



worcestershire county council

To: Head of Planning, Wychavon District Council

Date: 11th August 2016

From: Natasha Friend, Principal Planner

Subject: Consultation from Wychavon District Council on the Regulation 16 Consultation on the Submitted Drakes Broughton and Wadborough with Pirton Neighbourhood Plan

Recommendation: that these comments are taken into account during the development of the Drakes Broughton and Wadborough with Pirton Neighbourhood Plan.

Summary of Worcestershire County Council response: In respect of the departments contributing to this advice, Worcestershire County Council officers have no objection to this emerging plan. The comments of contributing departments referred to below are intended to help improve the sustainability of the proposal and to direct the Parish Council towards best practice. Any departments not included within this response may choose to comment and/or object separately.

Location: Drakes Broughton and Wadborough with Pirton.

Proposal: Public Consultation on the Regulation 16 Consultation on the Submitted Drakes Broughton and Wadborough with Pirton Neighbourhood Plan.

Introduction

Thank you for consulting Worcestershire County Council on the consultation as detailed above. We do not object to the emerging plan however we are concerned that our earlier response as made on the 3rd March 2016 to the Regulation 14 Consultation Version, January 2016 have not been taken account of or recorded in the June 2016, Submission Consultation Statement. Therefore we are resubmitting this response and ask that it is taken account of. This response comprises officer only comments.

General observations

Please ensure that when you are writing your policies that as well as referencing local circumstances they are also backed up local evidence to justify the policy in your area.

Chapter 4 details the history and background in the Neighbourhood Plan area. Drakes Broughton in chapter 4 largely focuses on the history of the area and

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Wadborough is much broader detailing visual aspects and flora and fauna. For consistency purposes we think these sections should be amended so that historical detail, visual aspects and floral and fauna is picked up in both sections as relevant. Furthermore, section 4.30 – background information on the parish and hamlet of Pirton is scant and would warrant expanding upon reflecting the points above.

Minerals and Waste Planning Policy

Chapter 6 refers to the Wychavon District Local Plan and emerging South Worcestershire Development Plan as providing the existing planning policies for the area. In addition to these, as highlighted in our response to the consultation on the designation of the neighbourhood area, the Waste Core Strategy (2012) and the adopted County of Hereford and Worcester Minerals Local Plan (1997) form part of the Development Plan for the area, and a new Minerals Local Plan for Worcestershire is under preparation. Whilst it is true that as County Matters, minerals and waste developments are "excluded development" under Section 61 of the Localism Act, meaning that the neighbourhood plan and any development orders are not be able to make provision for minerals or waste development in that area, it is important that the Neighbourhood Plan is in conformity with the development plan as a whole, and does not conflict with the provisions of the Waste Core Strategy or Minerals Local Plan.

We therefore suggest that an additional paragraph is included to highlight that the Waste Core Strategy and the Minerals Local Plan also form part of the Development Plan for the area.

Minerals Local Plan

The adopted County of Hereford and Worcester Minerals Local Plan contains Minerals Consultation Areas within the Drakes Broughton, Wadborough and Pirton Neighbourhood Area. In addition, a new Minerals Local Plan for Worcestershire is being developed, and background work has been undertaken to assess the potential significance of resources in the county which will form the basis for identifying Minerals Safeguarding Areas and Minerals Consultation Areas in the emerging Minerals Local Plan. There are a number of significant sand and gravel resource areas within the Neighbourhood Plan area which the new Minerals Local Plan is likely to safeguard.

Safeguarding a mineral resource does not create a presumption that resources defined will be worked, and is not an absolute bar on other forms of development, but consideration will need to be given to ensure minerals are not needlessly sterilised. This has been considered for the site allocations proposed in the South Worcestershire Development Plan (SWDP).

