

Bredon Parish Neighbourhood Plan 2016-2030

A report to Wychavon District Council on the Bredon Parish Neighbourhood Plan

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Executive Summary

- 1 I was appointed by Wychavon District Council in November 2016 to carry out the independent examination of the Bredon Parish Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 5 December 2016.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on safeguarding local character, maintaining the separation of the various villages and identifying local green spaces.
- 4 The Plan has been significantly underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Bredon Parish Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner

20 January 2017

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Bredon Parish Neighbourhood Plan 2016-2030 (the Plan).
- 1.2 The Plan has been submitted to Wychavon District Council (WDC) by Bredon and Bredon's Norton Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both WDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations the District Council carried out a screening assessment. The conclusion of the draft screening report was that there were no significant environmental effects as a result of the production of the Plan.

- 2.7 The required consultation was carried out with the three prescribed bodies.
- 2.8 WDC has also undertaken a Habitats Regulations Assessment (HRA) Screening Opinion of the Plan. Its HRA screening report concluded that the Plan was unlikely to have any significant effect on a European site. Natural England agree with the Council's conclusion of no likely significant effect upon the Bredon Hill SAC, the Dixton Wood SAC and the Lyppard Grange SAC.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the WDC Screening report.
- the WDC HRA Screening opinion.
- the Assessment of Local Green Space in Bredon Parish.
- the Assessment of Key Views in Bredon Parish.
- the Assessment of Local Gaps in Bredon Parish.
- the representations made to the Plan.
- the South Worcestershire Development Plan 2006 to 2030
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- Relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 5 December 2016. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised WDC of this decision early in the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This statement is well-presented and is proportionate to the Plan area and its policies. It also provides specific details on the consultation process that took place on the two-pre-submission versions of the Plan (October-December 2015 and March-April 2016). The Statement helpfully sets out how the emerging plan took account of the various comments and representations. The various appendices describe the comments received and how the Plan took account of those comments. It is helpful that the information is broken down into categories. The comments from statutory consultees and landowners are particularly informative. In terms of its overall structure and level of detail provided the Consultation Statement is exemplary.
- 4.3 The earlier parts of the Statement set out details of the wider consultation events that were carried out to raise awareness as part the evolution of the Plan. Details are provided about:
- the initial drop in event;
 - the Public Consultation Survey (Feb-Apr 2015);
 - ongoing communication through the parish council website and social media;
 - the preparation of posters and banners.

The second of the two pre-submission consultation exercises was underpinned by:

- a flyer delivered to every household via Life in the Village Magazine;
 - a second flyer delivered to every household via Tewkesbury Direct;
 - Bredon Parish Council's Facebook page;
 - Bredon Parish Council's Twitter account (@BredonPC);
 - the Parish Magazine (March 2016) delivered to 810 households (approximately two-thirds of all households);
 - posters displayed on all parish noticeboards;
 - large printed banners in prominent roadside locations around the parish.
- 4.4 The Consultation Statement provides very useful information on these and other matters.
- 4.5 It is clear to me that consultation has been an important and integral part of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback has been a key part of the Plan throughout the various stages of its production.

- 4.6 The positive approach that was taken in responding to the earlier comments is reflected in the range and detail of the representations received to the submitted plan (see paragraph 4.8 below).
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. WDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 15 August 2016. This exercise generated comments from the following organisations:

- Environment Agency
- The Canal and River Trust
- National Grid
- Highways England
- Cotswold Conservation Board
- Marine Management Organisation
- Dr Vernon
- Natural England
- Paul Whitehead
- Network Rail
- Eckington Parish Council
- Historic England
- Gloucestershire County Council
- Brian Walker
- Veronica Bridge
- William Dyer
- Wychavon District Council
- Worcestershire County Council
- Mr and Mrs W. Cook
- John, Peter and Samantha Mitchell
- PM and A Meadows
- Croome Estate Trustees and Mactaggart and Mitchell
- Barratt West

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the parish of Bredon and Bredon Norton. It was designated as a neighbourhood area on 17 March 2015. The Plan area is located to the north and east of Tewkesbury and sits in the south-western corner of Worcestershire. The Plan area has a population of approximately 3000 people and has around 1250 dwellings.
- 5.2 The character of the Plan area is defined by a network of villages set in an attractive agricultural landscape. The principal villages in the Plan area are Bredon, Bredon's Norton, Bredon's Hardwick, Kinsham, Lower Westmancote and Westmancote. The northern part of the Plan area is located on the south-western slopes of Bredon Hill and falls within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 5.3 The landscape to the south and west of Bredon is dominated by the rivers Severn and Avon. The two rivers meet in Tewkesbury to the south and west of the Plan area. There is a rich and long history of sand and gravel extraction in the parish. Traditional orchards and horticultural small holdings have a particular significance in the parish and I saw several of these parcels of land on my visit to the Plan area. The Plan area also has a rich natural and built environment. It presents a very rich and varied context for the preparation of a neighbourhood plan.

Development Plan Context

- 5.4 The development plan context is very comprehensively set out in Section 3 of the Plan. The South Worcestershire Development Plan (SWDP) was adopted in February 2016. It covers Wychavon District, Malvern Hills District and Worcester City. WDC helpfully provided me a schedule of the strategic policies in the SWDP. The following policies have been particularly important in providing a strategic context to the submitted Plan:

SWDP2	Development Strategy and Settlement Hierarchy
SWDP5	Green Infrastructure
SWDP6	Historic Environment
SWDP21	Design

- 5.5 The Basic Conditions Statement (in its part 5) usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice.
- 5.6 The settlement hierarchy in the SWDP identifies Bredon as a Category 1 village. It has a focus on meeting locally identified housing and employment needs. The other villages are identified as either Category 4A or 4B and where additional future development would be limited.
- 5.7 The SWDP policies map identifies settlement boundaries, conservation areas, AONBs and Green Spaces. The submitted neighbourhood plan helpfully reproduces

extracts of the policies map for each village. Within this context, the submitted Plan sets out to add value to the adopted local plan. It does so primarily by identifying local gaps between the various settlements, by proposing local green spaces outside the settlement boundaries and by crafting specific design policies.

