level of detail contained within the submitted Neighbourhood Plan and supporting documents; and the responses to my request for clarification of matters have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded on the basis of examination of the submission and supporting documents; the written representations; and an unaccompanied visit to the neighbourhood area.
14. This report has been produced in an accessible format.

Basic Conditions and other Statutory Requirements

15. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. A neighbourhood plan meets the Basic Conditions if:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

16. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies'. Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

17. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

18. The Neighbourhood Plan relates to the area that was designated by the District Council on 24 September 2013. A map of the Neighbourhood Area is included on page 10 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

19. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure

projects). Subject to the deletion of Policy LB/D/3 I am able to confirm that I am satisfied that each of these requirements has been met.

20. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the Neighbourhood Plan states the plan period is 2022-2041. This is confirmed in paragraph 1.6 of the Neighbourhood Plan.
21. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
22. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
23. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
24. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

25. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- The Parishes of Leigh and Bransford Neighbourhood Plan 2022 to 2041 Regulation 16 Submission March 2022
- The Parishes of Leigh and Bransford Neighbourhood Plan 2022 to 2041 Basic Conditions Statement March 2022 [*In this report referred to as the Basic Conditions Statement*]
- The Parishes of Leigh and Bransford Neighbourhood Plan 2022 to 2041 Consultation Statement March 2022 [*In this report referred to as the Consultation Statement*]
- Leigh and Bransford Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion December 2021
- Leigh and Bransford Neighbourhood Plan Policy LB/H/6: Housing: Site Allocation Additional Evidence and Justification
- Information available on the Leigh and Bransford Parish Council website
- Information available on the Malvern Hills District Council website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and Malvern Hills District Council and the Parish Council including: the initial letter of the Independent Examiner dated 13 June 2022; the comments of the Parish Council on Regulation 16 representations which I received on 4 July 2022; the letter of the Independent Examiner seeking clarification of various matters dated 6 July 2022; and the joint response of the Parish Council and the District Council which I received on 19 July 2022
- The Planning Inspectorate Appeal Decision, Reference AA/J1860/W/21/3289643, Land at Leigh Sinton Farms, Decision dated 5 July 2022
- National Planning Policy Framework (2021) [*In this report referred to as the Framework*]
- South Worcestershire Development Plan adopted 25 February 2016
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [*In this report referred to as the Guidance*]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019

- Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations*]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

26. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.
27. Consultation can be traced back to 2015 when a questionnaire was delivered by hand to every household in the combined parishes. This resulted in 213 responses, which is more than 25% of households. A report of results was published on the Parish Council website in 2016. Since that time consultation has been achieved through Parish Council meetings (which are open to the public and the minutes of which are published on the Parish Council website); the Annual Parish Meetings; and regular updates in *The Sphere* (a monthly local Magazine). Regular contact has been maintained with the District and County Councils.
28. A second period of consultation took place in 2019 including the publication of a draft plan on the Parish Council website in June, and a meeting and exhibition held in August which included information regarding the call for housing sites by the South Worcestershire Councils. Every household in the combined parishes received hand delivered posters informing them of the meeting. The exhibition was repeated at the Parish Council meeting on 27 August 2019 when there was also a presentation and question and answer session.
29. Other consultation included meetings with particular landowners and agents; meetings about potential provision of community facilities as part of developments; and community projects more generally between 2018 and 2020. A housing needs survey was undertaken in 2021.

30. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 3 September 2021 and 15 October 2021. The consultation on the pre-submission draft Plan and supporting documents was publicised through The Sphere magazine; through use of social media; direct emailing of community groups, statutory consultees, local organisations and landowners; and display of notices on Parish Council noticeboards. The draft Plan could be viewed electronically on the Parish Council website. Hard copies of the consultation plan were available for collection at the Leigh Sinton Post Office and the Fold Café at Bransford. Appendix 3 and Appendix 4 of the Consultation Statement present details of the representations received and set out a response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was submitted by the Parish Council to the District Council.
31. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 8 April 2022 and 20 May 2022. Representations were submitted from a total of 22 different parties.
32. The District Council has submitted substantial Officer comments that include helpful general comments, including in relation to the Parish Council tasks, and suggested alternative wording for some policies. The representation includes remarks relating to areas of general text and appendices which I refer to in the Annex to my report. Specific comments refer to Policies LB/H/1, LB/H/2, LB/H/3, LB/H/4, LB/H/5, LB/H/6, LB/D/1, LB/D/2, LB/D/3, LB/D/4, LB/D/5, LB/E/1, LB/E/2, LB/E/3, LB/E/4, LB/E/5, LB/E/6, LB/E/7, LB/E/8, LB/E/9, LB/I/1, LB/I/2, LB/I/3, LB/I/4, LB/I/5, LB/I/6, LB/I/7, LB/WB/1, LB/WB/2, and LB/WB/3.
33. The Coal Authority, the Canal and River Trust, the Environment Agency, Natural England, and a representation on behalf of National Grid have confirmed no specific comments on the Neighbourhood Plan. Worcestershire County Council as Lead Local Flood Authority is pleased to see flooding and drainage included in the Neighbourhood Plan, reinforcing the SWDP and South Worcestershire Water Management and Flooding SPD, and feels that this is well written and essential to the Plan.
34. National Highways note that the draft plan proposes a site allocation for around 52 new dwellings and sports use on land off the A4103 in Leigh Sinton and includes policies to ensure that any new residential development would be appropriately designed. The representation states National Highways will liaise with the SWDP Review team and with the local highway authority to assess the cumulative impact of the new dwelling site along with other allocated sites that will come forward as part of the emerging local plan.

35. A representation by Addison Rees planning consultancy on behalf of clients' objects to Policy LB/H/6 and in particular refers to four Grade II Listed Buildings on the opposite side of the A4103 from the site allocation. Historic England repeat positive comments made previously, but with respect to Policy LB/H/6, remain concerned the housing allocation will cause harm to four Listed Buildings opposite the site. The representation strongly suggests this should be explicitly addressed with a view to ensuring that any proposed development is as far as possible designed to avoid adverse effects on heritage assets or their settings, for instance through a landscape buffer or other mitigation.
36. NHS Herefordshire and Worcestershire Clinical Commissioning Group (CCG) welcome identified elements of Policies LB/I/5 and LB/I/6 which will benefit the provision of healthcare into rural communities.
37. Sport England supports in principal Policy LB/H/6 including the housing allocation including provision of significant area of land within the site for sport and recreation use, including the provision of new playing field. The representation includes a recommendation regarding amendment of the policy and reasoned justification to remove identified uncertainties.
38. The Herefordshire and Worcestershire Earth Heritage Trust offer a positive comment and highlight a necessary minor correction, which the Parish Council agree should be made. I refer to this matter in the Annex to my report.
39. The representation of an individual includes 55 points some of which are relevant to policies of the Neighbourhood Plan and others pose questions. It is not within my role to answer questions posed in representations. The representation of another individual, and the joint representation of two individuals, object to the development of land proposed in Policy LB/H/6. A further individual objects to the proposed football pitches. A further individual opposes development in the village and expresses disappointment regarding development of prime agricultural land.
40. A representation on behalf of Land Partnership Developments (Leigh Sinton) Ltd supports the Neighbourhood Plan in particular its proposals for the village of Leigh Sinton including the allocation of land at the north eastern end of the village for approximately 52 homes and community sport (this land is stated to be under the control of Land Partnership Developments). The representation includes supportive comments regarding protection of the significant gap between Leigh Sinton and Malvern, Policy LB/H/5, and Policy LB/H/6 which allocates land under the control of Land Partnership Developments (Leigh Sinton) Ltd. This representation also includes comment on Policies LB/D/1 and LB/D/2.
41. A substantial representation of Lone Star Land states land off Leigh Sinton Road is being promoted for residential development and community uses through the SWDP

review. The representation of Lone Star Land is promoting the development of land off Leigh Sinton Road (SHELAA site CFS50640) for residential development and community uses on behalf of another party. The representation refers to representations made at Regulation 14 stage, and now are stated to relate to 12 policies of the Neighbourhood Plan and are supported by 12 appendices to the representation. This representation includes comments on specified paragraphs and maps of the Neighbourhood Plan and Policies LB/H/5, LB/H/6, LB/D/2, LB/E/2, LB/E/3, and LB/I/7.

42. A representation by Pegasus Group on behalf of clients promotes residential development of land adjoining Malvern Road (SHEELA site CFS1084) and objects to the allocation of land for development in Policy LB/H/6. This representation includes detail comparing the merits and disadvantages of the two sites. This representation also includes comment on Policy LB/H/1.
43. A representation on behalf of the Diocese of Worcester objects to Policy LB/E/2 and the proposed allocation of local green space 1 (Meadow Land adjacent to Brockamin Lane, Bransford).
44. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all of the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Having regard to *Bewley Homes Plc v Waverley District Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017 and Town and Country Planning Act Schedule 4B paragraph 10(6) where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.
45. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council did submit additional comments in this respect and these were published on the District Council website. I have taken all of the Parish Council comments into consideration even though I have not referred to them all in my report.

46. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) explains how they were consulted;
 - c) summarises the main issues and concerns raised by the persons consulted; and
 - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
47. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

48. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

49. On page 22 of the Basic Conditions Statement, it is stated the Neighbourhood Plan is considered fully compatible with the European Convention on Human Rights. I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. Whilst an Equality Screening Assessment has not been prepared from my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.
50. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
51. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to Malvern Hills District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
52. The Strategic Environmental Assessment and Habitats Regulations Assessment: Screening Opinion prepared by the District Council in December 2021 states “The SEA screening exercise featured in Section 2 concludes that the draft Leigh and Bransford Neighbourhood Plan may require a full Strategic Environmental Assessment to be undertaken. This is because the Neighbourhood Plan proposes a

land allocation for development, and whilst the land allocation is identical to that proposed in the South Worcestershire Development Plan Review and features in the SWDPR Sustainability Appraisal, the SWDPR has not yet reached examination and therefore holds limited weight. The SEA and HRA Screening Opinion concluded “that on the basis of all the advice available, it is determined that a full SEA is not required as part of the on-going development of the Leigh and Bransford Neighbourhood Plan.” All consultation responses and further advice are presented in Appendix 1 of the Screening Opinion. With regard to the requirement for a full SEA, the Environment Agency and Natural England were in agreement that a full SEA was unlikely to be required, however Historic England were of the view that a full SEA may be required, advising as follows: “Historic England concurs with your view that the preparation of a Strategic Environmental Assessment may be required. That said, we do note that the draft plan proposes a series of excellent policies designed to protect both the historic and natural environments and, in this respect, has clearly benefitted from detailed advice from the Worcestershire Archaeology and Archives Service, such that the Plan evidence base is very well informed by reference to the Worcestershire Historic Environment Record. In addition, there is no indication that statutorily protected heritage assets will be adversely affected by the housing allocation proposed and we note that the allocation site has been subject to sustainability appraisal as part of work on the South Worcestershire Development Plan (SWDP), albeit that document has yet to be formally adopted. Therefore, from a national historic environment perspective Historic England does not consider that the Neighbourhood Plan is likely to result in significant environmental effects. In this context we would be quite content for the local authority to reach its own conclusions on any requirement for SEA based on the evolving status of the SWDP, detailed local knowledge and advice from your own historic environment staff”. Further to Historic England’s advice, input was sought from Malvern Hills District Council’s Senior Conservation Officer and Archaeology and Planning Advisor, with the following conclusions drawn: “It is considered that the proposed housing allocation site, if developed, would not cause substantial harm to the heritage assets in the vicinity, though a lower level of less than substantial harm could result. Consequently, it is not considered that the proposal would require a Strategic Environmental Assessment”. “In terms of archaeological potential, it is high around Leigh, lower in Bransford. I would suggest that the archaeological potential is such that we can review any and all applications in their own right rather than have an overriding archaeological requirement”. On the basis of all of the advice available, it is determined that a full SEA is not required as part of the on-going development of the Leigh and Bransford Neighbourhood Plan.” I am satisfied the requirements regarding Strategic Environmental Assessment have been met.

53. The Screening Opinion also concluded that “there are no internationally designated wildlife sites within the Leigh and Bransford Neighbourhood Area, with Lyppard Grange SAC and Bredon Hill SAC falling within a 20 km radius.” It was found the

impact on these sites as a result of the land allocations within the SWDP has been assessed in the SWDP HRA AA and that although the Neighbourhood Plan does deviate the level of such allocation is considered small enough to conclude that it is unlikely to have a negative impact on any internationally designated wildlife sites and as such, the recommendation is that a full AA is not required.” Natural England has confirmed agreement with this conclusion. I am satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.

54. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

55. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

56. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The District Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

57. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it

the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.

58. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
59. The most recent National Planning Policy Framework published on 21 July 2021 sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated on 24 June 2021. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance.
60. Table 1 of the Basic Conditions Statement set out an explanation how the Neighbourhood Plan has regard to the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
61. The Neighbourhood Plan includes in paragraph 4.2 a positive vision for Leigh and Bransford with economic, social and environmental dimensions. Paragraph 4.3 of the Neighbourhood Plan sets out nine objectives that help support delivery of the vision. The objectives, which provide a framework for the policies that have been developed, include economic dimensions (a rewarding way of life, travel to work, appropriate employment, home working, new technology), and social components (safe access, public transport, recreation, sport, collective social activity, appropriate housing mix, health and education facilities, fuel poverty), whilst also referring to environmental considerations (natural and built heritage, biodiversity, landscape, local character, footways, significant gap, eliminate flooding).
62. The Neighbourhood Plan includes, in Appendix A, a number of proposed Parish Council tasks. These tasks are presented under 16 headings and refer to a range of matters. Paragraph 4.1 of the Neighbourhood Plan explains the tasks have been raised by local people as evidenced through consultation, however, many of these are outside the scope of neighbourhood planning, or are actions that support some of the policies in the plan. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the

Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states, “Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan”. The actions are presented in plain text. I am satisfied the community actions are adequately distinguished from the policies of the Neighbourhood Plan. I am also satisfied that paragraph 4.1 of the Neighbourhood Plan makes it clear the community actions are not planning policies and do not form part of the Neighbourhood Development Plan. I can confirm the community actions have not been subject to Independent Examination.

63. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”

64. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”.

65. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is

that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

66. The Framework states there are three dimensions to sustainable development: economic, social and environmental. Table 2 of the Basic Conditions Statement demonstrates ways in which the Neighbourhood Plan supports the economic, social and environmental aspects of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan or its policies.

67. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. In particular, I consider the Neighbourhood Plan as recommended to be modified seeks to:

- Allocate land off the A4103 Leigh Sinton for development of approximately 52 dwellings, and including land for sports and recreation use;
- Ensure new housing development meets the needs of the community and is appropriately located having regard to the character of the area, landscape considerations, and the separation of Leigh Sinton and Malvern;
- Ensure the design of all new development maintains local character and amenity, avoids adverse impact on dark skies, provides adequate parking and demonstrates adequate consideration of waste issues;
- Designate Local Green Space and seek to ensure development strengthens landscape character and avoids harm to identified key views;
- Ensure heritage assets are given appropriate consideration in development proposals;
- Achieve biodiversity net gain;
- Ensure development proposals demonstrate adequate regard for climate change considerations;
- Avoids unnecessary loss of community facilities and supports new provision; and
- Ensure larger development proposals consider health impact.

68. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

69. The Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”. Plans should make explicit which policies are strategic policies. “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies”.
70. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has confirmed the Development Plan applying in the Leigh and Bransford Neighbourhood Area and relevant to the Neighbourhood Plan comprises the South Worcestershire Development Plan adopted 25 February 2016. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The District Council has provided me with a document that identifies what are regarded by the Local Planning Authority as strategic policies for the purposes of neighbourhood planning.
71. I agree that the policies identified by the District Council as strategic are indeed strategic but I regard Policy SWDP25 Landscape Character to also be strategic as this requires all development proposals to be appropriate and integrate with the character of their landscape setting. I have proceeded with my independent examination of the Neighbourhood Plan on the basis that the Development Plan strategic policies relevant to the Neighbourhood Plan are:
- SWDP1 Overarching Sustainable Development Principles
 - SWDP2 Development Strategy and Settlement Hierarchy
 - SWDP3 Employment, Housing and Retail Provision Requirement and Delivery
 - SWDP4 Moving Around South Worcestershire
 - SWDP5 Green Infrastructure
 - SWDP6 Historic Environment
 - SWDP7 Infrastructure
 - SWDP8 Providing the Right Land and Buildings for Jobs
 - SWDP9 Creating and Sustaining Vibrant Centres
 - SWDP10 Protection and Promotion of Centres and Local Shops

SWDP12 Employment in Rural Areas
SWDP13 Effective Use of Land
SWDP14 Market Housing Mix
SWDP15 Meeting Affordable Housing Needs
SWDP17 Travellers and Travelling Showpeople
SWDP21 Design
SWDP22 Biodiversity and Geodiversity
SWDP23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
SWDP25 Landscape Character
SWDP27 Renewable and Low Carbon Energy
SWDP28 Management of Flood Risk
SWDP59 New Housing for Villages

72. Malvern Hills District Council is working with Worcester City Council and Wychavon District Council to prepare a South Worcestershire Development Plan Review. The plan will update the existing SWDP and where necessary its Vision, Objectives, Spatial Strategy and policies for the future development of the South Worcestershire area. The second part of the plan will include site allocations, policies and policy designations that will provide for the development needs of the area up to 2041. This work began in 2017 and has proceeded to the stage where work on the key documents relating to development sites and the infrastructure needed to support them is underway. The next anticipated step is that the updated South Worcestershire Development Plan will be published for consultation.

73. The Neighbourhood Plan can proceed ahead of preparation of the South Worcestershire Development Plan Review. The Guidance states: "Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan;

- the emerging Local Plan;
- the adopted development plan;

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.

Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”

74. The approach of the District Council and the Parish Council has been consistent with that stated in the Guidance “It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.” I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the South Worcestershire Development Plan Review when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging South Worcestershire Development Plan Review is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”.

75. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for

neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

76. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

77. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration Table 1 of the Basic Conditions Statement that demonstrates how each of the policies of the Neighbourhood Plan is in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

78. The Neighbourhood Plan includes 30 policies as follows:

Policy LB/H/1: New Residential Development within Leigh Sinton and Bransford Development Boundaries

Policy LB/H/2: Housing; Development in Open Countryside

Policy LB/H/3: Housing: Extensions and Subdivisions of Existing Buildings

Policy LB/H/4: Housing: Conversion and Re-use of Redundant or disused Buildings

Policy LB/H/5: Housing: Significant Gap

Policy LB/H/6: Housing: Site Allocation

Policy LB/D/1: Design: Maintaining Local Character

Policy LB/D/2: Design: Parking
 Policy LB/D/3: Design: Construction Waste and Recycling
 Policy LB/D/4: Design: Household Waste and Recycling
 Policy LB/D/5: Design: Dark Skies
 Policy LB/E/1: Landscape: Landscape Character
 Policy LB/E/2: Landscape: Local Green Spaces
 Policy LB/E/3: Landscape: Key Views
 Policy LB/E/4: Heritage: Protecting Local Heritage Assets
 Policy LB/E/5: Heritage: Archaeology
 Policy LB/E/6: Heritage: Farmsteads and Agricultural Buildings
 Policy LB/E/7: Heritage: Conservation Areas
 Policy LB/E/8: Biodiversity
 Policy LB/E/9: Biodiversity Net Gain
 Policy LB/I/1: Infrastructure: Renewal and Low Carbon Energy (1)
 Policy LB/I/2: Infrastructure: Renewal and Low Carbon Energy (2)
 Policy LB/I/3: Infrastructure: Electric Vehicle Charging
 Policy LB/I/4: Infrastructure: Flooding and Drainage
 Policy LB/I/5: Infrastructure: Communications (1)
 Policy LB/I/6: Infrastructure: Communications (2)
 Policy LB/I/7: Infrastructure: Moving Around
 Policy LB/WB/1: Amenities, Health and Wellbeing: Community Facilities (1)
 Policy LB/WB/2: Amenities, Health and Wellbeing: Community Facilities (2)
 Policy LB/WB/3: Amenities, Health and Wellbeing: Health Impact

79. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”. Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

80. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

81. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by

early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

82. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”
83. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.
84. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”
85. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need”. “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”
86. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’

they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit. I have considered the issue of meeting housing needs initially as this issue is relevant to more than one policy of the Neighbourhood Plan.

Meeting Housing Needs

87. The Guidance states “The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.”
88. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.”
89. “Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make. Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it.”
90. “The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies”
91. The Guidance states “If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress. A local planning authority should share evidence with those preparing the

neighbourhood plan, in order for example, that every effort can be made to meet identified local need through the neighbourhood planning process.”

92. “Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan;
- the emerging local plan;
- the adopted development plan;

with appropriate regard to national policy and guidance.”

93. “The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.”

94. The evidence and justification text in the Neighbourhood Plan supporting Policy LB/H/6 includes an explanation of the housing site allocation made. In a representation the District Council state “The strategic planning policy framework for the Leigh and Bransford Neighbourhood Area is provided by the South Worcestershire Development Plan (SWDP) which was adopted in February 2016.

The housing requirement to 2030 in south Worcestershire is 28,370 dwellings. The SWDP makes provision for around 28,400 dwellings to meet this need. It should be noted that the South Worcestershire Councils have commenced a revision of the South Worcestershire Development Plan. The latest evidence of housing need is indicating that the revised SWDP (SWDPR) will need to plan for approximately an additional 14,000 dwellings across South Worcestershire in the period 2021 to 2041. The South Worcestershire Councils consulted on the SWDP Preferred Options between November and December 2019, including a proposed housing allocation in Leigh Sinton on land off the A4103 (site reference CFS0009) for 52 dwellings. The proposed site allocation also includes provision of a sports facility.

95. Whilst paragraph 70 of the Framework says that Neighbourhood Planning groups should consider the opportunities for allocating small and medium-sized sites suitable for housing in their area, the Framework does not require Neighbourhood Plans to allocate sites for housing. Paragraph 14 of the Framework does, however, confer a limited protection on Neighbourhood Plans which plan for housing where certain criteria are met. To benefit from the protection conferred by Paragraph 14 a Neighbourhood Plan would need to plan for housing through policies and allocations to meet the identified (or indicative) housing requirement in full, including possible allowance for some windfall development. Following a request by Leigh and Bransford Parish Council, the South Worcestershire Councils provided indicative housing requirement figures for the Leigh and Bransford neighbourhood area in April 2020. The indicative housing requirement for the Neighbourhood Area for the period 2021 to 2030 was 1 dwelling (over-and-above existing allocations in the adopted SWDP). The indicative housing requirement for the Neighbourhood Area in the period 2031 to 2041 was a further 32 dwellings. It was highlighted that the housing requirement figures were “indicative”, should be considered as minimum requirements and may be subject to change, particularly as they were based on the current SWDP rather than the SWDPR. We consider that the proposed housing allocation in the Neighbourhood Plan on land off the A4103 in Leigh Sinton (Policy LB/H5) for 52 dwellings would meet the indicative housing requirement for the Neighbourhood Area in full.”

96. Leigh Sinton is identified in the SWDP as a Category 2 settlement and Bransford is identified as a Category 3 settlement. Category 1, 2 and 3 villages are stated to have a role predominately aimed at meeting locally identified housing and employment needs and are suited to accommodate market and affordable housing needs alongside limited employment for local needs. The SWDP allocated a site at Kiln Lane Leigh Sinton that was anticipated to deliver an indicative 53 dwellings. The Neighbourhood Plan reports in paragraph 5.1.12 that 51 new houses have been built in Kiln Lane, and 16 others in different locations, as well as 35 houses at Elmhurst, Leigh Sinton completed in 2021. The contribution arising from these sites amounts to a significant boost to the supply of housing in the Neighbourhood Area.

97. A settlement boundary is used in the Neighbourhood Plan as a policy tool to define where plan policies are to apply, and in particular through Policy LB/H/1 where new housing development proposals will be supported, and through Policy LB/H/2 where support is limited to developments of specified types. The Neighbourhood Plan allocates a site for development although there is no requirement that it should. Policy LB/H/6 of the Neighbourhood Plan allocates land for residential development of approximately 52 dwellings. Whilst no total figure can be assumed there is undoubtedly also some limited potential for additional dwellings to be provided on infill plots or possibly through the redevelopment of sites within the Development Boundaries of Leigh Sinton and Bransford identified on Maps 2a and 2b of the Neighbourhood Plan. The Neighbourhood Plan places no limit on the number of homes that can be provided within the Development Boundaries, although other Neighbourhood Plan policies may restrict potential additional provision. Policy LB/H/2 of the Neighbourhood Plan supports new housing of specified types outside the Development Boundary (as shown on Maps 2a and 2b). Policy LB/H/2 does not place any limit on the number of homes that can be provided in accordance with that policy. I conclude the Neighbourhood Plan will not promote less development than set out in the Local Plan, as required by paragraph 29 of the Framework.