As the draft Neighbourhood Plan does not seek to make site allocations beyond those in the SWDP, we do not think the policies proposed in the Neighbourhood Plan need to be amended, as the minerals safeguarding policies are contained elsewhere in the Development Plan. However, if site allocations are considered following responses to this consultation, we would recommend discussing any sites with the County Council's minerals and waste policy officers, and it may be useful for minerals safeguarding to be recognised in the Planning Policy context in Chapter 6 as they have potential implications for other forms of development. Should it become necessary, we would be happy to work with you to provide maps in an appropriate format for inclusion in the Neighbourhood Plan. Please contact Marianne Joynes on 01905 766374 or at minerals@worcestershire.gov.uk .

Waste Core Strategy

Geographic hierarchy

Settlements within Worcestershire perform different waste management functions. The geographic hierarchy takes into account current waste arisings, resource demand and existing waste management capacity of each settlement. The settlements which have a major role to play are in the top levels (level 1 is the highest level) and those which have only a minor role are in the bottom levels (level 5 is the lowest level).

Drakes Broughton, Wadborough and Pirton Parishes are in Level 5 which is the lowest level of the geographic hierarchy, meaning any proposals for waste management development would need to be strongly justified. There are no specific site allocations for waste management facilities in the Waste Core Strategy as a whole or in these Parishes in particular. However, the Parish Council should be aware that proposals for waste management facilities could be acceptable within the Neighbourhood Plan area. However, we do not consider that any changes to the draft Neighbourhood Plan are required, as this is already clearly set out within the existing Development Plan.

Policy WCS 5: Landfill and disposal

The Waste Core Strategy seeks to ensure that waste is managed as a resource in accordance with the waste hierarchy. Landfill and disposal of waste should be a last resort. This is relevant to the development of neighbourhood plans in relation to excavated materials from development.

The explanatory text supporting policy WCS 5 states that "excavation activities, a normal part of the construction process, can result in considerable arisings of subsoils. In some cases, this type of waste can usefully be re-used for purposes such as... landscaping, levelling of sites, the construction of bunds, embankments or features for noise attenuation. However, **to prevent inappropriate development, these kinds of proposals will be considered**

against Policy WCS 5: Landfill and disposal. The decision on whether proposals are a form of disposal will be guided by the Environment Agency's advice (currently set out in "Defining Waste Recovery: Permanent Deposit of Waste on Land" Regulatory Guidance Series No RGN13)". (<https://www.gov.uk/government/publications/rgn-13-defining-waste-recovery-permanent-deposit-of-waste-on-land>).

We consider that the Neighbourhood Plan could be strengthened by incorporating this requirement into policy DBWP7. This policy could include an additional point requiring Development Proposals to include landscaping schemes which take account of the setting of the development and for proposals to address the appropriate disposal of any excavated materials, with supporting justification referring to the requirements of the Waste Core Strategy outlined above.

WCS 16: New development proposed on or near to existing waste management facilities

Policy WCS 16 aims to safeguard existing waste management facilities by considering the potential impact and design of new development on or near to existing waste management facilities.

A web-tool has been developed to support this policy (available through the Waste Core Strategy webpage www.worcestershire.gov.uk/wcs) which will help the Parish Council and any developers to establish whether there any waste management facilities within 250m and if so, the provisions of this policy should be applied.

At present, there are no waste management facilities within the Parish.

WCS 17: Making provision for waste in all new development

We would like to see recognition in the Plan of the need for integration of bin stores and recycling facilities, as this would help developers to conform to the requirements of Waste Core Strategy Policy WCS 17. We would suggest that an additional point is included in Policy DBWP7, possibly as a separate point, or as an additional consideration within part b which might then read "(b) Development proposals should give careful consideration to noise, odour and light, *and appropriate storage of waste*, which might be detrimental to the enjoyment of the area by other residents. Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient. *Facilities should be incorporated into the design to allow occupiers to separate and store waste for recycling and recovery.*"

Flood Risk Management

We note that the plan makes no mention of sustainable drainage or flood risk. We would recommend that in the plan there is a policy or at the very least a mention of sustainable drainage (SuDS). Currently SuDS are only required by planning guidance on major development sites. The plan needs to highlight that SuDS and the future maintenance of those SuDS, is vitally important to the flood risk management of the area.

