

# Wychavon District Council



## North Claines Neighbourhood Plan Decision Statement

### North Claines Neighbourhood Plan

I confirm that the North Claines Neighbourhood Plan, as revised by the modifications set out in Table 1 below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2012, and can therefore proceed to Referendum, which will be held on Thursday 16 March 2017.

I also declare that I have no disclosable personal or disclosable prejudicial interest in respect of this decision.

Signed

A handwritten signature in black ink, appearing to read 'G. Williams'.

Gary Williams

Head of Housing and Planning Services, Wychavon District Council

## **Summary**

Following an independent examination, Wychavon District Council now confirms that the North Claines Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum on Thursday 16 March 2017.

## **Background**

On 28 May 2013, Wychavon District Council designated the area comprising the Parish of North Claines as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

Extensive community consultation culminated in the draft North Claines Neighbourhood Plan consultation which took place in November and December 2015. The consultation responses fed into the final version of the North Claines Neighbourhood Plan which was submitted to Wychavon District Council in March 2016, along with the associated Basic Conditions Statement, Consultation Statement and Strategic Environmental Assessment Report.

The North Claines Neighbourhood Plan and associated documentation was then publicised and representations were invited. The publicity period ended on 15 August 2016.

Wychavon District Council appointed an independent Examiner, Dr Louise Brooke-Smith of Brooke Smith Planning Consultants Ltd, to review whether the Plan should proceed to referendum in September 2016.

Having considered each of the recommendations made by the Examiner's report and the reasons for them, in consultation with the Parish Council, Wychavon District Council has decided to make the modifications to the draft North Claines Neighbourhood Plan as detailed in Table 1 below in order to ensure the Plan meets the Basic Conditions as set out in the legislation.

## **Decisions and Reasons**

Wychavon District Council has made the following modifications, as proposed by the examiner and agreed by the Parish Council, to ensure that the North Claines Neighbourhood Plan meets the Basic Conditions.

**Table 1 – Schedule of Examiner’s Recommended Modifications and Wychavon District Council’s response**

Part of Document	Examiner’s Recommended Modification	WDC Response
<b>Paragraph 1.2, page 6</b>	Suggest addition of ‘strategic’ before ‘local policy’ in paragraph 1.2.	Agreed, word added.
<b>Paragraph 1.12, page 7</b>	Update paragraph 1.12 to replace the reference to ‘draft’.	Agreed, final sentence of paragraph removed.
<b>Paragraph 1.14, page 7</b>	Reference to the Consultation Statement at paragraph 1.14 should be updated as the document has now been produced.	Agreed, reference updated.
<b>Paragraph 1.17, page 7</b>	Suggest addition of a reference to Planning Practice Guidance in paragraph 1.17.	Agreed, addition made.
<b>All Maps</b>	Consider that the Plan should comprise OS based maps at a scale where all elements can be read easily in print and on screen.	Agreed, maps updated accordingly.
<b>Figure 1.1 Plan Area Map, pages 8-9</b>	The NCNP should incorporate a clearer Plan Area Map at a more appropriate scale.	Agreed, map updated accordingly.
<b>Figure 5.1 Key Diagram, pages 32-33</b>	The NCNP should include a more defined Key Diagram, at a more appropriate scale, which removes reference to a ‘context area’ and which clearly identifies the Sling Lane / Old Drive housing allocation. This would reduce the risk of ambiguity or misunderstanding with regard to allocation of land and policies affecting land beyond the defined Plan Area. Some objectors have assumed this to be the case and hence the risk of others doing so, should be addressed.	Agreed, map updated accordingly.

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<p><b>Figure 3.1, Services and Facilities Map, pages 16-17</b></p>	<p>Figure 3.1 is at a poor scale making elements within the Plan Area difficult to identify. It illustrates services well beyond the Plan Area and the extent of this detracts from the value of the map. Furthermore, it includes reference in the key to a 1km buffer zone which is not explained or justified within the accompanying text or indeed indicated on the map.</p>	<p>Agreed, new Context Map created; Facilities and Services Map reproduced at a smaller scale and buffer zone removed.</p>
<p><b>Figure 3.1, Services and Facilities Map, pages 16-17</b></p> <p><b>Paragraph 3.17, page 13</b></p> <p><b>Paragraph 6.87, page 55</b></p>	<p>The owners of Hindlip Park consider that the site is not in commercial use and further to the grant of a recent consent, does not comprise recreational land. I have no reason to challenge this and hence should this site continue to be identified on a revised version of Figure 3.1, this should be addressed and paragraphs 3.17 and 6.87 of the NCNP be updated.</p>	<p>Agreed, recreational layer at Hindlip Park on Figure 3.1 removed and paragraphs 3.17 and 6.87 updated accordingly.</p>
<p><b>Paragraph 3.61, page 26</b></p> <p><b>Paragraph 6.8, page 35</b></p>	<p>The submissions made with respect to Hindlip Hall present compelling evidence challenging the identification of the site as a Locally Important Historic Park / Garden (LIHPG). In the absence of similar evidence to support its identification, I consider that this matter needs to be clarified and paragraphs 3.61 and 6.8 be revised accordingly.</p>	<p>Agreed, references updated accordingly.</p>
<p><b>Figure 3.5, Local Landscape Character Map, page 21</b></p>	<p>Figure 3.5 and paragraph 3.45 referring to 'locally discrete landscape areas' and states that these do not directly relate to the LCA. However no other explanation is given as to the justification. It is important to clarify the evidence base for this illustration, other than a set of four photographs with</p>	<p>Agreed, further explanation provided at paragraph 3.45.</p>