98. The merits or demerits of housing development on the sites promoted in Regulation 16 representations are not a matter for my consideration. Paragraph 29 of the Framework states “Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and meets the requirements set out in the Guidance. The approach taken and the choices made in the Neighbourhood Plan regarding housing provision are sufficiently evidenced and justified and have sufficient regard for the Framework and Guidance. I am satisfied the approach adopted to address the quantity of housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation for the Leigh and Bransford Neighbourhood Area and provides the necessary justification that those policies (after recommended modification) that are relevant to housing supply will result in local housing needs being met. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, and will not undermine those strategic policies.

99. During the course of this Independent Examination the District Council notified me of the Planning Inspectorate Appeal Decision, Reference AA/J1860/W/21/3289643 relating to land at Leigh Sinton Farms. This decision, dated 5 July 2022, grants planning permission for 45 residential units including 12 self/custom build units on

land off Leigh Sinton Road. This decision is likely to result in an additional supply of homes in the Neighbourhood Area during the plan period. This does not affect the conclusion I have reached that the Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, and will not undermine those strategic policies.

Policy LB/H/1: New Residential Development within Leigh Sinton and Bransford Development Boundaries

100. This policy seeks to establish conditional support for new housing development within defined Leigh Sinton and Bransford Development Boundaries.
101. The representation of the District Council states it is considered that the proposed development boundaries apply the principles in the adopted SWDP and the emerging SWDPR and that it is appropriate for the site allocation in Policy LB/H/6 to not be included in the development boundaries at this stage.
102. A development boundary can represent the dividing line between built areas and open countryside, and can follow clearly defined features such as walls, hedgerows or water courses. Extant planning permissions and allocations can be included within the development boundary but do not have to be. The definition of the boundary however does not have to relate to some observable land use difference or dividing feature. A development boundary does not have to include the full extent of a settlement, and development boundaries do not have to reflect land ownership boundaries or the precise curtilages of properties. Development boundaries can be used to identify the limits to future development of a settlement. One approach is to exclude curtilages of properties which have the capacity to extend the built form of a settlement in areas where this is not considered desirable. Such areas could include whole properties or parts of large residential gardens.
103. Strategic Policy SWDP 2B states windfall development proposals will be assessed in accordance with the settlement hierarchy. Leigh Sinton is identified as a Category 2 settlement and Bransford is identified as a Category 3 settlements in the hierarchy. In relation to Category 2 and 3 villages SWDP 2B states infill development within the defined development boundaries is acceptable in principle subject to the more detailed Plan policies. The development boundaries proposed for Leigh Sinton and Bransford, identified on Maps 2a and 2b of the Neighbourhood Plan, have been subject to community engagement and consultation during the plan preparation process. The proposed development boundaries do not define the built-up areas of the settlements. I am satisfied the development boundaries define the areas within which new housing development will be supported throughout the plan period and will guide development to sustainable solutions. There is no requirement for the housing site allocation made in Policy LB/H/6 to be included within the development

boundary, and there is no requirement for the land subject to appeal decision reference APP/J1860/W/21/3289643, referred to earlier in my report, to be included within the development boundary. The representation of Pegasus Group on behalf of clients states no justification is provided in the Neighbourhood Plan for the extension of the development boundary into the strategic gap to the southwest of the village. My visit to the area in question revealed this area has recently been developed for housing. In commenting on the representation, the Parish Council state “the area included to the south west of Leigh Sinton in the proposed revised development boundary has already been developed. The development had just been finished when the NP was being prepared and no mapping current at the time showed the development.”

104. The representation also seeks extension of the development boundary to include site CFS1084 in which their clients have a land interest which is stated to be in the heart of the village. The representation states “It is considered therefore that our client’s site, which is well located within the existing form of the village, has been prejudiced with regard to its potential allocation owing to not being thoroughly considered through the SHLEAA process. In commenting on this representation, the Parish Council state, the site was fully considered using information from the Sustainability Appraisal. The representation of two individuals states the tightly drawn Development Boundary at Leigh Sinton provides little scope for development and states “Policy LB/H/1 of the LBNDP proposes to extend the boundary to include the parcel of land CFS0009.” Commenting on this representation the Parish Council state “Map 2a Leigh Sinton Proposed Development Boundary does not show CFS0009 as part of the proposed revision to the development boundary. Policy LB/H/1 does not propose to extend the development boundary. However, para 5.1.1 sentence 4 may require amendment in this respect.” I have recommended a modification of paragraph 5.1.1 in the interests of clarity.

105. It is beyond my role to consider whether any alternative alignment of the development boundaries would offer a more sustainable solution.

106. It is unnecessary and confusing for one policy to state “it accords with other relevant policies of the Leigh and Bransford Neighbourhood Plan and the South Worcestershire Development Plan” as the entire Development Plan should be read as a whole. In addition, the term “other relevant policies” is imprecise. I agree with the representation of the District Council that Parts c and d of the policy are not policy statements. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have, in the Annex to my report, recommended consequential adjustments to maps and supporting text that have been suggested by the District Council.

107. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP2. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

108. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1:

Replace Policy LB/H/1 with “New housing development within the Leigh Sinton and Bransford Development Boundaries, defined on Maps 2a and 2b, will be supported, except where the development will lead to the loss of community or recreation facilities or local employment opportunities that cannot be demonstrated to be surplus to requirements.”

Adjust paragraph 5.1.1 to clarify the meaning of the fourth sentence to avoid any misunderstanding, in particular with respect to land parcel CFS0009.

Policy LB/H/2: Housing: Development in Open Countryside

109. This policy seeks to establish criteria for support of new housing development outside defined Development Boundaries.

110. In a representation the District Council state it is considered that Policy LB/H/2 is in general conformity with strategic policies in the SWDP, and in particular SWDP 2, SWDP 16, SWDP 18 and SWDP 19 but propose that having regard to paragraph 80 of the Framework criterion e is replaced with “It would re-use redundant or disused buildings, enhance its immediate setting and accord with Policy LB/H/4.” I have recommended a modification in this respect as the requirements of the criterion have not been sufficiently justified and so that the policy has sufficient regard for national policy. It is unnecessary and confusing for one policy to state “In addition proposals must accord with other relevant policies of the Leigh and Bransford Neighbourhood Plan and the South Worcestershire Development Plan” as the entire Development Plan should be read as a whole. In addition, the term “other relevant policies” is imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

111. The District Council representation also proposes adjustments to the reasoned justification supporting the policy which I refer to in the Annex to my report.
112. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policies SWDP2, SWDP16, SWDP18 and SWDP19. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
113. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 2:

In Policy LB/H/2

- **replace part e with “It would re-use redundant or disused buildings, enhance its immediate setting and accord with Policy LB/H/4.”**
- **delete part f**

Policy LB/H/3: Housing: Extensions and Subdivisions of Existing Buildings

114. This policy seeks to establish conditional support for extensions to dwellings and for the subdivision of dwellings.
115. In a representation the District Council state “It is considered that the principle of part (b) has regard to paragraph 80 of the Framework (which applies specifically to the open countryside). However, it is suggested that “adversely harmful” be replaced with “significant harmful”. It is not clear why the subdivision of an existing dwelling would have an impact on the area’s landscape character. It is therefore suggested that the criterion be deleted. Also, rather than reference to Policy LB/D/2 Parking, it is suggested that a criterion be added to say that development should not result in additional on-road parking.” I agree with these suggestions and have recommended a modification so that the policy has sufficient regard for national policy and provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
116. My proposed modification captures the spirit of the comment of the Parish Council on the District Council representation. Whilst the Parish Council suggested reference to Policy LB/D/2, cross referencing one policy is confusing and unnecessary as the Neighbourhood Plan should be read as a whole.

117. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
118. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy LB/H/3 in part b replace the text after “have” with “a significant harmful impact on the area’s visual amenity and does not result in additional on-road parking.”

Policy LB/H/4: Housing: Conversion and Re-use of Redundant or disused Buildings

119. This policy seeks to establish conditional support for the conversion and re-use of redundant or disused buildings.
120. In a representation the District Council refer to paragraphs 80 and 84a of the Framework and emerging Policy SWDPR23. The representation suggests an amendment to supporting text paragraph 5.1.8 which I refer to in the Annex to my report. Paragraph 80 of the Framework supports the re-use of redundant or disused buildings for dwellings in rural areas if it enhances their immediate setting. Paragraph 84a of the Framework also supports the conversion of existing buildings in rural areas to support the rural economy.
121. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
122. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy LB/H/5: Housing: Significant Gap

123. This policy seeks to retain the open character of a significant gap separating Leigh Sinton and Malvern.
124. The representation of Pegasus Group on behalf of clients states the Strategic Gaps Topic Paper prepared to support the SWDP Review “concedes that the SG could be reduced on the southern edge of Leigh Sinton”. The representation states given this and the Landscape and Visual Impact Report prepared by Pegasus it is requested the significant gap shown on Map 3 of the Neighbourhood Plan should be amended to exclude site CFS1084, failing that “a criteria-based policy should be developed so that development can come forward within the Significant Gap where it can be demonstrated that openness and separation would not be affected by the development such that it does not conflict with the adopted policy of the SWDP.” Whilst the representation takes the view the Neighbourhood Plan should review the detailed boundary of the significant gap to ensure any land included within the policy designation is actually needed to achieve the policy aim there is no requirement for the Neighbourhood Plan to review strategic policy.
125. In a representation the District Council state “It is considered that Policy LB/H/4 is in general conformity with SWDP 2(D) which seeks to ensure the retention of the open character of the Significant Gap. Only part of the Significant Gap is within the Neighbourhood Area. This is recognised in Policy LB/H/5, which refers to “The open character of the Significant Gap within the Neighbourhood Area ... “and is clearly shown on Map 3.”
126. I am satisfied the policy wording and Map 3 are sufficiently clear to confirm the policy relates only to land within the Neighbourhood Area. The policy does not seek to establish valued landscapes, as referred to in paragraph 174 of the Framework, which would require a rigorous and objective justification that identifies physical attributes, beyond ‘ordinary’, that make the landscape valued (Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)) but instead is seeking to maintain the separation between Leigh Sinton and Malvern.
127. Preventing two settlements from coalescing is not the same as preventing any development between them. Sustainable development could occur in the identified significant gap that does not undermine its open character. A policy defining an area where no development is to be permitted would seek to establish a regime that is more restrictive than even that applying in designated Green Belt. Such an approach would not have sufficient regard for national policy for it to be appropriate. Whilst the resistance of all forms of development in a defined area of open countryside would not have sufficient regard for national policy the resistance of coalescence of

settlements can be a legitimate objective of land use policy. Supporting text paragraph 5.1.9 confirms the strategic policy context of Policy LB/H/4. I consider it is helpful for the policy to indicate types of development that may be acceptable. Inclusion of the word “may”, is appropriate as acceptability would be subject to the details of a particular proposal.

128. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP2D. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

129. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

130. I have earlier in my report stated that during the course of this Independent Examination the District Council notified me of the Planning Inspectorate Appeal Decision, Reference AA/J1860/W/21/3289643 relating to land at Leigh Sinton Farms. This decision, dated 5 July 2022, grants planning permission for 45 residential units including 12 self/custom build units on land off Leigh Sinton Road that falls within the Significant Gap referred to in the policy. This decision is likely to result in development within the Significant Gap during the plan period. This does not affect the conclusion I have reached that Policy LB/H/5 meets the Basic Conditions.

Policy LB/H/6: Housing: Site Allocation

131. This policy seeks to allocate, subject to conditions, 3.3 hectares of land off the A4103 Leigh Sinton for the development of approximately 52 dwellings. The policy also identifies 5.5 hectares of land potentially for sports and recreation use.

132. The policy is supported by the “Leigh and Bransford Neighbourhood Plan Policy LB/H/6: Housing: Site Allocation Additional Evidence and Justification” submission document. The following information is included in this document:

- Appendix J from the Neighbourhood Plan;
- Map and Assessment Matrix following Call for Sites;
- Extract from Appendix B of Sustainability Appraisal of the South Worcestershire Development Plan Review: Regulation 18 (II);
- Sustainability Appraisal of the South Worcestershire Development Plan Review: Regulation 18 (II): Mitigation Tables;
- Additional Local Assessment Criteria; and
- Indicative layout of proposed site allocation.