An additional policy could be included that states that all development, need to include some form of sustainable drainage. The plan will also need to state that all planning application that include SuDS, will need to detail the future maintenance of SuDS for the lifetime of the development.

Worcestershire Archive & Archaeology Service

POLICY DBWP1 - NEW HOUSING IN DRAKES BROUGHTON and POLICY DBWP2 – NEW HOUSING IN WADBOROUGH. Subsection (c) states: They do not have an adverse impact on designated and non-designated heritage assets; With regard to undesignated heritage assets *part c* of the proposed policies is potentially in conflict with the NPPF and SWDP. While there is a strong presumption against development affecting a designated heritage asset that would result in substantial harm to the significance of the asset or total loss, the presumption against development affecting an undesignated heritage asset is less proscriptive with the NPPF stating: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset* (paragraph 135).

On this basis and with regard to the NPPF adoption of these policies may result in a more proscriptive approach than is intended by central government? The above noted policies are then also potentially in conflict with POLICY DBWP13 – ARCHAEOLOGY AND HISTORIC ENVIRONMENT which adopts a more-considered approach to development affecting heritage assets that is more in line with the NPPF and SWDP and states:

(a) All new development must take account of known designated and non-designated surface and subsurface archaeology and historic environment records, and ensure potentially significant deposits are identified and appropriately considered during development. Lack of current evidence of sub-surface archaeology must not be taken as proof of absence.

(b) Proposals that would lead to the harm, or loss, of such assets will be assessed as to the scale of any harm or loss and the significance of the asset.

(c) Where the loss of such an asset is proposed suitable arrangements should be made for recording of that asset.

We would therefore advise that in order to be NPPF and SWDP compliant subsection C of Policies DBWP1 and DBWP2 should be aligned more closely with the requirements of Policy DBWP13.

8.33 POLICY DBWP7 – LANDSCAPE CHARACTER AND LOCALLY IMPORTANT VIEWS the first paragraph of subsection (c) states *Development proposals should conserve, restore and enhance important local historic landscape features such as ridge and furrow fields, parkland planting and structures, hedges, ancient woodland and traditional orchards...*

As noted above, POLICY DBWP13 – ARCHAEOLOGY AND HISTORIC ENVIRONMENT adopts a reasoned approach to the potential loss of undesignated heritage assets that is in line with the NPPF and SWDP; however, subsection c of POLICY DBWP7 again proposes a proscriptive approach that recognises only positive enhancement of the historic environment.

Consequently, we would question whether this policy could be used vexatiously to try and limit/ thwart development that would otherwise be in accordance with historic environment policy contained in the NPPF and SWDP regarding the loss of undesignated heritage assets? While we would fully support the ethos and intention of this policy in order to avoid any technical conflict we would question whether the policy should perhaps be caveated to read something like "Development proposals should wherever possible..." This would hopefully limit or avoid the situation whereby any NPPF/ SWDP compliant application that would result in the otherwise acceptable loss of undesignated heritage assets of this type is automatically contrary to NHP policy? We are happy to be advised on this matter.

Historic Environment and Landscape Character and Locally Important Views. With regard to these themes and as a general observation, the parish of Pirton contains part of two nationally important parks that are included on the *Register of Historic Parks and Gardens of special historic interest in England*, compiled by Historic England. These comprise part of the Grade II registered Pirton Park (National Heritage List for England No. 1001414) and part of the Grade I registered Park and Garden at Croome Court, which is a mid-18th century landscape park by Lancelot 'Capability' Brown and was his first independent commission (NHLE 1000458). The two parks contain intervisible design elements, such as the Grade II listed Picton Tower and can also be seen in views from the wider landscape. The Neighbourhood Plan does not expressly mention either of these parks although approximately 50% of Picton Park falls within Picton Parish and the Park, which has been in existence since at least the

17th century but may have its origins as a medieval deer park, will have been a factor in the development and character of the landscape in this part of the parish.