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<b>Paragraph 3.45, page 21</b>	no indication of their specific location.	
<b>Figure 3.6, Transport Infrastructure Map, page 23</b>	Figure 3.6 is of a poor scale and detail. The Plan Area is difficult to ascertain. The map should be improved, to avoid ambiguity.	Agreed, map reproduced at A4 to make it clearer.
<b>Paragraph 3.11, page 12</b>	Paragraph 3.11 refers to the facilities within Fernhill Heath but fails to fully explain or describe all facilities and services. This is potentially misleading and should be addressed with reference made to all existing commercial and retail outlets / services.	Agreed, reference to Appendix 6.6 added which lists the facilities in the NPA.
<b>Paragraph 3.19, page 13</b>	Submissions from the County Council advise that the reference to 'Ombersley Enclosed School' at paragraph 3.19 should correctly read 'Ombersley Endowed School'. This should be addressed.	Agreed, reference corrected.
<b>Paragraphs 3.50 to 3.53, pages 24-25</b>  <b>Figure 3.7, Minerals Safeguarding and Consultation Areas, page 24</b>	I question the relevance of paragraphs 3.50 to 3.53 as matters relating to mineral safeguards and waste management fall under the jurisdiction of the County Council and other approved plans guide their development. While the Parish would be a consultee, no policies are proposed in the NCNP relating to waste management or mineral matters. Hence I question the added benefit of the text or accompanying figures (3.7 and 3.8).	Agreed, paragraphs and figures deleted.

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<p><b>Figure 3.8, Waste Core Startegy Key Diagram: Geographic Hierarchy</b></p>		
<p><b>Various Paragraphs, Figures, Policies and Appendices</b></p>	<p>I have reviewed the comments made by Wychavon District Council (17<sup>th</sup> June 2016) which on its first page, inter alia, comprise a list of typographical errors currently found within the submission version of the NCNP. I concur with the suggested changes and advise there are modifications to the Plan.</p>	<p>Agreed, typographical errors corrected.</p>
<p><b>Policy NCH1B, page 34</b></p>	<p>With respect to Housing and Policy NCH1B, I concur with the view of the District Council and consider that the provision of 0.6ha of Green Infrastructure falls below the requirement set out in SWDP5. This should be amended to reflect the adopted policy. Reflecting comments above with respect to the heritage classification of Hindlip Hall, NCH1B (v) may also need revision.</p>	<p>Agreed, Green Infrastructure provision increased to 0.85ha (40%) and developable area decreased to 1.3ha – allocation reduced to 39 dwellings accordingly. NCH1B (v) also updated.</p>
<p><b>Paragraphs 6.17 and 6.21, pages 36-37</b></p>	<p>Paragraphs 6.17 and 6.21 appear to be partial duplications and should be amended accordingly.</p>	<p>Agreed, repetition in paragraph 6.21 removed.</p>

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<p><b>Paragraph 6.22, page 37</b></p>	<p>Paragraph 6.22 within the Housing section refers to the 'fact' that 'in rural areas there is a requirement for priority to be given to people with a local connection for any new affordable housing". This fact should be justified in terms of reference to guidance, national policy or other defined basis. If this cant be clarified, the paragraph should be deleted.</p>	<p>Agreed, reference to evidence base (i.e. Strategic Housing Market Assessment) added.</p>
<p><b>Policy NCRE1, page 38</b></p>	<p>Under the 'Retail and Employment' section, Policy NCRE1 refers to the granting of permission for new village centre uses. The Parish Council is not the planning authority and the NCNP, if brought into action, will guide new development, as opposed to provide express consent for any specific development. Accordingly, the second paragraph of Policy NCRE1 should be modified to read; 'Permission will be supported for new village centre uses...'</p>	<p>Agreed, wording updated.</p>
<p><b>Policy NCRE1, page 38</b></p>	<p>Furthermore, there is confusion with the Policy NCRE1 sitting under the sub-heading of 'Fernhill Heath Village Centre' but the text of the policy actually referring to 'Fernhill Heath Village'. Notwithstanding the support for D1 and D2 uses within the policy, this ambiguity is misleading and should be addressed.</p>	<p>Agreed, reference updated.</p>
<p><b>Policy NCT1, page 42</b></p>	<p>With respect to Transport, I consider that Policy NCT1 is overly onerous. Reflecting the comments above, the reference to 'will only be permitted' should be replaced with 'will be supported'.</p> <p>As written, the Policy requires all development on sites of over 0.3ha to address a set of criteria that includes the requirement to be served by public transport. I consider that this Policy needs to be less generic and</p>	<p>Agreed, policy and paragraphs updated accordingly.</p>