133. In a representation the District Council state “It is considered that the principle of the proposed site allocation and a requirement for a mix of housing is acceptable, but the policy wording lacks sufficient clarity that it could be applied consistently and with confidence by decision makers. It is considered that the policy does not provide a link to the Concept Plan, lacks clarity about the required housing mix and lacks clarity about the amenities and footpaths / cycleways that the development should connect to. Based on the information provided in the Reasoned Justification, it is suggested that policy wording along the following lines would provide greater clarity:

Proposals for the development of land of land off the A4103 at Leigh Sinton (shown on Map 4) will be supported, subject to meeting the following requirements:

- a. An indicative figure of 52 dwellings are provided; and
- b. Approximately 5.5 sports and recreation land is provided; and
- c. The scheme is designed in accordance with the Indicative Layout (Map 4a) and incorporates the existing Public Right of Way; and
- d. 40% of the dwellings are provided as affordable housing available in perpetuity for those in local housing need unless it can be satisfactorily and independently demonstrated that the affordable housing provision sought would not be viable in which case the maximum proportion of affordable housing (either on or off-site) will be sought that does not undermine the development’s viability; and
- e. The housing mix should take account of the requirements of the most up to-date local Housing Needs Assessment; and
- f. Vehicular access is taken from the A4103; and
- g. Connection to local amenities and the existing footway, cycleway and footpath network in accordance with Policy LB/I/7; and
- h. A sustainable urban drainage strategy is provided to satisfactorily address surface water and foul drainage. The strategy should avoid discharging surface water to the public sewerage system where possible.
- i. Provision is made for a green buffer around the south and south-eastern boundary to mitigate any impact on nearby heritage assets.
- j. Evaluation of known surface and surface archaeology in accordance with Policy LB/E/5.”

134. I agree with the suggestion of the District Council and have adopted the proposed policy wording in my recommended modification of the policy. Whilst I am satisfied potential impact on Listed Heritage Assets has been considered in the preparation of the Neighbourhood Plan, I consider the inclusion of requirement “i” represents an appropriate response to the issues raised in the representation of Historic England and the representation by Addison Rees planning consultancy in particular in relation to four Grade II Listed Buildings on the opposite side of the

A4103 from the site allocation. As recommended to be modified the policy has regard for paragraph 189 of the Framework which states heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations, and paragraph 190 which states plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In commenting on the District Council representation, the Parish Council suggest the following text could be added to paragraph 5.1.22 “The proposed Indicative Layout seeks to mitigate the impact of the proposed allocation on Listed Buildings in close proximity to the site by proposing a green buffer around the south and south-eastern boundary of the site. A suggested amendment to Policy LB/H/6 policy has been made to this effect.” I have recommended that modification is made to improve clarity. I have recommended the other modifications of the policy so that it has sufficient regard for national policy and provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

135. I have earlier in my report considered the issue of meeting housing needs and concluded the Neighbourhood Plan will result in local housing needs being met taking account of the housing allocation in Policy LB/H/6.

136. The representation by Pegasus Group on behalf of clients’ 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. The representation acknowledges the Sustainability Appraisal produced alongside the preferred options draft SWDPR does consider their client site. The representation details merits of their client’s site, in some cases in comparison to the site allocated for housing development in the Neighbourhood Plan. The representation 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. In response to my request for clarification of matters raised in this representation the Parish and District Councils state “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. 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:

- 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

In light of the above, it is considered that a proportionate assessment of site CFS 1084 was undertaken.”

137. 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 refers to representations made at Regulation 14 stage, and now are stated to relate to 12 policies of the Neighbourhood Plan and are supported by 12 appendices to the representation. In respect of Policy LB/H/6 the representation 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 CSF0640 off Leigh Sinton Road (now removed from NDP); protection of SWDP is out of date; and map commentary. Commenting on this representation the Parish Council state, “The purpose of the VFRTS is to assess the relative availability of key facilities and sustainable transport options throughout the settlements and report factual information. The VFRTS provides technical evidence for the SWDP Review. The evidence in latest VFRTS (September 2019) indicates that Leigh Sinton is classified as a Category 3 settlement and the settlement has gone down the ranking compared with the VFRTS undertaken in 2012. The Neighbourhood Plan has sought to be informed by the most up-to-date and robust evidence” and “Excluding the development at Bluebell Walk to the extreme west of Leigh Sinton, which has no continuous footway to the village, there are five side roads along the south side of A4103 in Leigh Sinton. Nearly all pedestrian journeys to school involve crossing Malvern/ Leigh Sinton Road, and Stocks Lane. It is likely that a controlled crossing would involve less hazard and risk than the current situation at the other side roads” and “At the time the NP was prepared there were no mapping systems that showed the recently completed Bluebell Walk (Bromford) development. It was considered that highlighting the site may have been confusing. The boundary is in the correct position. The SWDP will address the Significant Gap Boundary.”

138. I requested the District and Parish Councils to draw to 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. In response the District and Parish Councils stated “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>. 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”. In relation to matters of landscape impact and impact on key views raised by Lone Star Land: 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. 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 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. The Parish Council have noted a text error in the second sentence of paragraph 5.3.11 and have suggested deletion of “been assessed based on a looks towards the Malvern Hills AONB and has”.

139. On the basis of the responses to my requests for clarification arising from the representations of Pegasus Group on behalf of clients’, and of Lone Star Land I am satisfied no further modification of Policy LB/H/6, additional to those I have recommended, are necessary for the policy to meet the Basic Conditions. I have however recommended modification of supporting text, and an image included in the Neighbourhood Plan, in the annex to my report. I have taken into consideration the other representations relevant to this policy including those of: individuals; National Highways; Sport England; and Land Partnerships Developments (Leigh Sinton) Ltd. I conclude the allocation of 3.3 hectares of the identified land for housing development is appropriate and meets the Basic Conditions. I also conclude the use of 5.5 hectares of the identified land for sport and recreation use is appropriate and meets the Basic Conditions. In this latter respect and the representation of Sport England I have noted the representation on behalf of Land Partnership Developments (Leigh Sinton) Ltd states “our clients have submitted a planning application for 52 residential units which is pending determination (MHDC Ref: 22/00187/OUT); the application will also document the transfer of land for community sport through a S106 Agreement. The terms of that S106 Agreement will be a matter for negotiation

41

between the applicants, the District Council and any other signatories to that agreement. The Parish Council has commented on the Sport England representation as follows “The landowner/ developer has agreed with MHDC to gift the land in concession of paying reduced S106 funds. It is most likely that the Parish Council will accept allocation of the land. As described in the Neighbourhood Plan the Parish Council is consulting with the community and MHDC about the most appropriate use of the land. S106 funds are already available from previous developments. If it is decided pitches are required in accordance with the playing pitch strategy then external funds will be sought from Sport England/Football Federation/ FA. It is not considered necessary to include the outcome of the community decision as policy in the NP.” I agree the inclusion of such detail in the policy is not necessary to meet the Basic Conditions.

140. In terms of Development Plan making reference to the indicative layout presented on Map 4a in the policy will provide a framework for future work to progress the details of a development scheme. I do not consider any additional modification of Policy LB/H/6 to that recommended is necessary to meet the Basic Conditions. With respect to representations promoting alternative housing development sites (Lone Star Land Limited relating to land off Leigh Sinton Road SHEELAA site CFS50640, and Pegasus Group on behalf of clients relating to land the east of Leigh Sinton Road site CFS1084) it is not within my role to consider the merits of those development proposals, or the relative merits of alternative development proposals, including those supported or promoted in Regulation 16 representations, nor is it within my role to balance those merits against any inherent detriments or shortcomings that the proposals may have. I have earlier in my report explained that my role is to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I am satisfied the “Leigh and Bransford Neighbourhood Plan Policy LB/H/6: Housing: Site Allocation Additional Evidence and Justification” submission document satisfactorily explains the process adopted in considering housing site allocation options and the selection of the allocated site. In particular it is appropriate to draw on work undertaken in respect of the SWDP review and to adopt four additional local criteria in respect of the matters of linearity; wildlife corridors; local drainage conditions; and available space for community sports and other amenities that are considered to be of importance in the Neighbourhood Area. The indicative layout for the allocated site, which is reproduced in the Neighbourhood Plan as Map 4a illustrates how a scheme could achieve land for community open space/sport. The indicative layout also illustrates how a possible future car park and crossing to the school could be achieved.

141. The District Council has suggested amendments to the reasoned justification presented in paragraphs 5.1.11 – 5.1.23 that supports the policy, and to Appendix J. I refer to those suggestions in the Annex to my report. With respect to the

representation of an individual regarding agricultural land quality I note Appendix J has taken this matter into consideration. The Parish Council has suggested criterion c. should state “broadly in accordance” but I consider this introduces uncertainty.

142. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policies SWDP2 and SWDP25. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
143. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.
144. I have earlier in my report stated that during the course of this Independent Examination the District Council notified me of the Planning Inspectorate Appeal Decision, Reference AA/J1860/W/21/3289643 relating to land at Leigh Sinton Farms. This decision, dated 5 July 2022, grants planning permission for 45 residential units including 12 self/custom build units on land off Leigh Sinton Road. This decision is likely to result in an additional supply of homes in the Neighbourhood Area during the plan period. This does not affect the conclusion I have reached that Policy LB/H/6 meets the Basic Conditions.

Recommended modification 4:

Replace Policy LB/H/6 with “Proposals for the development of land of land off the A4103 at Leigh Sinton (shown on Map 4) will be supported, subject to meeting the following requirements:

- a. An indicative figure of 52 dwellings are provided; and**
- b. Approximately 5.5 hectares of sports and recreation land is provided; and**
- c. The scheme is designed in accordance with the Indicative Layout (Map 4a) and incorporates the existing Public Right of Way; and**
- d. 40% of the dwellings are provided as affordable housing available in perpetuity for those in local housing need unless it can be satisfactorily and independently demonstrated that the affordable housing provision sought would not be viable in which case the maximum proportion of affordable housing (either on or off-site) will be sought that does not undermine the development’s viability; and**
- e. The housing mix should take account of the requirements of the most up to-date local Housing Needs Assessment; and**
- f. Vehicular access is taken from the A4103; and**

- g. **Connection to local amenities and the existing footway, cycleway and footpath network in accordance with Policy LB/I/7; and**
- h. **A sustainable urban drainage strategy is provided to satisfactorily address surface water and foul drainage. The strategy should avoid discharging surface water to the public sewerage system where possible.**
- i. **Provision is made for a green buffer around the south and south-eastern boundary to mitigate any impact on nearby heritage assets.**
- j. **Evaluation of known surface and surface archaeology in accordance with Policy LB/E/5.”**

Add to paragraph 5.1.22 “The proposed Indicative Layout seeks to mitigate the impact of the proposed allocation on Listed Buildings in close proximity to the site by proposing a green buffer around the south and south-eastern boundary of the site.” A suggested amendment to Policy LB/H/6 policy has been made to this effect.

Policy LB/D/1: Design: Maintaining Local Character

145. This policy seeks to establish design criteria for support of development proposals.
146. In a representation the District Council refer to paragraphs 126,127,128,129, and 134b of the Framework and advice that Policy SWDP21 is supported by the South Worcestershire Design Guide Supplementary Planning Document adopted in 2018. The representation suggests an amendment of the second part of Part a of the policy which I have adopted in my recommendation so that the policy has sufficient regard for national policy and provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
147. The representation on behalf of Land Partnership Developments (Leigh Sinton) Ltd suggests the third sentence of the policy is deleted on the basis the words “enhance” and “reinforce” are difficult to interpret and that the first and second sentences of the policy appear to achieve the desired policy objectives. Whilst the word reinforce does not appear in the policy, I am satisfied the sentence referred to does provide a basis for the determination of development proposals.
148. To be read alongside the Guidance, Government published the National Design Guide on 1 October 2019 to set out the characteristics of well-designed places and demonstrate what good design means in practice. The National Design Guide was updated on 30 January 2021 to align with the National Model Design Code and Guidance Notes for Design Codes published separately (as forming part of the Guidance) on 20 July 2021, and have been last updated on 14 October 2021.

The design principles included within Policy LB/D/1 are consistent with the approach and principles recommended in national policy.

149. Paragraph 127 of the Framework states “neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”. The policy has regard for paragraph 130 of the Framework which sets out design principles of development that planning policies should ensure. The policy is not overly prescriptive and will not prevent or discourage appropriate innovation or change.
150. The District Council has suggested amendments to the reasoned justification presented in paragraph 5.2.2 that supports the policy. I refer to those suggestions in the Annex to my report.
151. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWSDP21. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
152. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5:

In Policy LB/D/1 replace the final sentence of part a with “A Design and Access Statement or similar should be provided to show how the design principles in Policy LB/D/1 have been addressed and positively influenced the proposed design solution.”