- 5.8 It is clear that the submitted Plan has been prepared to be complementary to the SWDP. It sets out to add value by virtue of its more detailed approach to the matters set out in paragraph 5.7 above. In doing so it has relied on up to date information and research. This is good practice which reflects key elements in Planning Practice Guidance on neighbourhood planning.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 5 December 2016. I was fortunate in having selected a cold but bright day.
- 5.10 I drove into the Plan area from Tewkesbury so that I could see the proposed Local Gap 5 and the Mitton Road allotments. I saw the topography rise as I left the northern outskirts of Tewkesbury and the land fall sharply to the west and into the floodplain.
- 5.11 I walked around Bredon's Hardwick and looked at Local Green Space 9.
- 5.12 I then drove towards Bredon through the proposed Local Gap 4. I saw the domineering effect of the M5 flyover. I then parked in Bredon and walked back to Local Green Space 6 to understand the reasoning behind its designation in the Plan. This walk allowed me to have a close look at the very interesting milepost obelisk.
- 5.13 I then drove to Kinsham through the proposed Local Gap 3. In doing so I looked at both Local Green Spaces 7 and 8.
- 5.14 I then drove to Westmancote and Lower Westmancote to understand Local Gap 1 (and Local Green Space 2) and Local Gap 2 (and Local Green Spaces 4 and 5). I saw that the latter was one of the private horticultural allotments that feature significantly in the Plan area.
- 5.15 I then looked at Local Green Space 3 to the immediate north of Bredon village.
- 5.16 I finished my tour of the Plan area by driving to Bredon's Norton. I saw the landscape change as that part of the journey took me into the AONB. I saw Local Green Space 1 on the southern edge of the village.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Bredon Parish Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan (SWDP).
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
 - Always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the relevant ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area and, in conjunction with the SWDP, promotes sustainable growth. At its heart are a suite of policies to safeguard its character and appearance and to safeguard the gaps between the various settlement in the Plan area. Table A of the Basic Conditions Statement is particularly effective in terms of mapping Plan policies with the appropriate paragraphs in the NPPF.

6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.

6.9 As submitted the Plan does not fully accord with this range of practical issues. Some of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension the Plan sets out to focus new residential, economic and community related growth within Bredon. It also includes positively worded policies to support the expansion of local businesses and shops. In the social role, it includes policies to safeguard and extend community facilities. In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment of the parish. In particular, it proposes local gaps between the various villages and a package of local green spaces.

General conformity with the strategic policies in the development plan

6.11 I have already commented in detail on the development plan context in the wider Wychavon District Council area in paragraphs 5.4 to 5.8 of this report.

6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. Table C of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. The wider community and the Parish Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies. In particular, there are specific overlaps between NP2 Local Gaps and NP13 Local Green Spaces.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-5)

- 7.8 These introductory elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies.
- 7.9 Section 1 provides very clear context to the neighbourhood planning process. It helpfully sets out the reasoning that has underpinned the decision of the Parish Council to produce the Plan. It also provides a useful connection to national policy and the adopted Local Plan.
- 7.10 Section 2 provides background information on the Plan area. It provides a particularly interesting assessment of its landscape and natural environment. There are also paragraphs on its built environment and population details. It provides a very concise and yet interesting summary of the Plan area.

- 7.11 Section 3 sets out how the Plan has responded to its planning policy context at both national and local levels.
- 7.12 Section 4 sets out the SWDP policy map extracts for each village. This is particularly helpful in identifying the context in which the Plan has been prepared. Section 5 then sets out the community's views on planning issues. It helpfully overlaps with the Consultation Statement itself. Section 6 then sets out the Vision and objectives of the Plan. These objectives then underpin the Plan's policies as set out in its Section 7. The remainder of this section of the report addresses each policy in turn in the context set in paragraphs 7.5 to 7.7 in this report.

NP1: Spatial Plan for Bredon Parish

- 7.13 This policy sets the scene for the wider Plan. In effect, it translates national and local planning policy into the neighbourhood plan context. The policy focuses housing, employment and community related development into Bredon. This approach reflects its status in the SWDP. Elsewhere development proposals outside the defined settlement boundaries will be strictly controlled. These two elements of the policy give a specific local dimension to Policy SWDP 2 in the adopted local plan.
- 7.14 My attention has been drawn to the potential residential development of land to the south and east of the Mitton allotments as part of the examination. WDC has raised the matter in a strategic fashion. The representations from the Croome Estate Trustees and Mactaggart and Mickel, and from Barratt West have raised a series of comments on this policy and objections to the designation of Local Gap 5 (see paragraphs 7.38 and 7.39 of this report). In summary, the Planning Inspector's Interim report on the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (May 2016) recommended that the three councils engage in discussions with WDC to seek agreement for the release of housing land at Mitton. This approach would contribute towards Tewkesbury's housing requirements. If agreement is reached a Local Plan Review may be required. Policy SWDP2 (I) of the adopted local plan recognises the possibility of assisting the Gloucestershire JCS authorities with their housing needs. This issue is addressed generally in the second paragraph of the policy and its associated footnote (22). The wider process is an excellent example of authorities working across County boundaries to tackle the strategic delivery of housing to meet identified needs.
- 7.15 The approach adopted in the submitted Plan takes account in general terms of the recent updates to Planning Practice Guidance on the relationship between emerging neighbourhood plans and local plans (ID: 41-009-20160211). Given the potential significance of development at Mitton it would be appropriate for the supporting text to provide a degree of clarity on this important matter as required by the NPPF. As currently drafted the Plan provides no context to this matter either to the casual reader of the Plan or to a developer. I recommend the insertion of additional supporting text to secure the necessary clarification. Carter Jonas on behalf of Croome Estate Trustees and Mactaggart and Mickel suggest that the word 'allocated' is replaced by 'identified' in the second paragraph of the policy. This reflects the

complicated arrangement that would exist with one county area (and its associated local plan) meeting the housing needs of another county. I have considered this matter carefully. However, on balance I am satisfied that the use of the word 'allocated' is appropriate. In particular, SWDP 2 (I) specifically mentions the possibility of its review to accommodate these and other similar circumstances.