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	<p>allow for minor works and/or any change of use that has little or no implications for transport provision (Development such as minor works to a structure sitting within a site of 0.3ha or a change of use to equine use or the provision of an outbuilding on a large site may have little or no transport impact).</p> <p>Furthermore, while a 10-unit threshold is supported by PPG advice on planning obligations and a threshold of 1,000 sqm would be appropriate for retail development; this is not explained or justified well within the policy or accompanying text.</p> <p>Accordingly, I consider that Policy NCT1 needs to be modified and additional explanation provided within the accompanying text, in order for the policy to be compliant. Otherwise, it should be deleted.</p>	
<p><b>Paragraph 6.45, page 43</b></p>	<p>Paragraph 6.45 refers to the 'specific' provision of pedestrian crossing to the west of Fernhill Heath. This is not included within any policy and it should be made clear that this provision is aspirational.</p>	<p>Agreed, paragraph updated with further detail.</p>
<p><b>Policy NCLE1, page 45</b></p>	<p>With regard to Landscape and Environmental matters, Policy NCLE1 would benefit by being divided into two separate policies with the reference to 'must' in the first sentence being replaced with 'should'.</p> <p>The reference to 'well design footpaths and bridleways...' would be best presented as a separate policy to avoid any confusion between the elements covered under the policy as currently written.</p>	<p>Agreed, NCLE1 divided into NCLE1A and NCLE1B, and references updated accordingly.</p>



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<p><b>Policy NCLE2, page 46</b></p>	<p>With regard to Policy NCLE2, I consider that while the accompanying text suggests at paragraph 6.58 that a list of non-designated heritage assets will be compiled, this is not currently the case. The policy, however, assumes this to be the case and that non-designated assets will be known to any applicant. I have no concern over the approach of the policy but consider that in the absence of any defined list of assets, or their identification as 'locally listed structures' the policy is ambiguous.</p> <p>Without some form of explanation or clarification, the policy could be difficult to apply and be the cause of conflict. I consider this should be addressed through a better explanation within the text of the policy itself. For the avoidance of potential conflict, this could take the form of a reference to 'discussion with the LPA as to the identification of any non-designated heritage asset in the proximity of new development' or similar.</p>	<p>Agreed, paragraph added accordingly (new 6.60).</p>
<p><b>Policy NCLE3, page 46</b></p>	<p>Policy NCLE3 refers to the Local Heritage Area as illustrated on Plan 6.2. I acknowledged the justification for the policy but consider that the reference to 'must...' should be replaced with 'are encouraged to...'</p>	<p>Agreed, reference updated.</p>
<p><b>Policy NCLE4, page 48</b></p>	<p>Similarly Policy NCLE4B referring to development on Amenity Green Space should replace 'will only be permitted providing...' with 'will be supported if...'</p>	<p>Agreed, reference updated.</p>
<p><b>Policy NCLE5, page 49</b></p>	<p>For consistency with the majority of the policies within the NCNP, Policy NCLE5 relating to Local Conservation Assets should replace the reference to 'will not be permitted unless' with 'will be supported providing...'</p>	<p>Agreed, reference updated.</p>

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<p><b>Appendix 6.4, Green Space and Local Nature Conservation Map</b></p>	<p>The Map at Appendix 6.4 which illustrates Green Spaces and Local Nature Conservation is at a poor scale and hence is difficult to read. Furthermore it refers to the 'NPA Context Area' which, as noted earlier in this report, has not been fully explained or justified and is misleading. The extent of specifically identified sites is difficult to determine and hence the Map should be replaced with one at a better scale with improved definition and the removal of reference to 'NPA' Context Area'.</p>	<p>Agreed, map updated.</p>
<p><b>Policy NCLE5, page 49</b></p>	<p>I consider that Policy NCLE5B is too wide in referring to 'all new development'. This would include minor works and as written the policy would be unacceptably onerous. This section of Policy NCLE5B should be therefore modified with appropriate development clearly defined in terms of scale or nature, or the policy be deleted.</p>	<p>Agreed, wording updated.</p>
<p><b>Paragraph 6.68, page 49</b></p>	<p>Paragraph 6.68 is similarly onerous. While not expressed as a definitive policy, the text suggests only three areas of enhancement. Others exist and if this supporting text is to remain, it should be modified to explain that the three areas of enhancement are presented as examples only. The use of 'should be addressed...' could be replaced with '...and to compensate for any loss or harm, development proposals of relevant size and nature will be encouraged to enhance nature conservation through activity such as...'. The phrasing of (1) relating to hedgerows requires improvement.</p>	<p>Agreed, paragraph updated.</p>
<p><b>Paragraph 6.70, page 6.70</b></p>	<p>Paragraph 6.70 refers to the valuable components of trees to the natural and built environment. It suggests they deliver benefits in terms of 'tackling social inequalities and promoting economic development'. This is based claim is not explained. This reference should be clarified or deleted.</p>	<p>Agreed, reference deleted.</p>