Map 4 Local Important Views Pirton includes views 2 and 3, which look across the hamlet towards the Malverns and in both Pirton Park lies in the middle distance, while view 4 is entitled Looking West to Pirton Castle (sic), which is actually a reference to the Grade II listed Pirton Tower was built in 1797 on the park's skyline as an eyecatcher.

Houses are at the core of settlement yet there is very limited information with regards to their broad character and setting. Understanding how **all** buildings of different dates are sited and experienced within settlement and the wider landscape (not just listed buildings) can help guide new development which responds positively to local character.

Policies DBWP1, DWWP2 and DBWP3 state that new housing should;

- Reflect the size, scale, design and character of the surrounding area.

However, references to the size, scale, design and character of the area, is insufficient. These policies are unclear and are not supported by appropriate evidence.

- What are the key characteristics of buildings in each settlement? (Photographs would be useful). Although the historical narrative of the three parishes is interesting it does not provide the evidence base needed to guide new development.

The following questions may help the steering group to identify some of the key characteristics of settlement throughout the three parishes and assess new development proposals.

Buildings and their Setting

- What are the key characteristics of buildings? Consider broad characteristics such as type, scale, massing, height, orientation, layout and materials.
 - Are domestic buildings, of different dates, clustered together in distinctive areas or more spread out?
 - Can you tell if buildings were intended to face towards or away from routeways?
 - How are buildings arranged within the landscape, how are they sited within their plots?
 - Are buildings open to public view set along or within their property boundaries?
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- What are the defining characteristics of settlement boundaries? Are boundaries hedged, fenced or walled? Are they functional, decorative or both?
- Is settlement defined by any other notable landscaping features e.g. verges and borders and trees?
How do buildings/groups of buildings make you feel? Do they make a positive, neutral or negative contribution to the character and distinctiveness of the parish?
- Are there any special views looking into, out of or through settlement? Think about how a building or a group of buildings was designed to be seen and experienced. Think about estate influence – especially in Pirton!
- What is the value of a building/group of buildings in your parish?

New development

Can (does) new development respect and re-inforce existing patterns of settlement and landscape? Think about the scale, form, massing, density and orientation (relationship to roads and green spaces) of buildings and the use of building materials and significant architectural details.

- How sensitive is an area to changes in those patterns?
- Where has development occurred up to this date?
- Where can you see new development going in the future?
- How sensitive is an area to changes in those patterns?
- Could (does) new development harm/enhance the setting of a historic building/group of buildings? In what ways could harm be minimised?
- Can (does) new development explore opportunities to retain/enhance redundant historic buildings and their setting through the principles of constructive conservation? E.g. Conversion of traditional farm buildings – this should be informed by the Worcestershire Farmsteads Assessment Framework.
- Can (does) new development conserve or enhance existing open spaces?
- Can (in what ways are) new public spaces designed sensitively in respect of broad landscape character? Do they have suitable management arrangements in place to maintain their use and good conservation long term.
- Can (have) opportunities to restore or re-establish significant landscape features such as traditional orchard or a village pond been explored?

Should you have any questions regarding the above please contact Adrian Scruby, Historic Environment Advisor on 01905 765869.

Sustainability

Policy DBWP1-4 could include objectives to ensure that the sustainability of any new dwelling is considered, to ensure a good standard of low cost living, without further increasing the issue of fuel poverty, which is particularly prevalent in rural areas. An objective may be to positively view developers' proposals which go beyond building regulations in sustainability initiatives.

It would be encouraging to see recognition of the issues of fuel poverty, energy efficiency and emissions. Policy DBWP12 on use of the New Homes Bonus may be an opportunity to see local action in this area. Potential projects supported through developers' contributions could include improvements to energy efficiency of existing housing stock. As a non-planning action, provision of home energy efficiency advice to local residents could also be considered.