- 7.16 The submitted Plan also sets out requirements for planning applications located within the Cotswold AONB. It does so sensitively and proportionately. The approach adopted satisfies Section 85 of the Countryside and Rights of Way Act 2000. On this basis, the policy has regard to national policy.

Include the following additional supporting text after the first sentence of paragraph 7.7:

The second paragraph of the policy provides a context within which strategic housing development may come forward at Mitton in the southern extent of the Plan area. The Planning Inspector's Interim report on the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (May 2016) recommended that the three councils engage in discussions with WDC to seek agreement for the release of housing land at Mitton. This approach would contribute towards Tewkesbury's housing requirements. If agreement is reached a Local Plan Review may be required. Policy SWDP2 (I) of the adopted local plan recognises the possibility of assisting the Gloucestershire JCS authorities with their housing needs. This approach takes account in general terms of the recent updates to Planning Practice Guidance on the relationship between emerging neighbourhood plans and local plans (ID: 41-009-20160211).

NP2: Local Gaps

- 7.17 The policy identifies five local gaps between its main settlements and between Bredon's Hardwick and Tewkesbury. The purpose of the proposed identification of the five local gaps is to prevent the coalescence of the various settlements and to protect their rural character and setting.
- 7.18 The evidence base for the Plan includes the Assessment of Local Gaps in Bredon Parish (2016). This is a comprehensive study which addresses aspects of national and local planning policy and applies them through three tests to each of the five proposed local gaps.
- 7.19 I am satisfied that in principle the concept of a local gap has regard to national planning policy. As the Assessment comments the various core principles set out in paragraph 17 of the NPPF offer support to such a concept. The sixth bullet point in particular highlights the need to 'take account of the different roles and character of different areas... (and)...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.
- 7.20 Recent updates to Planning Practice Guidance have clarified the role and significance of sustainable development in rural areas. ID: 50-001-20160519 (May 2016) comments that 'blanket policies restricting housing development in some

settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence'. Plainly the Plan policy seeks to address more than housing proposals. Nevertheless, it has the ability to have an impact on the wider sustainability of the various settlements concerned. I have assessed carefully each of the proposed local gaps against the full extent of national planning policy. This is particularly important given that the policy restrictions proposed in Policy NP2 of the submitted Plan (and Policy SWDP 2D of the adopted Local Plan) is more rigorous than that which applies more generally outside settlement boundaries in the countryside.

- 7.21 The submitted Plan comments that this policy serves a similar purpose to Policy SWDP 2D of the adopted Local Plan. That policy identifies a series of Significant Gaps. Those Gaps have been designed to maintain a clear separation between smaller settlements and the urban areas in order to retain their individual identity. The Gaps identified reflect the complex administrative and growth areas in South Worcestershire and have been carefully designed and located to achieve an important strategic purpose. They are of different sizes depending on their location. They are also of irregular shape.
- 7.22 As part of my clarification of a series of matters with WDC and the Parish Council I sought comments on the value that would be added by the identification of local gaps over and above the provisions of the countryside part of Policy SWDP 2 (C). The District Council advised that the Local Gap policy can be seen as a 'local' level layer below SWDP2D, and therefore the provisions of this strategic SWDP policy provide the hook for the Local Gap policy.
- 7.23 I am satisfied that the principle of local gaps is in general conformity with the strategic policies of the development plan. Whilst the concept of a local gap is not identified explicitly in the adopted local plan the identification of local gaps would be consistent with the wider Development Strategy and Settlement Hierarchy as set out in its policy SWDP2. As part of the examination I have assessed each of the proposed local gaps against the need or otherwise to provide additional protection to open land and to maintain a clear separation between the various settlements in order to retain their separate identities. I have also assessed the policy itself against the basic conditions.

Local Gap 1

- 7.24 The proposed local gap is an irregular parcel of land between Lower Westmancote and Westmancote and between Lower Westmancote and Kemerton. I saw that the separation between the former two villages was around 160 metres. Whilst Kemerton is outside the Plan area its separation from Westmancote is equally restricted and sensitive. The land is mainly in agricultural use, although the land to the south of Kemerton Road is deciduous woodland.
- 7.25 On the basis of the evidence the designation of Gap 1 as a local gap meets the basic conditions. The limited extent of the separation between the settlements concerned is sufficiently sensitive to justify the designation of a local gap.

Local Gap 2

- 7.26 The proposed local gap is an irregular parcel of land between Bredon and Lower Westmancote. It straddles the Kemerton Road. I saw that the separation between the two villages was around 150 metres. The land is mainly in agricultural use with some allotments.
- 7.27 On the basis of the evidence the designation of Gap 2 as a local gap meets the basic conditions. The limited extent of the separation between the settlements concerned is sufficiently sensitive to justify the designation of a local gap.

Local Gap 3

- 7.28 The proposed local gap is an irregular parcel of land between Bredon and Kinsham. Its eastern boundary is defined by the Cheltenham Road. I saw that the separation between the two villages was around 400 metres. The land is mainly in agricultural use. The northernmost part of the proposed local gap consists of former allotments and associated farm buildings.
- 7.29 On the basis of the evidence the designation of Gap 3 as a local gap meets the basic conditions. Whilst the extent of the separation between the settlements concerned is noticeably greater than the case in Local Gaps 1 and 2 the sensitivity of the gap in landscape terms is clear and the two settlements are clearly visible one from the other. The nature and extent of the separation between the settlements concerned is sufficiently sensitive to justify the designation of a local gap.