Policy LB/D/2: Design: Parking

153. This policy seeks to establish parking requirements for new development.
154. In a representation the District Council refers to paragraph 107 of the Framework and state “The need for adequate in-curtilage parking spaces and frustration with on-street parking is understood. However, the Reasoned Justification indicates that the problem has probably been caused by older developments that were not designed with modern car ownership levels in mind. There does not appear to be any evidence that provisions of the County Council’s Streetscape Design Guide would be inadequate for new development in Leigh and Bransford. Worcestershire County Council’s Streetscape Design Guide says visitors are

permitted to be counted within the street due to their short-term duration and infrequent occurrence. Where existing on street demand or parking restriction prevents this or for communal parking areas off road provision should be made at a ratio of 1 space per 5 bedrooms. In relation to HMO's, the Streetscape Design Guide sets out minimum in-curtilage parking provision requirements for properties with 4 or more bedrooms. It also says that cycle storage at a ratio of 1 space per bedroom should be provided and these should be sheltered, secure and easily accessible. In relation to employment sites, the Streetscape Design Guide says that the applicant should provide a minimum parking provision for each development along with an evidence base to demonstrate the appropriateness of the provision. In light of the above, it is suggested that Policy LB/D/2 be amended along the following lines – 'Development proposals should provide car parking provision and cycle storage in accordance with Worcestershire County Council's Streetscape Design Guide.'

155. In commenting on the District Council representation, the Parish Council state, the Streetscape Design Guide is essentially for new developments and does not address extensions or subdivisions and part d is not included in the Design Guide
156. The representation on behalf of Land Partnership Developments (Leigh Sinton) Ltd suggests in the context of evidence supporting the Neighbourhood Plan reference should be to the latest Streetscape Design Guide. The representation of Lone Star Land states reference to the Streetscape Design Guide should be deleted as that guide will have a negative impact on design as garages are not counted as parking spaces even if oversized garages are provided.
157. The National Design Guide states parking standards are set locally in response to local conditions and "well designed parking is attractive, well-landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene." The National Model Design Code Part 2 Guidance Notes state parking standards are set out in the Local Plan and "certain housing types such as three storey townhouses may include an integral garage. This normally means there is limited living accommodation at ground floor level. The ground floor may also be dominated by garage doors."
158. The proposed setting of local parking standards in Policy LB/D/2 has not been sufficiently justified as required by paragraph 107 of the Framework. I have adopted the suggestions made in the representation of the District Council and taken account of the points made by the Parish Council in my recommended modification so that the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework. I have recommended the policy refers to the "latest" Streetscape Design Guide in recognition that as resources permit the County Council may from time to time throughout the period

review parking requirements in the light of changing circumstances, not least Government guidance.

159. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

160. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6:

Replace Policy LB/D/2 with “Development proposals should provide car parking provision and cycle storage in accordance with the latest Worcestershire County Council’s Streetscape Design Guide. The parking requirements for new homes should also apply in the case of proposed extensions of homes. The provision of sheltered, secure cycle parking should also apply to new employment developments”

Policy LB/D/3: Design: Construction Waste and Recycling

161. This policy seeks to establish information requirements relating to construction waste arising from development.

162. In a representation the District Council includes reference to the Waste Core Strategy and states “It is considered that the principle of Policy LB/D/3 promotes good practice. However, it is not clear whether the policy could be applied consistently and with confidence by decision makers. In particular, it is not clear how decision makers would use the information to determine whether a development proposal was acceptable in planning terms. In light of the above, it is suggested that Policy LB/D/3 be re-worded along the lines of ‘The re-use of waste arising from construction on-site is encouraged in accordance with relevant policies in the Worcestershire Waste Core Strategy’ or that the policy be deleted.” The Parish Council has suggested alternative wording avoiding use of the word “encouraged”.

163. The introduction of information requirements has not been sufficiently justified. I have earlier in my report advised that I am required to check the Neighbourhood Plan does not include provision about excluded development which includes waste

disposal. I have recommended the policy is deleted so that the Neighbourhood Plan has sufficient regard for national policy.

Recommended modification 7:

Delete Policy LB/D/3

Policy LB/D/4: Design: Household Waste and Recycling

164. This policy seeks to establish design criteria relating to facilities for household waste and recycling.
165. In a representation the District Council state “It is considered that the principle of Policy LB/D/4 is in general conformity with SWDP 33 (Waste) which says “Proposals for new development should incorporate adequate facilities into the design to allow occupiers to separate and store waste for recycling and recovery unless existing provision is adequate. It is noted that Policy LB/D/4 places greater focus on the visual appearance of the facilities than SWDP 33. Also, unlike SWDP 33, Policy LB/D/4 would only apply to residential development.
166. Whilst the Neighbourhood Plan must not include provision about excluded development which includes waste disposal, I consider Policy LB/D/4 is a design policy setting expectations for well-designed places in accordance with paragraph 127 of the Framework.
167. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP33. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
168. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

Policy LB/D/5: Design: Dark Skies

169. This policy seeks to establish criteria for support of external lighting in developments.
170. In a representation the District Council refer to paragraph 185c and 56 of the Framework and state “It is considered that the first sentence of Policy LB/D/5 has regard to the Framework. However, whilst the first sentence relates to health and

safety of road users and building occupiers, the second sentence introduces “security” lighting which is not necessarily related to health or safety. It is considered that it would be appropriate to replace the second sentence of Policy LB/D/5 with ‘External lighting should avoid undue adverse impacts on amenity, wildlife and dark skies.’”

171. Paragraph 180 c) of the Framework states planning policies should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. I am satisfied the approach adopted in the Neighbourhood Plan, as recommended to be modified, in these respects has sufficient regard for national policy. The reference to “road users” does not provide a basis for decision taking in respect of development proposals. It is uncertain whether the term “occupiers” includes visitors to a site. I have recommended a modification in these respects so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

172. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

173. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 8:

Replace Policy LB/D/5 with “Development proposals must only include external lighting that is essential for the maintenance of health and safety for users of the development, and include measures to avoid light spillage beyond the development site, and beyond any plot within it, so as to avoid undue adverse impacts on amenity, wildlife and dark skies.”

Policy LB/E/1: Landscape: Landscape Character

174. This policy seeks to establish landscape character criteria for support of development proposals.

175. In a representation the District Council refer to paragraph 174 of the Framework and state Policy LB/E/1 is considered to be in general conformity with

SWDP25. The representation suggests amendments to the reasoned justification (between paragraphs 5.3.1 and 5.3.7) supporting the policy that I refer to in the Annex to my report. The Parish Council has agreed those amendments but wish to retain reference to the Worcestershire Green Infrastructure Framework in paragraph 5.3.7 which I agree for the reason stated.

176. Paragraph 174 of the Framework states planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. I am satisfied the Worcestershire Landscape Character Assessment (LCA) and its guidelines, which identifies the majority of the Neighbourhood Area as comprising Principal Timbered Farmlands, with areas of Riverside Meadows along Leigh Brook and the River Teme, provides a rigorous and objective justification that identifies physical attributes, beyond 'ordinary', that make the landscape valued (Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)).
177. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP25. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
178. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy LB/E/2: Landscape: Local Green Spaces

179. This policy seeks to designate two Local Green Spaces.
180. In a representation the District Council state "The Framework makes provision for a Neighbourhood Plan to identify Local Green Spaces of particular importance to the local community. Paragraph 101 in the Framework says the designation of land as Local Green Space through Neighbourhood Plans allows communities to identify and protect green areas of particular importance to them. Paragraph 5.3.8 makes 3 references to "Green Space". These references should be amended to "Local Green Space" to clearly distinguish them from "Green Space" as defined in the SWDP. Paragraph 5.3.8 makes reference to the possibility for Local Green Spaces to be in private ownership and the designation not granting public access. Factually, these statements are correct, but their relevance to the two proposed Local Green Spaces is unclear. Paragraph 5.3.8 – paragraph 102 of the Framework outlines 3 criteria (a, b and c) that Local Green spaces must meet. It is suggested that this could be made

clearer in paragraph 5.3.8 which currently indicates 2 bullet points. Local Green Space is a restrictive and significant policy designation. It gives the land a similar status to that of Green Belt and for that reason paragraph 102 of the Framework says that such designations should only be used when the green space is in reasonably close proximity to the community it serves, where it is demonstrably special to the local community and holds a particular local significance, is local in character and not an extensive tract of land. Paragraphs 5.3.9 and 5.3.10 explain that both proposed Local Green Spaces are in close proximity to the community they serve, are not extensive tracts of land and are demonstrably special to the local community. Paragraph 5.3.10, 2nd sentence – For accuracy and consistency, it is suggested that reference to “Development Area” is replaced by “development boundary”. Paragraph 5.3.10 (should be 5.3.11?) says that the landowner currently permits public access to the orchard (proposed Local Green Space 2). It is not clear whether there is any significance to the statement. It should be noted that paragraph 101 of the Framework says that “Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.” If there is no significance to the statement, it is suggested that it could be deleted.”

181. A representation of Lone Star Land states “our client owns the proposed local green space at the Orchard adjacent to Kiln Lane. This allocation is supported.” 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 “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.” The representation also 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. Commenting on this representation the Parish Council state “There is no mention in the NP of this parcel of land being used as a village green. The parcel of land is not a linear feature, nor is the policy intended to protect the public footpaths per se, but the land through which the public footpaths pass.”

182. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development

potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Figures 1 and 2. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified.

183. Paragraph 103 of the Framework states “Policies for managing development within a Local Green Space should be consistent with those for Green Belts”. Paragraphs 147 to 151 of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. The policy does not seek to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not. (R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number C1/2020/0812).
184. Paragraph 101 of the Framework states “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 updated, and be capable of enduring beyond the end of the plan period.” In respect of each of the areas proposed for designation as Local Green Space I find these requirements are met.
185. Paragraph 102 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) 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; and c) local in character and is not an extensive tract of land.” I have visited both of the areas of land proposed for designation as LGS and find that in respect of each of the proposed Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.
186. The Neighbourhood Plan includes in paragraphs 5.3.9 and 5.3.10 a statement for each of the two proposed Local Green Spaces which seeks to justify the proposed designations as Local Green Space. Drawing attention to the representation on behalf of the Diocese of Worcester I requested the District Council and Parish Council to draw to my attention any additional existing evidence, to that I have been provided with, that supports the designation of the Meadow Land adjacent to Brockamin Lane, Bransford as a Local Green Space. I received the following response “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, *for example* 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. 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). 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). 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”.

187. Paragraph 102 of the Framework includes examples of the way land can be demonstrably special to a local community and holds a particular local significance. There can be other ways this can be demonstrated, for example if land is used for significant local events such as fetes, or is referred to in locally significant literature. Proposed Local Green Space 1 Meadow land adjacent to Brockamin Lane Bransford is stated to be “valued in its own right within the landscape” and “there are views to the Malvern Hills to the west”. These factors are lacking in detail and insufficient for me to conclude the land is demonstrably special to a local community and holds a particular local significance. I have noted from my visit to the area views to the Malvern Hills to the west are not uncommon. The reference to use of a public footpath across the land by local walkers and dog walkers is of relevance but not sufficient in itself to justify a designation as LGS particularly as the Guidance states there is no need to designate LGS to protect rights of way which are already protected under other legislation. I have taken into consideration the point made in response to my request for clarification that proposed Local Green Space 1 is the only proposed LGS in Bransford and I understand this has some significance in terms of reflection of local opinion, but the number of proposals for Local Green Space designation does not override the need for each proposal to meet the criteria for designation. I have concluded that, at this time, insufficient evidence has been placed before me to conclude proposed Local Green Space 1 meadow land adjacent to Brockamin Lane Bransford is 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. I have recommended a modification of Policy LB/E/2 to delete the proposed designation of proposed Local Green Space 1 Meadow land adjacent to Brockamin Lane Bransford. This does not prevent a future designation of this land as Local Green Space, for example at the time of a review of the Neighbourhood Plan, if sufficient evidence to justify designation is presented.

188. With respect to proposed Local Green Space 2 adjacent to the Kiln Lane development I am satisfied the planning history of the land requiring ecological enhancement and future maintenance including reference to protected species and installation of bat boxes is sufficient for me to conclude relevant reasons for designation are indicated as applying in respect of that proposed Local Green Space including matters referred to in the Framework. This conclusion is supported by the fact the orchard is stated in paragraph 5.3.10 of the Neighbourhood Plan to be maintained as part of a contract with the Residents Association of the adjacent residential development. I find that the area proposed as Local Green Space adjacent to the Kiln Lane development is suitable for designation and has regard for paragraphs 101 to 103 of the Framework concerned with the identification and designation of Local Green Space.

189. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

190. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 9:

In Policy LB/E/2 replace the first sentence and bullet points with "The Orchard adjacent to Kiln Lane identified on Figure 1 is designated as Local Green Space."

