

Wychavon Council

**Eckington
Neighbourhood Plan**

Independent Examiner's Report

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22 October 2019

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Summary

I have been appointed as the independent examiner of the Eckington Neighbourhood Plan.

The Plan focuses on the need to attract more young families to the Parish to support the village school and on supporting older people to remain in the community but to downsize to more manageable homes. It includes site allocations and a range of housing seeking to ensure that any new development is appropriate and of a high quality design.

It has been necessary to recommend a number of modifications; these have included some reworking of policies and deletion of others to ensure the Plan provides a practical framework for decision-making, is flexible and not overly prescriptive and to make sure those policies are supported by appropriate evidence.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Wychavon District Council that the Eckington Neighbourhood Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
22 October 2019



1.0 Introduction

This is the report of the independent examiner into the Eckington Neighbourhood Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Wychavon District Council (WDC) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning spanning the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.² It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check³ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁴

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Wychavon District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

² Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

³ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁴ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work began on the Plan in 2014. A Steering Group was established to manage the process and members included both Parish Councilors and residents. Six topic based sub-groups were formed.

A questionnaire for households was produced and delivered to each household in the Parish by a team of 'street champions'. This approach yielded an excellent response rate of over 66%. A Housing Needs Survey was produced as the earlier survey had revealed that some people sought affordable homes in the village. Three other surveys were conducted; Business with some follow up interviews, Managers of Community Facilities with follow up discussions and to Groups using facilities. Two forums were held with young people.

A Placecheck survey was carried out and this formed the basis of the Village Design Statement (VDS). A 'Call for Sites' was carried out.

Public consultation events were held in May 2015, February 2016 and September 2017 at various stages of the Plan's evolution with good attendance at each event.

Pre-submission (Regulation 14) consultation took place between 1 November – 13 December 2018. This was advertised through posters and banners and a leaflet drop to each household which was also included in the village magazine. Local press were alerted. Anyone on the email list was sent direct emails and the statutory and other consultees, organisations and groups contacted. The Plan was available online and in hard copy.

Part of the Consultation Statement divides the process into three stages. It includes a Consultation Report on each stage and signposts more detailed reports of for example the Transport Consultation Report. This is a useful approach which is clear offering a succinct record of the process at its various stages and one I commend to others.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 15 March – 29 April 2019.

The Regulation 16 stage resulted in representations from 29 individuals or organisations. I have considered all of the representations and taken them into account in preparing my report.

4.0 The examination process

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁵ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁶ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

However, I am mindful that several representations have made constructive suggestions for further issues to be included in the Plan and I feel sure that the Parish Council will wish to consider these in any future review of the Plan.

A number of representations have made comments about conflicts of interest of members of the Steering Group. An examiner has no authority to deal with such allegations of conflicts of interest, misconduct or similar. Such allegations should be dealt with through other procedures.

PPG⁷ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁸

I sought clarification on a number of matters from the Parish Council and WDC in writing and my list of questions is attached to this report as Appendix 2.

I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

Last year NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council sent comments and I have taken these into account.

I am grateful to everyone for ensuring that the examination has run smoothly.

I made an unaccompanied site visit to familiarise myself with the Plan area on 18 July 2019.

⁵ PPG para 055 ref id 41-055-20180222

⁶ Ibid

⁷ Ibid para 056 ref id 41-056-20180222

⁸ Ibid

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing carried out and the Plan's presentation made consistent.

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Eckington Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. WDC approved the designation of the area on 17 March 2015. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown clearly on page 3 of the Plan (please see modification made in relation to the map later in this report).

Plan period

The Plan period is 2019 – 2030 to align with the end date of the SWDP. This requirement will therefore be met.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.⁹ In this instance, community aspirations have been included in an appendix to the Plan. This is clearly explained in the Plan.¹⁰ I make a recommendation about this appendix later on in this report.

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. On 19 February 2019, the revised NPPF was updated and replaces the previous NPPF published in March 2012 and revised in July 2018.

Paragraph 214 in Annex 1 of that document explains that:

“The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”

Footnote 69 explains that for neighbourhood plans “submission” means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

This Plan was submitted after 24 January 2019. It is therefore clear that it is the NPPF published in 2019 that is relevant to this particular examination. Any references to the NPPF in this report refer to the NPPF published in 2019 unless otherwise stated.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.¹¹

⁹ PPG para 004 ref id 41-004-20170728

¹⁰ The Plan page 6

¹¹ NPPF para 13

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹² They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and set out other development management policies.¹³

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁴

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁵ Policies should also be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁶

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁷ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.¹⁸

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁹ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²⁰

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance. It does so against the NPPF published in July 2018.

