

[REDACTED]
Fao Mr K Beasley
Parish Clerk
Broadway Parish Council
[REDACTED]
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*****By Electronic Means only*****

1st September 2021

Dear Sir/ Madam

**Broadway Neighbourhood Plan Submission Consultation
Representations on behalf of London & Regional Properties Ltd.**

John Phillips Planning Consultancy has been instructed by London & Regional Properties Ltd to consider the submission version of the Broadway Neighbourhood Plan and to make representations on their behalf.

Planning Practice Guidance is provided online by the Government to assist in the interpretation of National Policy and the planning system. There is an entire section dedicated to Neighbourhood Planning, as introduced by the Localism Act, including key stages and considerations required.

There are basic conditions which the submission Plan must meet in order for it to be put to a referendum and thus it is relevant to consider this submission version of the Plan with reference to those basic conditions. These conditions should be considered by the qualifying body throughout the process of developing the Neighbourhood Plan. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2003 and these are as follows:

- a. *having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan*
- b. *having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the neighbourhood plan*
- c. *having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order.*
- d. *the making of the neighbourhood plan contributes to the achievement of sustainable development*
- e. *the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority*

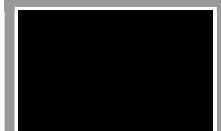
The John Phillips Planning Consultancy

Partners:

Adrian Gould MRTPI Ltd

Neil Warner MRTPI Ltd

Henry Venners Ltd



E: planning@jppc.co.uk
W: www.jppc.co.uk

- f. *the making of the order does not breach, and is otherwise in conformity with, EU obligations, and*
- g. *prescribed conditions are met in relation to the order and prescribed matters have been complied with in the connection with the proposal for the making of the plan.*

The above basic conditions are referred to in this document when commenting on the relevant part of the submission plan. We use the page numbering in the submission plan as a reference below.

Page 81, Policy NE.4

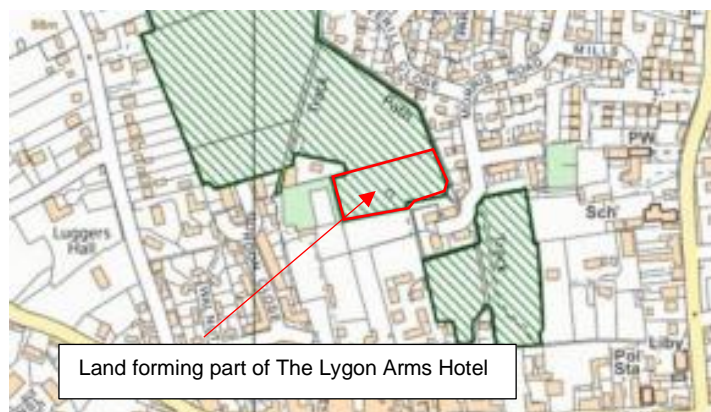
The proposed allocation of the Green Wedge is not in general conformity with either National or Local Policy, as acknowledged in paragraph 5.3.54. The policy should therefore be removed.

The inclusion of Policy NE.4 in the Neighbourhood Plan seeks to provide an additional level of landscape protection, particularly in relation to the larger ‘Green Wedge’ proposed to the north of Back Lane without having the correct policy basis to do so.

Some of the ‘Green Wedge’ land is proposed as Local Green Space through the submission Neighbourhood Plan, in the event that these designations meet the necessary requirements and tests and the plan is made, these areas will be afforded an additional level of protection in accordance with national and local plan policy (paragraph 101 of the NPPF) – there is therefore no policy basis for providing a further level of protection through proposed policy NE.4.

A significant part of the justification for the ‘green wedge’ policy appears to have come from a previous planning appeal for residential development between Averill Close and Springfield Lane where the Inspector acknowledged the sensitivities with this part of Broadway and how the undeveloped nature contributed to the landscape setting of the village. Whilst this may well be the case, Broadway benefits from a development boundary, as defined and drawn by the Local Planning Authority. There are other landscape designations – AONB, conservation areas and other proposed local landscape designations (Local Green Spaces) which collectively identify and provide the local landscape constraints in accordance with national policy. There is no justifiable policy premise against which proposed policy NE.4 can be hung. It is our professional opinion that the basic conditions in respect of policy NE.4 have not been met.

A further reason for my client’s objection to policy NE.4 is that it seeks to cover land in their ownership which forms part of the operational land associated with a long-established hotel – The Lygon Arms.



The land is and always has been part of the hotel's grounds and gardens. There are development plan policies in place that seek to protect existing tourist/ visitor accommodation – SWDP35 and enable them to expand where those locations are outside/ straddle development boundaries. Policy NE.4 of the Neighbourhood Plan would be at odds with existing Local Plan policy SWDP35 of the South Worcestershire Development Plan (adopted 2016) and would thus fail basic condition (d) and (e) of Section 38A of the Planning and Compulsory Purchase Act 2003.

On pages 11 and 12 of the Pre-Submission Consultation Responses included within Broadway Neighbourhood Plan Consultation Statement Appendices, the Neighbourhood Plan group appeared to have taken the above comments into account and stated that the Green Wedge policy would be amended to remove this operational land. This has not been carried through in the submission version of the plan and the policy should be amended in line with this action.

Yours sincerely



Matthew Chadwick BA MSc MRTPI
Senior Planner