Delete references to the land adjacent to Brockamin Lane in supporting text and Figure 1

Redesignate Figure 2 as Figure 1

Policy LB/E/3: Landscape: Key Views

191. This policy seeks to establish that development proposals do not substantially harm identified key views.

192. In a representation the District Council state "To provide robust evidence, it would have been helpful if Appendix F had shown how the proposed key views scored in the assessment process compared with any other views that may have

been considered.” The representation of Lone Star Land suggests View 3 appears to be taken from a private road and is therefore not a public view. Commenting on this element of the representation the Parish Council state “the view was identified from a location freely available to the public. Roads on the development are currently proceeding through the Section 38 adoption process. It is not possible to access the landscaped public realm without using these roads footways so the views are public”. The representation also states that “using the criteria in Appendix F there are other key views that should be set out in this plan”. The representation states a document produced by Environmental Landscape and Colour Consultancy should be available to allow interested parties to understand how views have been assessed. In response to my request for clarification the District Council and Parish Council state “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. 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 in the assessment Criteria document. 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.”

193. I am satisfied it is sufficient for the Neighbourhood Plan preparation process to identify views that are regarded as significant by the local community and that stated criteria have been applied. Whilst sifting and scoring information would be helpful its absence does not prevent the policy from meeting the Basic Conditions.

194. The policy does not seek to establish valued landscapes, as referred to in paragraph 174 of the Framework, which would require a rigorous and objective justification that identifies physical attributes, beyond ‘ordinary’, that make the landscape valued (Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)). The policy is seeking to protect identified views from substantial harm arising from development proposals. Planning policy must operate in the public interest. I am satisfied the policy clearly states the key views are where seen from locations that are freely accessible to members of the general public. I visited the public road adjacent to a play area that provided a view very close to that shown on the photograph on page 50 of the Neighbourhood Plan. I have referred to this matter in the Annex to my report. The District Council has suggested amendments to the reasoned justification that supports the policy. I also refer to those suggestions in the Annex to my report.

195. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP25. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
196. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy LB/E/4: Heritage: Protecting Local Heritage Assets

197. This policy seeks to establish that development proposals protect or enhance non-designated heritage assets.
198. In a representation the District Council has suggested amendments to the reasoned justification that supports the policy. I refer to those suggestions in the Annex to my report.
199. The policy has regard for paragraph 130 of the Framework which requires planning policies to ensure developments are sympathetic to local character and history, and that places are attractive and welcoming. The policy has regard for Paragraph 203 of the Framework which sets out the approach to considering potential impacts of development proposals affecting the significance of non-designated heritage assets. The Guidance refers to advice on local lists published on Historic England's website (Paragraph: 040 Reference ID: 18a-040-20190723 Revision date 23 07 2019). Historic England Advice Note 11 Neighbourhood Planning and the Historic Environment (Published 16 October 2018) states "Preparing a list of locally-valued heritage assets. Independent (at least initially) of any local list endorsed or developed by a local planning authority, neighbourhood planning groups may wish to consider if any buildings and spaces of heritage interest are worthy of protection through preparing a list of locally-valued heritage assets that is referenced in neighbourhood plan policy. The use of selection criteria helps to provide the processes and procedures against which assets can be nominated and their suitability for addition to the local planning authority's heritage list assessed. A list of locally-valued heritage assets can inform or be integrated within a local list maintained by the local authority, subject to discussion with them." It is appropriate for a local community to use the Neighbourhood Plan preparation process to identify heritage assets that are locally valued and it is equally valid, as in the case of the Neighbourhood Plan, to adopt an approach where identification of potential non-designated heritage assets is undertaken as a proposed Parish Council task separate from the Neighbourhood Plan preparation process. I am satisfied the

approach adopted in the Neighbourhood Plan in these respects has sufficient regard for national policy.

200. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP6. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
201. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy LB/E/5: Heritage: Archaeology

202. This policy seeks to establish archaeology criteria for support of development proposals.
203. Paragraph 194 of the Framework says that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. SWDP 24 (Management of the Historic Environment) says that where proposals are likely to affect heritage assets with archaeological interest they should be accompanied by a description informed by available evidence, desk-based assessment and, where appropriate, field evaluation to establish the significance of known or potential heritage assets.
204. In a representation the District Council state "It is considered that the principle of Policy LB/E/5 has regard to the Framework and is in general conformity with SWDP 24. However, it is not necessary or appropriate for development proposals to meet all 3 criteria. To address this issue, the following amendments to Policy LB/E/5 are proposed:
- Delete the first sentence which starts with "To be supported ..."
 - Delete the lettering "a." and start the first paragraph "Development proposals should" avoid or minimise ...
 - Delete the numbering "b." and start the paragraph with "Proposals should also" ensure unknown ...
 - Delete the numbering "c."

Whilst the Parish Council state where appropriate development should meet all criteria, I agree with the District Council suggestion and have incorporated it into my recommended modification. The District Council has also suggested amendments to

the reasoned justification that supports the policy and in respect of Appendix D. I refer to those suggestions in the Annex to my report.

205. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP24. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

206. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 10:
In Policy LB/E/5**

- **delete the first sentence which starts with “To be supported ...”**
- **delete the lettering “a.” and start the first paragraph “Development proposals should” avoid or minimise ...**
- **delete the numbering “b.” and start the paragraph with “Proposals should also” ensure unknown ...**
- **delete the numbering “c.””**

Policy LB/E/6: Heritage: Farmsteads and Agricultural Buildings

207. This policy seeks to establish criteria for support of development proposals affecting historic farmsteads and agricultural buildings.

208. In a representation the District Council state “It is considered that the principle of Policy LB/E/6 is in general conformity with SWDP 6. However, it is considered that the words “local distinctiveness” should be replaced with “historic character”. Whilst historic farmsteads may make a contribution to local distinctiveness, it is the “historic character” of the actual farmstead or agricultural building that the development proposal should be sensitive to. The proposed wording change would also reflect the wording in paragraph 5.3.19 (unnumbered) of the Reasoned Justification.” I agree with this suggestion as the focus of part 16 of the Framework is on the significance of heritage assets. I have adopted the suggestion in my recommended modification. The District Council has also suggested amendments to the reasoned justification that supports the policy and Map 7. I refer to those suggestions in the Annex to my report.

209. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP6. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

210. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 11:
In Policy LB/E/6 replace “local distinctiveness” with “historic character”**

Policy LB/E/7: Heritage: Conservation Areas

211. This policy seeks to establish criteria for support of development proposals within Leigh Conservation Area or its setting.

212. Paragraph 189 of the Framework says that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 207 of the Framework says that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

213. In a representation the District Council state “A Leigh Conservation Area Appraisal was published in 1995. Whilst the Appraisal is now 26 years old and therefore is not considered to be up-to-date, there may be some elements of the Appraisal that remain relevant and the Reasoned Justification helpfully includes extracts from it. It is considered that Policy LB/E/7 generally has regard to the Framework and is in general conformity with SWDP 6 (Historic Environment). It is, however, considered that development proposals need not necessarily meet all of the criteria a to i. It is therefore suggested that “meet all of the following criteria” could be deleted from the second sentence. I agree the suggested amendment would result in the policy more fully having regard for national policy and have incorporated the suggestion in my recommended modification.

214. “The term “*preserve*” does not have sufficient regard for national policy regarding heritage assets set out in the Framework. The policy does not have sufficient regard for the more balanced approach to demolition set out in the Framework. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.
215. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policies SWDP6 and SWDP24. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
216. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 12:
In Policy LB/E/7**

- **replace “preserve” with “conserve”**
- **delete “meet all of the following criteria”**

Policy LB/E/8: Biodiversity

217. This policy seeks to establish that all development proposals that impact on local wildlife and habitats must demonstrate how diversity will be protected and enhanced.
218. In a representation the District Council state “It is assumed that the intention is for Policy LB/E/8 to relate to the habitats shown on Maps 9 and 10, but this is not entirely clear, particularly as the policy says that the maps “indicate sites already identified”, implying that further sites may be identified. Paragraph 179 of the Framework says that to protect and enhance biodiversity and geodiversity, plans should: Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue

opportunities for securing measurable net gains for biodiversity. Policy LB/E/8 seeks to have regard to paragraph 179 but it is considered that it is not drafted with sufficient clarity that it could be applied consistently and with confidence by decision makers, and does not appear to be supported by robust evidence on the specific wildlife sites and habitats that it seeks to protect. To meet the above requirements, it is considered that Policy LB/E/8 should: Clearly identify the specific sites (with boundaries) to be protected / enhanced 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). It should also be noted that Policy LB/E/8 would only apply to sites within the Neighbourhood Area, not those shown on Maps 9 and 10 in neighbouring parishes. Provide evidence outlining the significance of the specific sites to be protected and enhanced. It is worth noting that SSSI’s are already afforded a high level of protection under national policy.” I agree with this suggestion and have incorporated it into my recommended modification. I have also recommended the policy is limited to protection of identified sites avoiding an overlap with Policy LB/E/9 which relates to biodiversity net gain on all sites in the Neighbourhood Area. I have recommended the modification so that the policy has sufficient regard for national policy and provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The District Council has also suggested amendments to the reasoned justification that supports the policy. I refer to those suggestions in the Annex to my report.

219. In response to my request for clarification the District and Parish Councils state “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). 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”. I agree with this point and have included an appropriate modification in the appendix to my report.

220. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP22. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

221. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to

the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 13:

Replace Policy LB/E/8 with “To be supported development proposals that impact on the merged habitat networks within the Neighbourhood Area identified on Map 9 or the designated sites of importance for nature conservation within the Neighbourhood Area on Map 10 must demonstrate how biodiversity will be protected.”

Amend Maps 9 and 10 to present the maps at a scale sufficient to identify boundaries of the identified sites.

Policy LB/E/9: Biodiversity Net Gain

222. This policy seeks to establish that development proposals must demonstrate a net gain in biodiversity.
223. Paragraph 174d of the Framework states planning policies should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 179b of the Framework states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
224. Policy SWDP22 states development which would compromise the favourable condition or the favourable conservation status of a Grassland Inventory Site (GIS), a Local Wildlife Site (LWS), a Local Geological Site (LGS), an important individual tree or woodland and species or habitats of principal importance recognised in the Biodiversity Action Plan, or listed under Section 41 of the Natural Environment and Rural Communities Act 2006, will only be permitted if the need for and the benefits of the proposed development outweigh the loss.
225. In a representation the District Council state “It is considered that development proposals need not necessarily meet all of the criteria a-e. It is therefore suggested that “meeting all of the following criteria” could be deleted from the first sentence of the policy. The link to Policy LB/I/4e (Flooding and Drainage) in the final sentence of Policy LB/E/9 seems unnecessary and could be deleted.” I agree with these points and have recommended a modification so that the policy has sufficient regard for national policy and provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The District Council

has also suggested amendments to the reasoned justification that supports the policy. I refer to those suggestions in the Annex to my report.

226. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP22. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

227. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 14:

In Policy LB/E/9 delete "meeting all of the following criteria" and delete "See also Policy LB/I/4"

Policy LB/I/1: Infrastructure: Renewal and Low Carbon Energy (1)

228. This policy seeks to establish that specified developments should incorporate renewable or local energy technologies to meet 20% of energy requirements.

229. Policy SWDP 27 (Renewable & Low Carbon Energy) requires all new development over 100m² or one or more dwellings incorporate renewable or local energy technologies to meet at least 10% of the developments predicted energy requirements, unless it can be demonstrated that this would make the development unviable.

230. Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these (<https://www.gov.uk/guidance/housing-optional-technical-standards>). The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: "From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings". I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

231. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP27 (and the emerging Policy SWDPR31). The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

232. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 15:

Replace Policy LB/I/1 with “Development proposals that incorporate capacity to generate at least 20% of their energy requirements from renewable or low carbon sources will be supported.”

Policy LB/I/2: Infrastructure: Renewal and Low Carbon Energy (2)

233. This policy seeks to establish support for stand-alone renewable or low carbon energy projects and associated infrastructure (with the exception of wind turbines) where specified requirements and conditions are met.

234. Paragraph 155 of the Framework includes “to help the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources, that maximises potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)”. Paragraph 158, footnote 54 of the Framework states “Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.”

235. In a representation the District Council state “the supporting text does not provide proportionate, robust evidence to explain the intention and rationale of the proposed criteria set out in the policy”. Paragraph 31 of the Framework states the preparation of all policies should be underpinned by relevant and up-to-date evidence that is adequate and proportionate and focussed tightly on supporting and justifying the policies concerned. I do consider this requirement has not been met. I have recommended the policy is deleted.