Local Gap 4

- 7.30 The proposed local gap is a largely rectangular parcel of land between Bredon and Bredon's Hardwick. It straddles the Tewkesbury Road. The proposed local gap is dominated by the M5 motorway embankment/bridge crossing. This feature cuts across the proposed local gap in a north west to south east direction approximately half way between its northern and southern boundaries.
- 7.31 I saw that the separation between the two villages was around 1100 metres at its full extent. The separation is less in certain parts of the proposed local gap: a small amount of undeveloped frontage remains (maximum extent 230 m) on both sides of Tewkesbury Road between Bredon and the M5 embankment and a small amount of undeveloped frontage remains (maximum extent 310 m) on both sides of Tewkesbury Road between Fleet Lane and Bredon's Hardwick. The land is mainly in agricultural use. There is a large traditional orchard north of Carron Farm. A business premises is located at the entrance to Fleet Lane.
- 7.32 From my visit to the Plan area and my reading of the Assessment of Local Gaps I consider that Gap 4 has a very different character and appearance to that found in

Local Gaps 1/2/3. In the first instance, it is significantly greater in extent. In the second instance, it largely consists of agricultural parcels of land on either side of the Tewkesbury Road. It displays more of the characteristics of a linear strip than of a local gap. In the third instance, it is heavily dominated by the M5. The Assessment argues that 'the sense of open countryside between the two villages is severely curtailed by the presence of the M5 embankment. Due to its bulk, noise and visually intrusive character, the M5 significantly reduces the area which is able to act as a rural buffer between settlements'. Whilst I agree with the assessment of the impact of the M5 in the wider landscape I take a different view about its effects. In my view the M5 acts as a deterrent and a barrier to coalescence in its own right. Its physical presence has been and will continue to be a major factor in managing development pressures in this part of the Plan area.

- 7.33 On the basis of the evidence I am not satisfied that the designation of Gap 4 as a local gap meets the basic conditions. The nature and extent of the separation between the settlements concerned is not sufficiently sensitive to justify the designation of a local gap. In particular, I am not satisfied that there is a need for the additional protection that the designation would provide. On this basis, I recommend that it is deleted. I make separate comments on proposed Local Green Space 6 later in this report.

Delete Local Gap 4

Local Gap 5

- 7.34 The proposed local gap is a largely rectangular parcel of land between Bredon's Hardwick and the south-western corner of the Plan area (and then Tewkesbury to the immediate south). It straddles the Tewkesbury Road.
- 7.35 I saw that the separation between the two villages was around 1600 metres at its full extent. The separation is less in certain parts of the proposed local gap: approximately 730 metres of undeveloped frontage remains on both sides of Tewkesbury Road. The proposed local gap is mainly in agricultural use. There are large agricultural buildings close to the north and south ends of the area. Mitton Lodge and public allotments are located close to the south end.
- 7.36 From my visit to the Plan area and my reading of the Assessment of Local Gaps I consider that Gap 5 has a very different character and appearance to that found in Local Gaps 1/2/3. In the first instance, it is significantly greater in extent. In the second instance, it largely consists of agricultural parcels of land on either side of the Tewkesbury Road. It displays more of the characteristics of a linear strip than of a local gap. This is reinforced as several parcels of land within the proposed local gap to the west of Tewkesbury Road do not follow field boundaries or otherwise identifiable tracts of land. In the third instance the separation between Tewkesbury and Bredon's Hardwick is influenced as much by topography as it is by distance. There is a clear change in the landscape and setting between the northern outskirts of the town and the wider countryside in the proposed Local Gap in general, and to the north and east of the Mitton allotments in particular.

- 7.37 On the basis of the evidence I am not satisfied that the designation of Gap 5 as a local gap meets the basic conditions. The nature and extent of the separation between the settlements concerned is not sufficiently sensitive to justify the designation of a local gap. In particular, I am not satisfied that there is a need for the additional protection that the designation would provide. On this basis, I recommend that it is deleted. I make separate comments on proposed Local Green Spaces 9 and 10 later in this report.
- 7.38 I have addressed the potential residential development of land to the south and east of the Mitton allotments earlier in this report (paragraphs 7.14 and 7.15). The representations from the Croome Estate Trustees and Mactaggart and Mickel, and from Barratt West have raised objections to the designation of Local Gap 5.
- 7.39 I am required to examine the submitted neighbourhood plan on the basis of the current adopted local plan. It is on this basis that I have come to the conclusion in paragraph 7.37 of this report. Plainly the Mitton housing issue is a matter for the relevant Gloucestershire and Worcestershire planning authorities to pursue. In the event that housing is allocated and eventually developed on the Mitton sites any review of the neighbourhood plan would have the opportunity to review the need or otherwise for a local gap between the northern outskirts of Tewkesbury/Mitton and Bredon's Hardwick. By definition some of the comments I have made in paragraphs 7.34 to 7.36 of this report would be affected by these changed circumstances.

Delete Local Gap 5

The Policy Itself

- 7.40 The policy sets out to apply a similar constraint in the defined Local Gaps to that in Policy SWDP 2D of the adopted local plan. It has three component parts: the first defines the role and purpose of the Local Gaps, the second sets out to identify the type of development that will and will not be supported and the third clarifies the operation of the policy.
- 7.41 The second part of the policy does not provide the clarity required by the NPPF. It comments that land will be kept open and free from development. However, it does not define by what means this will be achieved and does not relate its approach to the operation of the development management system. In addition, it then comments that development proposals may be permitted if they do not harm the functions and purposes of a local gap. However, neither the decision-maker nor the developer is advised by the policy or its supporting text the type of development proposals that would be acceptable. I recommend a modification to address this matter. Given the overlaps between the proposed local gaps and the strategic gaps in the local plan I have incorporated appropriate elements of both policy and text in these modifications.

- 7.42 The final part of the policy provides helpful clarification to its role and purpose. Nevertheless, it is supporting text rather than policy in nature. I recommend a modification accordingly.

Replace the second paragraph of the policy with the following:

Development proposals should ensure the retention of the open character of the Local Gaps as identified on the Proposals Map.

Proposals for the re-use of rural buildings, agricultural and forestry-related development, playing fields, other open land uses and minor extensions to existing dwellings will be supported where they would:

- **Preserve the separation between the settlements concerned; and**
- **Retain their individual identities**

Delete the third paragraph of the policy

In paragraph 7.9 reconfigure the sentence to reflect the recommended modification to delete Local Gaps 4 and 5.

Insert the following sentences at the end of paragraph 7.10:

The policy sets out a range of uses that may be appropriate within a Local Gap. Each case will be considered on its merit based both on its scale and design and its impact on the separation of the settlements concerned and their separate identities

Insert the deleted section of the policy as supporting text at the end of the modified paragraph 7.10 (as set out above).