Fuel poverty results from a number of factors, including high energy prices and under occupation, but the main reasons are low income and inefficient housing. As fuel prices increase, the level of fuel poverty in the County is liable to increase. Since 2006 household heating bills have increased by £500 per year for a typical home (Committee on Climate Change report 'Household energy bills- impact of meeting carbon budgets'). Worcestershire now has more than one in ten households in fuel poverty. It is particularly prevalent in areas of the county without mains gas or where there are older properties that are not easy to insulate.

Fuel poverty in England is measured by the 'Low Income High Costs' definition. This considers a household to be in fuel poverty if they have required fuel costs that are above average (the national median level) and were they to spend that amount they would be left with a residual income below the official poverty line.

Where renewable energy cannot be installed or is limited, new developments should allow for future retro-fitting of further renewable energy generation, for example ensuring that there is grid capacity and that the buildings are appropriately oriented wherever possible.

Community renewable energy generation

It may be possible for the community to be involved with community renewable energy projects through developers' projects or through developers' contributions and consideration could be given to including an ambition to develop a community energy scheme. Worcestershire County Council is keen to see community energy schemes develop. A Community Energy Generation Strategy is currently being drafted (Jan 2016). The Department for Energy and Climate Change's Community Energy Strategy could be taken into account (<https://www.gov.uk/government/publications/community-energy-strategy>).

Governmental legally-binding targets are for 15% of the UK's energy consumption to be from renewable sources by 2020.

Community energy schemes will improve energy security, meaning that a community is not fully dependent on outside energy sources, can generate vital revenue for a community which can be used for other community projects and initiatives, and will reduce the carbon emissions from a community.

For development in areas of the parish that are off gas grid in particular, renewable energy should make good financial sense as well as reducing carbon emissions. Renewable electricity and renewable heat should be considered.

Community energy generation can be a range of options from a community renewables scheme e.g. PV on a community building to a district heat network; a shared heating system for a new development.

A statement related to the community's stance on larger scale renewable energy generation might also be relevant.

Food

There is no mention in the draft plan of developing opportunities for local food purchasing, another key activity which can improve the sustainability of an area. Inclusion of action in this area could be considered. Reducing local farmers' dependence on sole purchasers who may reduce prices or terminate contracts and improving local people's access to local food could make a significant difference to the economy of an area.

Ultra low emission vehicles

Policy DBWP11 could be enhanced to further improve the sustainability of the local transport options by opting to encourage electric vehicle driving and electric vehicle ownership. Measures could include the installation of public electric vehicle charging points.

In addition, a policy could include a requirement on new developments to install electric vehicle chargepoints for public use or to ensure wiring is in place to enable installation of chargepoints in the future. A policy could also encourage existing commercial or retail areas to consider installing electric vehicle chargepoints. 7kW electric vehicle chargepoints, which charge a car in 2-3 hours, are relatively inexpensive and help to facilitate and encourage local electric vehicle ownership. Electric vehicles help to improve air quality and reduce carbon emissions.

Low carbon neighbourhood planning guidance

For further guidance related to low carbon neighbourhood planning
<https://www.cse.org.uk/downloads/reports-and-publications/policy/community-energy/energy-advice/planning/renewables/low-carbon-neighbourhood-planning-guidebook.pdf>

Education

We have given consideration to the Draft Neighbourhood Plan and notes the comments and references to the local school, namely St Barnabas CE First and Middle School. Particularly item 8.18 Policy DWP5 – Protecting and Enhancing Community Facilities. St Barnabas CE First and Middle School, as a community asset 'will be protected and where possible enhanced'.

We note the proposals and will continue to work with the school to ensure appropriate education provision for the area.

We have no further comments to make in respect of the proposals and education provision

Yours sincerely

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