**Recommended modification 16:
Delete Policy LB//2**

Policy LB//3: Infrastructure: Electric Vehicle Charging

236. This policy seeks to establish requirements for electric vehicle charging points in specified types of new development.
237. Paragraph 112e of the Framework states applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
238. The term “staff and/or users” has not been sufficiently justified. Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these (<https://www.gov.uk/guidance/housing-optional-technical-standards>). The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: “From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”. Whilst only the first sentence of the policy relates to dwellings the policy relates to all development. It is necessary to recognise the need for attention to viability and deliverability as required by paragraph 173 of the Framework. I have recommended a modification in this respect.
239. In a representation the District Council state “In relation to proposals for new employment, leisure or retail developments, it is suggested that the word “appropriate” be inserted between “provide” and “electric”. It should be noted that the difficulty in prescribing a specific requirement for employment development is that what is “appropriate” will vary greatly depending on the nature and size of the proposed development.” I agree with this suggestion and have accommodated it into my recommendation for modification of the policy,
240. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
241. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to

the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 17:

Replace Policy LB/I/3 with "Proposals for new dwellings with dedicated parking space that provide electric vehicle charging points will be supported. Proposals for new employment, leisure or retail development that provide appropriate electric parking points for staff and/or users will be supported."

Policy LB/I/4: Infrastructure: Flooding and Drainage

242. This policy seeks to establish flooding and drainage requirements for all new development additional to those set out in Policies SWDP 28 and SWDP29.
243. In a representation the District Council refer to paragraphs 159 -161 of the Framework and Policies SWDP 28 and SWDP29 and before more detailed comments state "the reasoned justification clearly indicates that there are flooding hotspots in the Neighbourhood Area and the intention of the policy is clearly to ensure that flood risk is not increased as a result of development." In more detailed comments the District Council state "Policy LB/I/4 seeks to apply to all development proposals. It should be noted that paragraph 168 of the Framework says that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 54 (should be footnote 55). Footnote 55 says that in Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. For the Exception Test there are some proposals that would not be required to comply (this is set out in PPG). Surface Water Drainage Strategies are required for all 'major' developments (this means for housing development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more and for non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more). 'All new development' in any of the catchment types does not apply to minor extensions in high-risk catchments. Criterion a – Is in general conformity with SWDPR 33B in the emerging SWDPR. Criterion b – Is in general conformity with SWDPR 33E in the emerging SWDPR. Criterion c – Paragraph 167 of the Framework is very general and says that "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere." Both SWDP 29 and LB/I/4 distinguish

between greenfield and brownfield sites and the amount of post development surface run off. Both say that on a greenfield site the rate of surface water run off should not increase. Whilst SWDP 29Aiv says surface water run off on brownfield sites must show a reduction of 20%, Policy LB/I/4(c) proposes a 30% reduction in surface water run off on brownfield sites.

Criterion d - Soakaway requirements are covered under part H of the Building Regulations - paragraph 3.28 deals specifically with Percolation tests). In light of this, it is not considered prudent to try and deal with it within planning policies as Building Regulations may change.

Criterion e - Biodiversity is considered to be a theme that cuts across all three SWDP water management policies and the ethos of taking sustainable drainage opportunities to enhance biodiversity is made very clear across all three.

Criterion f – Is considered to be in general conformity with SWDP 29A and the emerging SWDPR 33 which proposes the submission of a SuDS management plan to demonstrate who will be responsible for maintenance of the features for the lifetime of the development, including details on how the maintenance will be funded and how it will be carried out.”

244. 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 strategic policy I have recommended 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.

In response to my request for clarification the District Council and the Parish Council acknowledge that in order to have regard to national policy it may not be appropriate for Policy LB/I/4 to apply to all developments. It is also acknowledged that there could be some duplication of the policy with Building Regulations other planning policies and agree the modifications.

245. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policies SWDP28 and SWDP29. The policy serves a clear purpose by providing an

additional level of detail or distinct local approach to that set out in the strategic policies.

246. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 18:
In Policy LB/I/4**

- after "supported all" insert "major"
- delete parts c. d. and e.

Policy LB/I/5: Infrastructure: Communications (1)

247. This policy seeks to ensure that new development is served by full fibre broadband connections or where this is not possible, practical or commercially viable then ducting should be provided to facilitate future installation.

248. Paragraph 114 of the Framework states planning policies should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

249. Strategic Policy SWDP 26A states new development should be provided with superfast broadband or alternative solutions where appropriate, for example, mobile broadband and / or Wi-Fi. Wherever practicable, superfast broadband capacity should be incorporated to agreed industry standards. Developers and infrastructure providers should seek to facilitate this through early engagement. The District Council state some elements of the supporting text are not directly relevant to the policy however in the light of the Parish Council explanation I am satisfied no amendment is necessary to meet the Basic Conditions.

250. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP26A. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

251. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy LB/I/6: Infrastructure: Communications (2)

252. This policy seeks to establish conditional support for the improvement and development of new mobile telecommunications infrastructure.

253. Paragraph 115 of the Framework says that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate. Policy SWDP 26B sets out five factors that will be taken into account when considering telecommunications development proposals.

254. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP26B. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

255. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy LB/I/7: Infrastructure: Moving Around

256. This policy seeks to ensure where possible that new housing connects safely to local amenities, and the existing footway, cycleway and footpath network.

257. A representation of Lone Star Land states the policy is supported "however there is no reference to the Worcestershire Local Transport Plan 4 proposal for an active travel corridor SWAT9 the Malvern to Leigh Sinton Active Travel Corridor." There is no requirement for the policy to refer to specific proposals of the Worcestershire Local Transport Plan 4 to meet the Basic Conditions.

258. Paragraph 106 of the Framework states planning policies should “provide for attractive and well-designed walking and cycling networks.” Paragraph 92a of the Framework states planning policies should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through ...street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.
259. Policy SWDP 21Bix states “design and layouts should maximise opportunities for pedestrian and cycle linkages to the surrounding area and local services and should be generally accessible for all users, including those with disabilities”.
260. The District Council suggest the policy should apply to all development. The limitation of the policy to new housing development only, has not been sufficiently justified. I have recommended a modification in this respect so that the policy has sufficient regard for national policy. The District Council also suggest adjustment of the supporting text. I refer to this matter in the Annex to my report.
261. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy SWDP21. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
262. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 19:

In Policy LB/I/7 replace “housing” with “development”

Policy LB/WB/1: Amenities, Health and Wellbeing: Community Facilities (1)

263. This policy seeks to limit loss of identified important community facilities to specified circumstances.
264. Paragraph 93 of the Framework states planning policies should guard against the unnecessary loss of valued facilities and services, and should plan positively for the provision and use of shared spaces, community facilities and other local services. I am satisfied the approach adopted in Policy LB/WB/1 has sufficient regard for national policy in these respects.

265. In a representation the District Council state “SWDP 37B B says that any proposal that would result in the loss of a site or building currently or last used as a community facility will only be permitted if the certain criteria are met. Footnote 82 for SWDP 37 sets out what uses constitute community facilities. It is considered that 4 of the 5 proposed facilities meet the definition of community facilities covered by SWDP 37B. The Post Office, however, does not meet the definition of a community facility. Proposals for change of use of the Post Office to non-retail uses would only be supported when consistent with SWDP Policy 10. Figure 4 shows the broad location of the community facilities that are to be protected under Policy LB/WB/1. It would be helpful if a more detailed map was provided to show the facilities to be protected. For example, it is not clear from Figure 4 whether Policy LB/WB/1 would apply just to the Memorial Hall or whether it would also apply to the adjacent playing field referred to in paragraph 5.5.2. I agree that a larger scale map of the community facilities is necessary. I also agree a consistent approach to the definition of community facilities and local shops to that adopted in strategic policies will achieve necessary clarity for plan users. I have recommended the Leigh Sinton Shop and Post Office is not named in Policy LB/WB/1 but will continue to be protected by strategic Policy SWDP10. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

266. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policies SWDP37 and SWDP10. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

267. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 20:

In Policy LB/WB/1 delete “Leigh Sinton Shop and Post Office”

Delete “Leigh Sinton Post Office” from Figure 4

Continue paragraph 5.5.2 with “Whilst the Leigh Sinton Shop and Post Office does not fall within the definition of a community facility in the South Worcestershire Development Plan, it will continue to be protected from inappropriate loss by Strategic Policy SWDP10.”

Replace Figure 4 with a map that identifies the boundaries of the community facilities referred to in the policy

Policy LB/WB/2: Amenities, Health and Wellbeing: Community Facilities (2)

268. This policy seeks to establish conditional support for the provision or enhancement of community facilities.
269. Paragraph 93a of the Framework states that to provide the social, recreational and cultural facilities and services the community needs, planning policies should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
270. Policy SWDP 37A (Built Community Facilities) supports the provision of new community facilities or the enhancement of existing facilities, particularly where the proposals have resulted from neighbourhood planning, subject to satisfying the sequential test in the Framework where applicable. Applicants will be required to consider whether the combining or rationalisation of existing facilities would be more appropriate than the provision of a new facility. In a representation the District Council suggest adjustment of the supporting text. I refer to this matter in the Annex to my report.
271. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policy 37A. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
272. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy LB/WB/3: Amenities, Health and Wellbeing: Health Impact

273. This policy seeks to establish a Health Impact Assessment should be required for specified types of development proposals.

274. Paragraph 92c of the Framework says planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling. The South Worcestershire Planning for Health in South Worcestershire SPD (September 217) requires a Health Impact Assessment (HIA) for residential and mixed-use sites of 25+ dwellings, employment sites of 5+ ha and retail developments of 500+ square metres. In a representation the District Council state “In light of the above, the principle of Policy LB/WB/3 appears to have regard to national policy and be in general conformity with the SWDP”. A requirement for a Health Impact Assessment would represent an inappropriate onerous obligation on smaller development schemes.
275. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
276. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

Conclusion and Referendum

277. I have recommended 20 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I recommend to Malvern Hills District Council that the Leigh and Bransford Neighbourhood Development Plan for the plan period up to 2041 should, subject to the modifications I have put forward, be submitted to referendum.

278. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a *substantial, direct and demonstrable impact beyond the neighbourhood area*”. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Malvern Hills District Council as a Neighbourhood Area on 24 September 2013.

Annex: Minor Corrections to the Neighbourhood Plan

279. I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.

280. The Herefordshire and Worcestershire Earth heritage Trust state “Paragraph 5.3.1 refers to Eldersfield Mudstone Formation, which is a local name used in older literature. Following rationalisation by the British Geological Survey across

the country, this name is now obsolete and the name Sidmouth Mudstone Formation is used instead". I recommend that this correction is made to reflect the latest terminology.

281. The District Council propose:

- Paragraph 1.5 – It is suggested that the 2nd word “report” be replaced by “document”.
- Paragraph 1.6 – For accuracy and clarity, it is suggested that the first sentence could be amended to read “Planning applications will be determined by Malvern Hills District Council in accordance with the development plan (including the made LBNP), unless material considerations indicate otherwise.”
- Paragraph 1.7 – The word “emerging” should be deleted from the made version of the LBNP.
- Contents: Maps - Map 1 should carry the title “Designated Neighbourhood Area for Leigh and Bransford.”
- Map 2 should be deleted from the made Neighbourhood Plan.
- Paragraph 5.1.1 should explain the proposed development boundaries in the context that criteria c and d of Policy LB/H/1 are deleted.
- Sentence 4 of paragraph 5.1.1 is deleted and the following sentence is added to the paragraph “The boundary of sites allocated for development outside and adjoining an existing development boundary will form the basis of an extension to the development boundary as set out in Maps 2a and 2b.”
- Paragraph 5.1.3 should more accurately reflect the principles of SWDP2a
- Paragraphs 5.1.3 and 5.1.4 should separate extracts from the SWDP and the emerging SWDPR.
- Paragraph 5.1.6 should be deleted.
- Paragraph 5.1.3 says that SWDP 2 is based on a range of local services and facilities. This is not wholly accurate. The paragraph should be adjusted to explain SWDP 2 is based on 6 principles (which are outlined in SWDP 2A).
- Paragraphs 5.1.3 and 5.1.4 include a number of extracts from the adopted SWDP 2 (February 2016) and the SWDPR Preferred Options consultation document (November 2019). The status of these documents is different and for clarity it is strongly suggested that quotes / extracts from the adopted SWDP and emerging SWDPR are separated.
- Paragraph 5.1.6 relates to existing or expanding businesses and does not explain the choices made or approach taken in Policy LB/H/2 (which relates to housing). It is suggested that the paragraph be deleted.