NP3: Siting and Design of New Buildings

- 7.43 The policy sets out a series of criteria against which applications for new development will be assessed. The policy will play a key part in ensuring that new development makes a positive contribution to local character and distinctiveness. The policy makes appropriate linkages to the Bredon Village Design Statement (2011) and the conservation area character appraisals for Bredon (2008) and Bredon's Norton (2006).

- 7.44 The criteria address a range of matters including plot size and building orientation, using traditional vernacular forms and materials and the use of sustainable drainage design features. The policy generates a very sensitive local approach to paragraphs 59 and 60 of the NPPF. In particular, high standards of design are expected without restricting innovative or imaginative designs where appropriate. It meets the basic conditions.

NP4: Design of Extensions

- 7.45 The policy sets out a series of criteria against which proposals for residential extensions will be assessed. The Plan recognises that this type of application will

make up a significant proportion of all planning applications determined in the neighbourhood area.

- 7.46 The various issues addressed in the criteria are both appropriate in general, and distinctive to the Plan area in particular. I recommend a series of modifications to ensure that the policy meets the basic conditions. In criterion 2 I recommend that the word 'safeguard' replaces 'preserves'. As currently drafted the policy would need to be applied in a very restrictive fashion. In criterion 3 I recommend that its latter part is deleted. As drafted this component would be difficult to apply. The District Council raises the same point. It is important that the local planning authority has a degree of judgement in its determination of planning applications. This will relate to the specific circumstances of each planning application and its site.

Criterion 2 – replace 'preserve' with 'safeguard'

Criterion 3 – delete 'that is.... extensions'

NP5: Design of Alterations and Conversions

- 7.47 This policy provides very clear expectations for proposals for the alteration, conversion or redevelopment of existing buildings. As with the approach adopted in NP3 a series of criteria are set out in the policy.
- 7.48 The criteria address a range of matters including window details, the sensitive use of materials and the wider preservation or enhancement of the distinctive local character of the particular property or asset. The policy is well-designed and adds a local dimension to local plan policies SWDP 21 (Design) and SWDP 24 (Management of the Historic Environment). It will be a key part of the environmental dimension to sustainable development in the Plan area. It meets the basic conditions.

NP6: Design of Exterior Works and Private Gardens

- 7.49 The policy provides specific advice on a series of detailed matters. It requires proposals relating to external works and private gardens to reflect the essential character of different areas within the parish. The policy recognises the contribution that gardens, driveways and other open spaces can make to local distinctiveness.
- 7.50 The policy provides a level of detail that can often be addressed by conditions as part of the determination of a planning application. In some cases, development of the type identified in the policy can be undertaken by way of permitted development. Paragraph 7.2 of the submitted Plan flags up the issue of permitted development, although it is not specifically referenced on a policy by policy basis.
- 7.51 I recommend a series of modifications to address these matters. In particular, I recommend a redesign of paragraph 7.2 to ensure that it has regard to national planning policy. As included in the submitted plan paragraph 7.2 suggests that the decision-maker has a degree of choice between applying permitted development rights and applying policies in the neighbourhood plan. This is not the case. Permitted development rights apply nationally and it is not within the gift of a

neighbourhood plan to seek to vary permitted development rights locally. As paragraph 7.2 correctly comments a local planning authority has the ability to seek the making of an Article 4 direction to bring certain aspects of permitted development back into planning control. However, there is no evidence of such an approach being considered as part of the examination.

- 7.52 I also recommend a modification to the policy itself. This will ensure that it is clear that the policy only applies where planning permission is required. I also recommend associated modifications to the supporting text. This will serve the purpose of highlighting that different permitted development regimes apply in conservation areas and in the AONB.

**Replace the opening element of the policy with:
Insofar as planning permission is required proposals for works within the curtilage of buildings or which include such works will be supported, provided they....**

*Insert the following sentence immediately after the first sentence in paragraph 7.19:
Policy NP6 provides specific guidance for such proposals where planning permission is required. Paragraph 7.2 of this Plan has already identified that permitted development rights result in a range of minor works being beyond planning control.*

*Replace paragraph 7.2 with the following:
The Plan seeks to respect the contribution that building designs and exterior layouts make to local distinctiveness. It aims to safeguard particular features and to encourage applicants to take account of these factors in designing and submitting planning applications. Nevertheless, policies NP 4 to 7 in particular recognise that a variety of minor works are 'permitted development' and for which planning permission is not required. Permitted development rights are different in certain designated areas. These include AONBs and conservation areas'.*

NP7: Design of Roads, Footways and Vehicle Entrances

- 7.53 This policy sets out requirements for the highways aspects of development proposals. At the heart of its approach is achieving sensitive rather than engineering-led solutions to development proposals.
- 7.54 The criteria address a range of matters including avoiding the use of street lighting, the use of natural materials and ensuring the minimal use of road markings and signage insofar as the approach is consistent with road safety.
- 7.55 The approach taken is appropriate to the Plan area. The County Council in its capacity as highways authority has not made any representations. The policy meets the basic conditions.

NP8: Design in Conservation Areas

- 7.56 The policy takes a positive approach towards facilitating high quality development within the four conservation areas in the Plan area. It identifies four criteria that will need to be met (where appropriate) to secure the grant of planning permission.
- 7.57 Paragraph 7.30 of the Plan sets out the national context to the policy in the submitted Plan. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 7.58 As submitted the policy fails to include this overarching approach. I recommend a modification to address this matter and to ensure that the policy meets the basic conditions. In its recommended modified format, the four criteria in the submitted policy remain and sit within the overarching context of Section 72 of the 1990 Act
- 7.59 As with other policies the supporting text is beautifully detailed and crafted. Both the decision-maker and prospective applicants will have complete clarity on what measures will be required to achieve planning permission in the four conservation areas in the neighbourhood area.

After 'will be supported' inset 'where they pay special attention to the desirability of preserving or enhancing the character and appearance of the four conservation areas in the neighbourhood plan area'.