¹² NPPF para 28

¹³ Ibid

¹⁴ Ibid para 29

¹⁵ Ibid para 31

¹⁶ Ibid para 16

¹⁷ PPG para 041 ref id 41-041-20140306

¹⁸ Ibid

¹⁹ Ibid para 040 ref id 41-040-20160211

²⁰ Ibid

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²¹ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²² The objectives are economic, social and environmental.²³

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁴

Whilst this has formed part of my own assessment, the Basic Conditions Statement discusses how the Plan meets this basic condition.

General conformity with the strategic policies in the development plan

The development plan relevant to this examination includes the South Worcestershire Development Plan (SWDP) adopted on 25 February 2016. WDC has very helpfully produced a list of strategic policies.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains a table of relevant SWDP policies.

Emerging planning policy context

The South Worcestershire Councils of Malvern Hills, Worcester City and Wychavon started a review of the SWDP in late 2017. The review will provide an updated plan period to the year 2041. It will update the existing SWDP and where necessary its Vision, Objectives, Spatial Strategy and policies for the future development of the South Worcestershire area. The second part of the plan includes site allocations, policies and policy designations that will provide for the development needs of the area up to 2041.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment),

²¹ NPPF para 7

²² Ibid para 8

²³ Ibid

²⁴ Ibid para 9

92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG²⁵ confirms that it is the responsibility of the local planning authority, in this case WDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is WDC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

An Environmental Report (ER), dated October 2018, and prepared by Lepus Consulting, has been submitted as an earlier Screening Opinion of April 2018 indicated a SEA was needed.

The ER confirms that a Scoping Report dated October 2018 was prepared and sent to the statutory consultees. Responses were received from all three statutory consultees.

A draft ER underwent a period of consultation alongside the pre-submission version of the Plan.

Although changes were made to the Plan following the Regulation 14 stage, WDC confirm that the changes made did not have any material effect on the conclusions of the ER and it remains valid.

The ER concludes that “The SEA has identified both positive and negative environmental effects caused by the NDP. However, through applying a suite of mitigation and enhancement measures, it is possible to ensure that the residual significant negative effects are overcome and positive effects enhanced.”²⁶ It was published for consultation alongside the submission version of the Plan.

WDC will monitor the outcomes from the Plan.

The ER has dealt with the issues appropriately for the content and level of detail in the Plan. This in line with PPG advice which confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the

²⁵ PPG para 031 ref id 11-031-20150209

²⁶ ER page 3

content and level of detail in the Plan.²⁷ In my view, it has been prepared in accordance with Regulation 12 of the Regulations.

Therefore EU obligations in respect of SEA have been satisfied.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is relevant to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²⁸ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

The Screening Opinion of April 2018 carried out by WDC also included a HRA screening. The Bredon Hill Special Area of Conservation (SAC) falls partially within the Plan area. Two other sites fall within a 20km radius of the Plan area; Dixton Wood SAC and Lyppard Grange Ponds SAC. Given the nature of the sites and the contents of the Plan, the Screening Opinion concluded that no further work on HRA was required. The consultation responses from the statutory consultees concurred.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Given the nature, characteristics and distance of the European sites and the nature and contents of the Plan, I consider that the prescribed basic condition is complied with.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights. There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

²⁷ PPG para 030 ref id 11-030-20150209

²⁸ Ibid para 047 ref id 11-047-20150209

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented clearly and contains 16 policies. There is a useful contents page at the start of the Plan.

Foreword

A useful introduction to the Plan.

1. Introduction

This is a well written and helpful introduction that sets the scene for the Plan. It gives brief information about the Plan's evolution and signposts its structure.

It includes a map of the Plan area on page 3. The heading for the map indicates it is the map used for consultation purposes when the area was designated. In the interests of clarity this should be changed.

- **Change the title/header of Map 1 on page 3 of the Plan to reflect the approved designated area**

2. About Eckington

Another well written section, this highlights the history of Eckington and the Parish, outlines some key issues facing the community today and sets out the context for the Plan.

3. The Neighbourhood Plan

Giving information about how the Plan fits into the wider planning policy context, this is another helpful and well written section. It would benefit from some natural updating in relation to the NPPF and review of the SWDP. For example it refers to the "golden

thread” which no longer appears in the most recent NPPF. References to the most recent NPPF should be updated throughout the document.

This modification is not repeated in my report, but there is an expectation it applies as necessary throughout the document.

Worcestershire County Council makes the point that the Waste Core Strategy and Minerals Local Plan form part of the development plan. For completeness, a modification is made to reflect this.