- Paragraph 5.1.8 refers to paragraph 85 of the Framework (meeting local business needs in rural areas). It is considered that reference to paragraph 84a would also be appropriate.
- Paragraph 5.1.10 – It is suggested that reference to a Cala Homes consultation be deleted because the public’s reaction to a specific development proposal is not considered to be proportionate and robust evidence justifying retention of the Significant Gap. It would be helpful if a date was provided for the “current consultation” which is referred to in paragraph 5.1.10 and it was indicated who had undertaken the consultation. References to a Review of the Significant Gaps in the SWDPR should be dated and a link provided to the source of the evidence.
- Paragraph 5.1.11 – 5.1.12 – It is considered that these paragraphs do not explain the intention and rationale of the proposed site allocation. Further, Housing Needs Surveys undertaken in 2009 and 2011 are historical and no longer relevant in light of the 2021 Housing Needs Survey.
- Paragraph 5.1.13 – For accuracy, replace “... SWDP Review carried out in 2018/19 ...” with “current SWDP Review ...” For accuracy, delete “...with a small addition to the original 2030 target.” It is suggested that reference to paragraph 66 of the Framework is related to paragraph 5.1.14 and should either be a new paragraph or be included in paragraph 5.1.14.
- Paragraph 5.1.14 – It is considered that the 6th sentence relating to community aspirations to “avoid urbanisation and commuterisation” do not explain the intention and rationale of the proposed site allocation and should be deleted. For accuracy, it is suggested that the 7th sentence is preceded by “Some sections of the community considered that” because to benefit from the protection conferred by paragraph 14 of the Framework the housing requirement could not be met solely by windfall development.
- Paragraph 5.1.17 – It is inaccurate to say that “one reason for SWC’s Choice of preferred site was that it provided a large area of community sports facility.” The SWC’s considered that a smaller cut of site CFS0009 met the SHELAA site selection criteria for housing and that the site could also meet the shortfall in playing pitches identified in the Playing Pitch and Outdoor Sports Strategy. Reference to the 2021 Housing Needs Survey is not considered to be relevant to the proposed sports and community facilities – the purpose of the survey was to identify housing needs, not sports and recreation needs. It is considered that the final sentence, which says that the Housing Needs Survey and further consultation will assist the decision making for new amenities is both inaccurate and misleading and should be deleted. (The Parish Council has suggested text for the last five sentences of paragraph 5.1.17 which should be used).

- Paragraph 5.1.18 – The purpose of 5.1.18 seems to be to justify the policy requirement that development proposals for the site allocation take account the requirements of the most up-to-date Housing Needs Survey. It would therefore have been helpful if paragraph 5.1.18 had drawn out the key findings of the 2021 Housing Needs Survey, such as 60% of unmet housing need identified was for open market housing, and that there is a particular need for smaller family housing of 3 bedrooms or less and bungalows. It is considered that references to population change and extracts from SWDP 14 cloud the issue rather than provide clarity for decision makers.
- Paragraph 5.1.19 - The purpose 5.1.19 could be simplified to say that development proposals for the site allocation should provide affordable housing in accordance with SWDP 15. It would be helpful if the Reasoned Justification explained that if the 40% proportion of affordable housing would not be viable (as demonstrated by an independent viability assessment), the maximum proportion of affordable housing will be sought that does not undermine the development's viability.
- Paragraph 5.1.20 – The purpose of this paragraph is unclear in relation to the proposed site allocation. The MHDC Rural Lettings Policy is about the management of lettings and would not inform decision makers with an indication of how they should react to a development proposal for the site allocation.
- Paragraph 5.1.21 – It is suggested that text after the 3rd sentence is deleted. Reference to the site being larger than some in the community would like does not support the site allocation and the requirement for affordable housing is already addressed in paragraph 5.1.19. The need for a housing mix is already addressed in paragraph 5.1.18, and reference to the housing mix being subject to community consultation is misleading and factually incorrect.
- Paragraph 5.1.22 – It is suggested that this paragraph is amended. The purpose of this paragraph is to indicate that there are 4 Listed Buildings in close proximity to the proposed site allocation. The extracts from the SEA / HRA Screening Opinion relate specifically to whether a Strategic Environmental Assessment is required for the Neighbourhood Plan, not whether the proposed site allocation would have a detrimental impact on the Listed Buildings. It is suggested that paragraph 5.1.22 should be amended to say that the proposed Indicative Layout seeks to mitigate the impact of the proposed allocation on Listed Buildings in close proximity to the site by proposing a green buffer around the south and south-eastern boundary of the site. It is suggested that this requirement is picked up in Policy LB/H/6.

- Paragraph 5.1.23 – The purpose of this paragraph is simply to say that the proposed site allocation would not compromise any ecological sites of international or national importance. It is considered that the extract from the HRA Screening Opinion is not directly relevant because it relates to the Neighbourhood Plan generally and not specifically to the proposed site allocation.
- Appendix J – says “there are local reports there are local reports that in times of sustained rain, or intense rain, the adjacent section of the A4103 has been flooded to the extent it was only passable with care. Parts of the site remain waterlogged after heavy rain.” This is not supported by evidence available to the South Worcestershire Councils. The proposed site allocation is not in Flood Zones 2 or 3 and does not appear to have been subject to historic flooding. Environment Agency data suggests that very small pockets of land (possibly 1% or 2 % of the site) in the north-west and south-west corners of the site are subject to 1-in-100-year surface water flooding. These pockets of possible surface water flooding appear to have been taken into account in the landscape buffering within the Indicative Layout. Nevertheless, it is suggested that this is picked up in Policy LB/H/6 with a requirement for a sustainable urban drainage strategy to address surface water and foul drainage.
- In relation to the Reasoned Justification, sentences 5 and 6 of paragraph 5.2.2 introduce the principle of providing sufficient private garden amenity space. This does not appear to be addressed in Policy LB/D/1 and it is suggested that these sentences could be deleted.
- the Reasoned Justification below Policy LB/E/1 should be tightened to explain succinctly the intention and rationale of the policy. In particular, it is considered that:
 - Reference could helpfully be made to SWDP 25 which provides a strategic context for the policy.
 - The relevance of paragraph 5.3.1 to Policy LB/E/1 is unclear and could be deleted.
 - Sentences 1 and 2 of paragraph 5.3.4 could be replaced by “The Worcestershire Local Character Assessment (2011) identifies two Landscape Types in the Neighbourhood Area (see map 5). In the 4th sentence it is suggested that the word “report” is replaced by “Guidance”.
- Paragraph 5.3.8 makes 3 references to “Green Space”. These references should be amended to “Local Green Space” to clearly distinguish them from “Green Space” as defined in the SWDP.
- Paragraph 5.3.8 makes reference to the possibility for Local Green Spaces to be in private ownership and the designation not granting public access.

Factually, these statements are correct, but their relevance to the two proposed Local Green Spaces is unclear.

- Paragraph 5.3.8 – paragraph 102 of the Framework outlines 3 criteria (a, b and c) that Local Green spaces must meet. It is suggested that this could be made clearer in paragraph 5.3.8 which currently indicates 2 bullet points.
- Paragraph 5.3.10, 2nd sentence – For accuracy and consistency, it is suggested that reference to “Development Area” is replaced by “development boundary”.
- Paragraph 5.3.10 (should be 5.3.11?) says that the landowner currently permits public access to the orchard (proposed Local Green Space #2). It is not clear whether there is any significance to the statement. It should be noted that paragraph 101 of the Framework says that “Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.” If there is no significance to the statement, it is suggested that it could be deleted.
- Figure 3 identifies the location and direction of the proposed Key Views. To provide a practical framework for decision makers (and applicants) it would be helpful if the scale of the map was reduced so that the precise location of the key views was clearer. If the scale of the map was reduced it may be possible to see the A4103 and Stocks Lane without the need to for arrows (which can be confused with the arrows for the key views). (The Parish Council has commented It has proven difficult to get map/plan which shows viewpoint and target within the page constraints. The viewpoints are clearly indicated and described. However, a separate viewpoint map could be added. I would be content for a separate viewpoint map to be added if this proves to be the most practical solution).
- It is important that objective criteria are established for the identification and grading of views and it is noted that the proposed views have been assessed against criteria listed in Appendix F of the NDP. For clarity and consistency, it is suggested that “criteria set out in Appendix F” is inserted between the words “using” and “a report” in the final sentence of paragraph 5.3.11.
- Paragraph 5.3.13 - For clarity and accuracy, it is suggested that the final sentence be amended to read “The nomination of potential non-designated assets is included as a task for the Parish Council in Appendix A (Task 3).”
- Paragraphs 5.3.14 and 5.3.15 – It is considered that these paragraphs do not explain the intention at rationale of Policy LB/E/4 and should be deleted.
- Paragraph 5.3.17 - Map 6 helpfully shows sites of known surface and sub-surface archaeology in the parishes of Leigh and Bransford. In order to

provide greater certainty for applicants and to enable decision makers to apply Policy LB/E/5 consistently and with greater confidence it would be helpful if these sites of archaeological interest were listed in the Reasoned Justification or an Appendix.

- Whilst paragraph 5.3.18 (unnumbered) provides a weblink to the HER searches for Leigh and Bransford, it is considered that the Reasoned Justification should provide a link between the HER searches and Policy LB/E/5 in order that decision makers can apply the policy consistently and with confidence. It is suggested wording along the following lines be added to the final paragraph – “The HER lists the known archaeological remains in the area and should be consulted when preparing planning applications. Where there is considered to be potential for archaeological remains, Policy LB/E/5 may be used to place planning conditions on proposals so that suitable site surveys to identify, or exclude, such potential can be carried out.”
- Appendix D includes Map 11 (Buildings in Leigh and Bransford on 1st Edition Ordnance Survey Map). The relationship between Map 11 and Policy LB/E/5 is unclear. If the map is not relevant to surface or sub-surface archaeology then it is considered that it should be deleted. (The Parish Council state, Map 11 is not referenced to, or by, LB/E/8. It is a record of buildings of possible historic interest – on this basis I am content for the Map to be retained)
- Map 7 helpfully shows the location of historic farmsteads in the Neighbourhood Area. In order to provide greater certainty for applicants and to enable decision makers to apply Policy LB/E/6 consistently and with confidence it is considered that the farmsteads shown on Map 7 should be listed in the Reasoned Justification or an Appendix.
- Paragraph 5.3.20 (unnumbered) - It is suggested that that it would be helpful if, prior to the weblink, the Reasoned Justification explained what the Worcestershire Farmstead Assessment Framework is. For example, - “The Worcestershire Farmstead Assessment Framework, available at [insert hyperlink], provides a step-by-step approach to considering the reuse of traditional farm buildings and the sustainable development of farmsteads, through identifying their historic character, significance and potential for change.”
- The Reasoned Justification for Policy LB/E/9 (paragraphs 5.3.23 and 5.3.24) refers to an “Ecological Search for Leigh & Bransford Neighbourhood Area” undertaken by Worcestershire County Council. Whilst this background report is summarised in Appendix E, it is strongly recommended that relevant information from this report is summarised in the supporting text for Policy LB/E/8 to support the choice of sites and the approach taken.

- Paragraphs 5.3.21 – 5.3.22 are vague, do not relate especially to the Neighbourhood Area and do not directly support the choices made and the approach taken. It is also considered that reference to the HRA Screening Opinion in paragraph 5.3.26 is not relevant to the requirement that development proposals demonstrate a net gain in biodiversity.
- Much of the information in paragraphs 5.4.15 – 5.4.20 is not relevant to Policy LB/I/7. The purpose of Policy LB/I/7 is to ensure that new development connects to local amenities by walking or cycling. The proposed policy will not address issues such as lack of bus services, distance from rail stations, doctors' surgery and hospitals in Worcester and Malvern etc.
- In relation to the Reasoned Justification, paragraph 5.5.3 says "proposals will be expected to take community views into consideration." This is inaccurate and misleading. Planning law requires that applications be determined in accordance with the development plan (including, SWDP 37A and LB/WB/2) unless material considerations indicate otherwise. (I have taken account of the Parish Council comment in this respect).
- It is considered that paragraph 5.5.4 does not explain the intention or rationale for Policy LB/WB/2 and could be deleted.

In response to my requests to the District Council and the Parish Council for clarification of matters a number of necessary modifications of the Neighbourhood Plan have been identified as follows:

- 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".
- The photograph of View 3 on page 50 of the Neighbourhood Plan taken from a private driveway should be replaced by a supplied photograph taken from the public domain
- the second sentence of paragraph 5.3.11 should for accuracy be amended to "The views have the Malvern Hills predominating in the distance but each has a different viewpoint and intermediate landscape".
- paragraphs 5.3.22 – 5.3.24 should be moved to the reasoned justification for Policy LB/E/8, under paragraph 5.3.20.

I recommend all of the above modifications are made.

Recommended modification 21:

Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.

The District Council state “Whilst not necessary to meet the basic conditions, it is noted that some paragraphs in the Reasoned Justifications are not numbered. Consistent numbering of paragraphs is suggested.” I am unable to recommend a modification in this respect as it is not necessary to meet the Basic Conditions however, I support the suggestion that all paragraphs of the Neighbourhood Plan should be consistently numbered.

Chris Collison
Planning and Management Ltd



29 July 2022
REPORT END