Replace 'provided they' with 'All proposals in conservation areas should:'

NP9: Local Heritage Assets

- 7.60 The policy provides a local dimension and further detail to policy SWDP 24 of the Local Plan. Appendix 2 of the submitted Plan identifies a schedule of non-designated assets worthy of protection. The policy is intended to enable the implementation of development plan policies relating to non-designated assets, and in particular SWDP 24 by defining certain buildings and structures to which those policies should apply. Appendix 2 provides a compelling list of heritage assets with a schedule of reasons for this approach on a property by property basis.
- 7.61 The effect of its structure however produces an unclear policy approach. At the heart of the matter is policy SWDP 24 in the adopted Local Plan. NP9 in the submitted Plan supports that policy by identifying the schedule of local heritage assets. This matter has also been raised by Historic England.
- 7.62 There is clear merit in retaining a modified version of NP9 in the Plan. It adds a local dimension to a local plan policy and will assist in the promotion of sustainable development. I recommend a modification to the policy that prevents the reader having to find the local plan policy separately and to apply directly the local heritage assets to the implementation of SWDP 24 through the day to day development management system.

Add the following sentence at the end of the submitted policy:

Any development proposals that would affect the character, setting or integrity of the identified local heritage assets should:

- **be accompanied by a description of its significance in sufficient detail to allow the potential impacts to be adequately assessed; and**
- **be sympathetic to the building or structure concerned and propose its creative reuse and adaptation; and**
- **ensure that recording and interpretation is undertaken to document and understand the asset's archaeological, architectural, artistic or historic significance; and**
- **otherwise respect the approach set in policy SWDP 24 of the adopted Local Plan**

NP10: Community Facilities

7.63 This policy sets out to provide a positive context within which identified community facilities can be safeguarded and extended. The policy has two separate parts. The first offers support to proposals that would improve the viability of an established community use subject to environmental criteria. The second part of the policy resists the loss of the identified facilities subject to their continued value to the community concerned and viability issues.

7.64 I am satisfied that the policy approach meets the basic conditions. I am also satisfied that the seven identified facilities are appropriate to be included within a policy of this type. The implementation of this policy will contribute significantly to the delivery of the social component of sustainable development in the Plan area.

NP11: Local Shops and Commercial Premises

7.65 This policy takes an almost identical approach to that adopted in NP10. Its specific ambition is to safeguard local shops and commercial premises.

7.66 I am satisfied that the policy approach meets the basic conditions. The implementation of this policy will contribute significantly to the delivery of sustainable development in the Plan area.

NP12: Local Employment

7.67 This policy takes an almost identical approach to that adopted in NP10 and NP11. Its specific ambition is to safeguard local employment.

7.68 I am satisfied that the policy approach meets the basic conditions. The implementation of this policy will contribute significantly to the delivery of the economic dimension of sustainable development in the Plan area.

NP13: Local Green Space

7.69 This policy identifies a series of local green spaces (LGS) within the Plan area. Detailed evidence to support each of the ten proposed sites is set out in the

Assessment of Local Green Space in Bredon Parish ('the Assessment') part of the evidence base. The LGSs complement areas of open space already identified within the various settlement boundaries in the adopted SWDP.

- 7.70 Paragraphs 7.45 and 7.47 of the submitted Plan correctly identify the three criteria for LGS designation in paragraph 77 of the NPPF. The LGS criteria sit within the context also set by paragraph 77 to the extent that 'LGS designation will not be appropriate for most green areas or open spaces'. LGS designation should only be used when each of the three criteria are met. Recent planning applications had been submitted on several of the proposed LGSs. This is not unusual. Nevertheless, this examination is based purely on the relationship between each of the proposed LGSs in the submitted Plan and national policy.
- 7.71 The Assessment helpfully identifies five local tests for identifying Local Green Spaces. These tests overlap significantly with the NPPF criteria. On Test 3 (local in character and not an extensive tract of land) the Parish Council sets out that a parcel of land above 17 hectares (or 1% of the parish area) might reasonably be interpreted as an extensive tract of land in the parish context. I can see that an appropriate degree of rigour has been applied to this process. Nevertheless, I have examined the LGSs based on fact and degree rather than through a mechanical interpretation of this local approach. There is no suggestion in national policy that there should be a direct relationship between a local green space and the size of a component neighbourhood area.
- 7.72 As part of the examination I sought clarification from the Parish Council on several matters set out in Planning Practice Guidance (Chapter 37). The Planning Practice Guidance (PPG) provides an additional level of detail for plan making bodies on the designation of LGSs. Paragraph 11 sets out that if any parcel of land is already protected by a separate designation consideration should be given to whether additional local benefit would be gained by its designation as LGS.
- 7.73 The first matter on which I sought clarification relates to this element of PPG and was the extent to which some of the proposed LGS designations had taken account of their overlap with the Cotswold AONB designation. The second matter was the extent to which it was appropriate for the Plan to propose overlapping local green spaces and local gaps (policy NP2). On this second point the Parish Council comments that 'it will sometimes be appropriate to designate land as both Local Gap and Local Green Space. Each designation has a somewhat different primary focus, as set out in policies NP2 and NP13. Local Gaps are mainly intended to prevent the coalescence of settlements, whereas Local Green Space is principally intended to preserve areas that are special to the local community'. In addition, it is highlighted that it is 'expected that Local Green Space designation (which is underwritten by specific NPPF policies) will to confer a greater degree of protection than Local Gap designation. Where both designations overlap, the dual designation is expected to confer greater protection than either designation on its own'.
- 7.74 I also raised specific points on some of the sites. I will address all relevant points on a site by site basis below.