- **Update references throughout the document to reflect the NPPF**
- **Amend paragraph 3.4 on page 11 of the Plan to read:**

“Once adopted, the Eckington Neighbourhood Plan will be the local layer of planning policy after the National Planning Policy Framework (NPPF) and the South Worcestershire Development Plan (SWDP). It will form part of the development plan at the local level alongside the adopted SWDP, the adopted Worcestershire Waste Core Strategy and the saved policies of the County of Hereford and Worcester Minerals Local Plan. The NPPF is the framework against which all new development and all new development plans in England, including neighbourhood plans, must comply while the SWDP is the planning policy document for the District produced by Wychavon District Council in partnership with Worcester City Council and Malvern Hills District Council. The SWDP is currently under review and the revised version expected to be adopted in November 2021.”

4. Key Issues

Five key issues are identified and the Plan seeks to address these. The issues range from attracting younger families and helping older people to conserving the rurality and community assets in the Parish and dealing with traffic issues.

5. Vision and Objectives

The clearly articulated vision for the Parish is:

“To create a planning framework that will assist this small, welcoming and friendly community to accommodate the needs of its ageing population and to attract young families, helping to maintain a strong and vibrant school. “

The vision is supported by eight objectives. All are clearly articulated and will help to deliver the vision.

A useful matrix that shows how each objective addresses the five key issues is indicated to be found in Appendix 6 of the Plan. However, the Appendix is titled Appendix 8. This should be corrected.

- **Ensure that any references to the Appendix are correct and consistent**

6. Summary of Plan

Following on from modifications made to the site allocation policies later in this report, any relevant parts of this section worthy of retention would be better placed in the section of the Plan that deals with these sites. This will also help with reducing repetition in the document. The title of the section may also cause confusion.

- **Delete this section, moving any relevant parts of this section to be retained to the section on the site allocations**

7. Introduction to Policies

This short section explains the structure of the policy chapters.

8. Housing

Policy H1 – Manageable Homes

A key tenet of the Plan is to enable older residents to be able to downsize and remain as part of the community. It is then considered that this will provide a supply of housing suitable for families to move into.

As a result the concept of “manageable homes” has been developed. These are defined in the Plan as market housing with 2 or 3 bedrooms, suitable for older people with accessibility as a key element.

The Plan explains that the Parish has a population with an average age greater than the national and District average. The NPPF²⁹ is clear that the supply of housing should be boosted and that the needs of different groups in the community be reflected in planning policies. PPG explains the need to provide housing for older people is critical.³⁰ People are living longer and the proportion of older people is increasing. PPG confirms that offering older people a better choice of accommodation to suit their changing

²⁹ NPPF paras 59, 61

³⁰ PPG para 001 ref id 63-001-20190626

needs can help them to be independent for longer and be connected to the community.³¹

This aligns with SWDP Policy 20 which although not a strategic policy, does support housing suitable for older people on sites of over five units.

SWDP Policy 14 also requires housing mix in developments of over five units to be informed by, amongst other things, location, site size, viability and a neighbourhood plan.

The supporting text and definition in the Glossary does not seem to tie in exactly with the wording of the policy. I have focused on the policy as the most important element. I consider that it requires rewording to meet the basic conditions. The modification is made to make sure it provides a practical framework for decision making, does not duplicate other policy requirements (such as the reference to SWDP Policy 27), has sufficient flexibility and is not overly prescriptive (such as specifying the number of bathrooms and garage and garden provision). In addition there is little evidence to support why bungalows or dormer bungalows would only also meet the needs identified. This element is then overly prescriptive and not sufficiently justified.

In addition it is not clear to me why manageable homes will be supported on windfall sites; there is no reason for them not to be supported but there is limited evidence to say why there is this blanket support which may, inadvertently, result in otherwise unacceptable development.

- **Reword the policy to read:**

“The development of smaller dwellings, usually with 2 or 3 bedrooms, suitable for a variety of different groups in the community including older people and young families is supported. These may include bungalows or other forms of housing suitable to meet the specific needs of older people or people with disabilities. These are defined as ‘Manageable Homes’ in this Plan.

All homes should be built to meet Lifetime Homes Standards.

Conditions may also be considered at the planning application stage that would prevent significant extensions in the future where that extension would invalidate the intent of this policy to provide smaller manageable properties.

All dwellings specified in this plan as ‘Manageable’ must be compliant with this policy.”

- **Consequential changes to the supporting text and the glossary definition will be needed**

³¹ PPG para 001 ref id 63-001-20190626

Policy H2 – Retirement Homes

This policy differs from Policy H1 in that it seeks to plan for the needs of older people over 65. The justification is similar for Policy H1. The policy offers specific support for bungalows, but these may be equally desirable for other households and are not exclusively retirement housing. Likewise there is no evidence that only bungalows are suitable for older people.