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<p><b>Policy NCD1, page 51</b></p> <p><b>Paragraph 6.75, page 51</b></p>	<p>Policy NCD1 relating to Design implies that 'all proposals' need to be accompanied by a Design and Access Statement and address all the criteria set out. I consider there needs to be more appropriate reference to the scale and nature of development that should be supported by a Design and Access Statement. Minor works would not fall under this.</p> <p>The set of criteria as presented is considered to be overly onerous and would benefit from the addition of '...where relevant' at the end of the opening paragraph of the policy.</p> <p>As written, the set of criteria includes duplications. Specifically (1) and (2) appear to be duplications and criteria (5) is overly prescriptive in terms of the guidance noted. For consistency with other policies within the NCNP, the requirement for Design and Access Statements 'must' should be replaced with 'are encouraged to address...' and a similar approach be taken at paragraph 6.75.</p>	<p>Agreed, changes made as detailed.</p>
<p><b>Policy NCD2, page 52</b></p>	<p>Elements of Policy NCD2 will not be applicable to all proposals and hence the use of 'for full and reserved matters applications...' should be replaced with 'for relevant development proposals...'</p> <p>The reference to firefighting water supplies is onerous and would be better replaced with 'ensure that adequate provision of and connection to water for firefighting is available'.</p>	<p>Agreed, changes made.</p>

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<p><b>Policy NCC2,</b> <b>page 55</b></p> <p><b>Paragraph 6.89,</b> <b>page 55</b></p>	<p>In support of Policy NCC2 and the provision of playing fields I suggest amending the last sentence of paragraph 6.89 to read 'it is recognised that there may be a cost to this which could be paid for (in whole or in part) through S106 agreement contributions or the Community Infrastructure Levy'.</p>	<p>Agreed, changes made.</p>
<p><b>Policy NCC3,</b> <b>page 55</b></p>	<p>Policy NCC3 relating to Healthy Communities is noted as being of specific concern to the local community. As written however, the policy could be the subject of challenge. I suggest the modification to read;</p> <p>'Proposals for new residential development of 10 or more dwellings should either demonstrate that there is sufficient capacity within General Practice and Dental services within the catchment area of the NPA or make an appropriate contribution through a section 106 deed or by Community Infrastructure Levy payment to address any identifiable and increased need'.</p>	<p>Agreed, policy re-worded as recommended.</p>
<p><b>Plan Delivery and Implementation,</b> <b>pages 56-58</b></p> <p><b>Paragraphs 7.17,</b> <b>7.21 and 7.23,</b> <b>pages 57-58</b></p>	<p>Section 7 of the NCNP summarises the approach for each of the policy areas. I note that some of the matters highlighted are not presented as specific policies but moreover they reflect an indication of intent of the Parish Council and the approach it intends to take. While I find them to be acceptable and not in contravention of the Basic Conditions, I consider that the section would benefit from a clearer distinction between 'aspiration' on the part of the Parish Council and formally proposed policies.</p> <p>Non-planning aspirations, such as those in paragraph 7.17 and 7.21 have no legal effect, i.e. the need for larger development proposals to be presented to a Neighbourhood Design Panel is not land use policy but a</p>	<p>Agreed, section updated accordingly and paragraph 7.23 moved to section 8.</p>

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	<p>management proposal. Similarly the reference to a new community hub is aspirational and not covered by any specific policy. I consider this important to stress as it might assist in avoiding confusion or misunderstanding when and if the Plan proceeds to referendum.</p> <p>I consider paragraph 7.23 is a clear explanation of how the Parish Council will implement the NCNP and is well presented. It would, however, be better placed in Section of the NCNP which specifically addresses the monitoring of the Plan.</p>	
<p><b>Paragraph 8.6, page 59</b></p>	<p>Paragraph 8.6 should replace 'predecessor' with 'successor'.</p>	<p>Agreed, change made.</p>