LGS1: Land south of Bredon Norton

- 7.75 The proposed LGS sits to the immediate south of Bredon's Norton. It is in agricultural use. It is 4.0 hectares in size. It is wholly within the AONB. It also borders the Bredon's Norton conservation area to the north, east and west.
- 7.76 The Assessment (Table A) acknowledges that the site falls within the AONB. It comments that the site would benefit from LGS designation as it 'would provide an additional layer of protection for its special qualities and local significance'. The site owner has objected to the designation of the site as LGS. Part of the objection is that it already has protection by way of the AONB designation.
- 7.77 In response to my request for clarification on this point the Parish Council comments that 'LGS1 is the only Local Green Space proposed for the village of Bredon's Norton. It is felt to be the area of open space which holds the greatest significance to the local community for the reasons set out in Table A (Test 5). Not all of these special qualities are fully protected by AONB designation. For example, a new small-scale housing development might be permitted on the site if it could be shown to comply with SWDP 23'.
- 7.78 I am not convinced by this argument. Policy SWDP 23 of the adopted Local Plan is appropriately worded and has regard to national policy. In any event the site falls outside the settlement boundary of the village. As such policy SWDP 2 (C) applies. In this open countryside location development is strictly controlled. On this basis, I recommend that the site is deleted as LGS. The Plan has not demonstrated in a compelling way that there would be any additional local benefit would be gained by designation as Local Green Space. In the event that it was designated as LGS three separate and overlapping development plan policies would apply to any planning application that may be submitted on the site. This is the scenario that the NPPF seeks to avoid.

Delete LGS1

LGS 2: Land north of Kemerton Road, Lower Westmancote

- 7.79 The proposed LGS sits to the immediate north and east of Lower Westmancote. It is used for agricultural and paddock purposes. It is 2.4 hectares in size. It is wholly within the AONB.
- 7.80 The Assessment (Table A) acknowledges that the site falls within the AONB. It comments that the site would benefit from LGS designation as it 'would provide an additional layer of protection for its special qualities and local significance'. The site owner has objected to the designation of the site as LGS.
- 7.81 In response to my request for clarification on this point the Parish Council comments that 'LGS2 is the only Local Green Space which has been proposed for the community of Westmancote & Lower Westmancote. It is felt to be the area of open space which holds the greatest significance to local residents for the reasons set out in Table A (Test 5). Again, not all of its special qualities are fully protected by AONB

designation. For example, development complying with SWDP 23 would nonetheless result in the loss of the last remaining undeveloped countryside between Westmancote, Lower Westmancote and Kemerton, harming each community's sense of its own individual identity. Local Green Space designation would provide additional protection for qualities which have a special local resonance'.

- 7.82 As with LGS1 I am not convinced by this argument. Policy SWDP 23 of the adopted Local Plan is appropriately worded and has regard to national policy. In any event the site falls outside the settlement boundary of the village. As such policy SWDP 2 (C) applies. In this open countryside location development is strictly controlled. On this basis, I recommend that the site is deleted as LGS. The Plan has not demonstrated in a compelling way that there would be any additional local benefit would be gained by designation as Local Green Space. In the event that it was designated as LGS three separate and overlapping development plan policies would apply to any planning application that may be submitted on the site. This is the scenario that the NPPF seeks to avoid. I have made separate comments on the overlapping Local Gap 1 (policy NP2) in this report.

Delete LGS2

LGS3: Land west of Moreton Lane, Bredon

- 7.83 The proposed LGS sits to the immediate north of Bredon. It used as an orchard, woodland and a small area of garden. It is 1.5 hectares in size.

- 7.84 It comfortably meets the three tests in the NPPF.

LGS4: Sandyway Field, Kemerton Road, Bredon

- 7.85 The proposed LGS sits to the immediate north-east of Bredon on the Kemerton Road. It used as pony paddock. It is 0.9 hectares in size.

- 7.86 I am satisfied that meets the three tests in the NPPF. I have made separate comments on the overlapping Local Gap 2 (NP 2) earlier in this report.

LGS5: Long Furlong Allotments, Kemerton Road, Bredon

- 7.87 The proposed LGS sits to the south and east of Kemerton Road. It is used as private horticultural allotments, as an orchard and woodland. It is 6.1 hectares in scale.

- 7.88 On balance I am satisfied that it meets the three tests in the NPPF. Whilst parts of the site give the impression of being overgrown and incapable of demonstrating an inherent beauty the Assessment sets out appropriate details on the historic and wildlife significance of the wider site. Whilst LGS 5 is the largest of the various proposed LGSs in the Plan I am satisfied that it is local in character.

LGS6: Land east of Tewkesbury Road, Bredon

7.89 The proposed LGS sits to the east of Tewkesbury Road and to the immediate south of Bredon. It is in agricultural use. It is 5.2 hectares in scale.

7.90 I am satisfied that the site is in close proximity to Bredon and is local in character. The site owner contends that the site is no different to any other agricultural land in crop rotation. The Parish Council contends that the site is demonstrably special due to its historical significance. In particular, it contends that the site is part of the setting of St Giles Church and Bredon Barn. The Parish Council's view is underpinned by an appeal decision in June 2015 (APP/H1840/A/14/2222679).

7.91 In dismissing an appeal for the residential development of the site the Inspector commented that:

'there is no dispute that the site lies within the settings of St Giles Church and the Tithe Barn, both of which are Grade I listed buildings. The duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged. Both of these buildings lie within the Bredon Conservation Area. The boundary of this runs some 60m to the north of the site. Although the site is outside the Area there is also agreement that it is within the Area's setting, and there is a policy requirement to have regard to the effect of the proposal on the character and appearance of the Area'.

7.92 I am satisfied that this information and assessment applies to the NPPF test for local green spaces. I conclude that the site is demonstrably special to the local community due to its historic significance.

LGS7: Bensham Allotments, Cheltenham Road, Bredon

7.93 The proposed LGS sits to the west of Cheltenham Road and to the immediate south of Bredon. It is in horticultural, orchard and paddock use. It is 4.5 hectares in scale.

7.94 I am satisfied that the site is in close proximity to Bredon and is local in character. The site owners contend that the site is appropriate for residential development. The Parish Council contends that the site is demonstrably special due to its historical, wildlife and recreational significance. The Parish Council's view is underpinned by an appeal decision in January 2015 (APP/H1840/A/14/2217607).

7.95 In dismissing an appeal for the residential development of the site the Inspector commented that:

'the appeal site is known to have accommodated fruit trees for over 90 years and is reasonably to be considered as having comprised traditional orchard. Whether, in its latterly declining state, it is still to be regarded as such is a matter of some dispute in this case. Irrespective whether parts of the site meet the strict definition of traditional orchard, it still contributes to the recognised local landscape character and reflects other areas of orchard at the fringe of Bredon, including at Upstones on the opposite side of Cheltenham Road'.

- 7.96 I am satisfied that this information and assessment applies to the NPPF test for local green spaces. I conclude that the site is demonstrably special to the local community due to its historic and landscape significance. It represents a traditional orchard that is much valued and respected in the local community.

LGS8: Paddock west of Cheltenham Road, Kinsham

- 7.97 The proposed LGS sits to the immediate north of Kinsham. It used as a paddock. It is 0.3 hectares in scale.

- 7.98 I am satisfied that it meets the three tests in the NPPF.

LGS9: Land at Croft Farm, Bredon's Hardwick

- 7.99 The proposed LGS is located in the south-western part of Bredon's Hardwick and to the immediate west of Tewkesbury Road. It forms part of an outdoor recreation/caravan business. It is 2.3 hectares in scale.

- 7.100 I am satisfied that it meets the three tests in the NPPF.

LGS10: Mitton Allotments, Mitton

- 7.101 The proposed LGS sits to the immediate east of Tewkesbury Road. It is a well-established and maintained allotment site. It is 4.1 hectares in size.

- 7.102 I am satisfied that meets the three tests in the NPPF. On the proximity point the Parish Council has clarified that a significant proportion of the allotment users have home addresses in Tewkesbury and within the Plan area.

NP14: Landscape and Biodiversity

- 7.103 This policy sets out to safeguard and to celebrate the rich landscape and biodiversity in the Plan area. It has been designed to be consistent with both national planning policy and with local planning policy (and SWDP 22 in particular).

- 7.104 The second, third and fourth components of the policy as submitted would operate in a very absolute fashion. They identify particular types of developments that will be resisted. The District Council properly comments that this approach goes beyond the approach set out in national policy. In particular paragraph 118 of the NPPF introduces the concept of mitigation or compensation where significant harm cannot be avoided. I recommend modifications to the policy to ensure that it has proper regard for national policy without detracting from its overall role and purpose.

In the second, third and fourth paragraphs of the policy replace 'will be resisted' with 'will not be supported'.

Include a final paragraph to the policy to read:

In assessing proposals that would result in significant harm to local biodiversity consideration will be given to any appropriate mitigation or

compensation proposals submitted as part of the planning application concerned.

In paragraph 7.54 insert 'to 118' after 'NPPF 109'

NP15: Key Views

- 7.105 This policy identifies key views throughout the Plan area. It comments that all development must conserve and not harm the key views. It is underpinned by the Assessment of Key Views in Bredon Parish in the evidence base. That Assessment is both thorough and professionally-prepared. The number of identified views is extensive. Some are from within settlement boundaries. Many others are views from locations outside settlement boundaries in general, and within the identified local gaps in particular. The policy takes appropriate account of the landscape character in the area.
- 7.106 There is a degree of inconsistency between different elements of the policy, and between the policy and the supporting text. In summary, these are as follows:
- the first sentence of the policy refers to its purpose of preventing development that would have a significant effect on an important view;
 - the second sentence of the policy refers to the need to conserve key views;
 - the first element of the policy is reinforced in paragraph 7.55;
 - paragraph 7.57 appears to reinforce the second sentence of the policy;
 - the supporting text does not provide any clarity to either the decision-maker or to the developer on the type of proposals that might be expected to be successful
- 7.107 I am satisfied that in general terms the concept of the retention of views is appropriate. They are strategic in nature and not the traditional view that one property holder may enjoy and wish to safeguard. Nevertheless, as submitted the policy acts in its own right and in a negative and unclear fashion. It does not have regard fully to national policy. At the same time, it would introduce another layer of policy control at the local level.
- 7.108 The work undertaken as part of the Assessment has a high degree of integrity and properly supplements existing policy documents including the Village Design Statement (2011) and the Cotswolds AONB Management Plan. On this basis, I recommend that the policy is modified so that it requires development proposals to take the identified views into account in preparing development proposals. In this context, the policy would add value to existing policies in the adopted local plan and to other policies in this neighbourhood plan.
- 7.109 There is a lack of clarity on one identified view. The key views map in the Assessment identifies a view (VE8) in the southern extreme of the Plan area. However, there are no details about the view in the associated table. VE8 is however included in Appendix 3 in the submitted Plan itself. The Parish Council has advised that in the final version, view VE7 (NE along B4080 towards Bredon Hill) was

inserted. The text for VE8 (formerly VE7) remained unaltered. There were no other changes to the final version apart from minor typographical corrections.

- 7.110 I have indicated earlier that the Assessment properly supplements existing policy documents and I can see how the situation described above has been incorporated into the submission version of the Plan. I have compared the submission plan with the second of the two versions of the pre-submission plan on this matter. On balance, I recommend that key views VE7 and VE8 are deleted from Appendix 3 of the submitted Plan and that view VE7 is deleted from the Assessment (and views VE7 and VE8 from the Key Views Map in the Assessment). Whilst there were no representations made on this policy the evidence was not fully aligned and there is no assurance that any interested party had the full information on which to base any comments that might otherwise have arisen.

Replace the policy with the following:

Development proposals should demonstrate how they have taken account of the Key Views identified in Appendix 3. In particular development proposals should set out details on how they have been designed to take account of the key views by way of their scale, height, position within the application site, the use of materials and external lighting.

Delete views VE7 and VE8 from Appendix 3 of the submitted Plan, view VE7 from the Assessment of Key Views in Bredon Parish, and views VE7 and VE8 from the Key Views Map in the Assessment.

Replace 7.55 with:

This policy aims to ensure that developers respect identified key views in the Plan area. It establishes key criteria against which individual applications can be assessed. The criteria are by necessity of a generic nature and there are likely to be specific issues that will need to be addressed on a site by site basis.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2030. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Bredon Parish Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a number of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Wychavon District Council that subject to the incorporation of the modifications set out in this report that the Bredon Parish Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 17 March 2015.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
20 January 2017