A number of modifications are made and aimed at ensuring the policy is flexible and not overly prescriptive. With these, the policy will provide a practical framework for decision making and will not duplicate other policy requirements meeting the basic conditions.

- **Reword the policy to read:**

“Proposals for retirement housing which may include bungalows, will be supported where they meet all of the following criteria:

- a) usually have 2 or 3 bedrooms;***
- b) provide accommodation suitable for wheelchair users;***
- c) be built to Lifetime Homes Standards;***
- c) provide appropriate landscaping to include outside amenity area/s;***
- d) provide private garden areas suitable for gardening and growing activities that is wheelchair accessible.***

Retirement properties may only be occupied by those aged 65 or over, secured by condition in perpetuity and should be marketed for sale for the first six months to people who have a local connection to Eckington. After this period has *lapsed* the local connection criteria is deemed to be complied with in terms of market for sale.

Conditions *may be* considered at the planning *application* stage that would prevent significant extensions in the future where that extension would invalidate the intent of this policy to provide *smaller* retirement properties. *All dwellings specified in this plan as ‘Retirement’ must be compliant with this policy.*”

- **Consequential changes to the supporting text and the glossary definition will be needed**

Policy H3 – Housing Density

The Plan explains that SWDP Policy 13 indicates there should be a density of 30 dwellings per hectare. The Village Design Statement (VDS) indicates that the average density of housing in the village is about 13.8 dwellings.

This policy therefore seeks a density of no more than 15 dwellings per hectare (gross). For any developments over this figure, proposals should demonstrate how they positively respond to character and density.

The NPPF is clear that policies should support development that makes efficient use of land taking into account a number of factors; need for different types of housing, the availability of land, local market conditions, infrastructure capacity as well as the desirability of maintaining the area's prevailing character and setting and securing well-designed places.

I also note that SWDP Policy 13 states that housing development "will make the most effective and efficient use of land with housing density designed to enhance the character and quality of the local area, commensurate with a viable scheme and infrastructure capacity". The 30 dwellings per hectare referred to in SWDP Policy 13 for the villages is an average net density. So this is the net developable area. This differs from the gross area referred to in Policy H3.

It is clear that neither the NPPF or the SWDP supports development that harms character and appearance, but it is also clear that developable land be used effectively and efficiently. The SWDP rightly points out this does not mean poor design or quality. It is a balance between high densities with issues due to closer living and lower densities that mean more land will be built upon. It is clear that setting density targets is not likely to be the most appropriate way of achieving best quality housing.

Therefore I do not consider that this policy meets the basic conditions. It does not take sufficient account of the NPPF, is at odds with the stance in the SWDP and will not help to achieve sustainable development.

The policy also refers to a single exception on Policy RM2 which refers to retirement homes. I find it difficult to support a policy which then allows another policy in the same Plan to override it. This then adds to my concerns about the policy.

- **Delete Policy H3**
- **Consequential changes will be needed**

Policy H4 – Windfall Sites

This policy seeks to ensure that on windfall sites within the development boundary, proposal of three or more dwellings should include a manageable home. I consider that by definition windfall sites are just that; windfalls. Whilst there is explanation in the Plan as to why manageable homes are sought, there is no justification in the Plan to say why windfall sites should have to provide manageable homes or why the threshold is set at three or more units. I am concerned that this may render windfalls sites less developable or less viable.

However, I am mindful that SWDP Policy 14 refers to a mix of types and sizes of market housing on developments of five or more units. SWDP Policy 20 also requires dwellings suitable for older people on all sites of five or more units and specifically refers to windfall sites. Therefore I recommend a modification to the policy to reflect District level thresholds. With this modification, the policy will meet the basic conditions.

- **Change “3 or more” in the policy to “5 or more”**

Policy H5 – Scale of Future Developments – Design and Diversity

Sites of more than six dwellings must be subdivided into smaller clusters of six dwellings of different design and visual interest.

The rationale behind the policy is to seek design and layout that reflects the prevailing character of the area, avoids ‘off the shelf’ solutions and to ensure there is variation in design. The NPPF is clear that high quality places are fundamental and that good design is a key aspect of sustainable development, creates better places to live and work and helps to make development acceptable to communities.³²

SWDP Policy 21 is quoted in the justification sitting alongside the policy, but I can find no reference to developments being modest in size in that policy. There is no explanation for the threshold of six and I cannot see any support in the VDS for this. The specifics of the policy are then overly prescriptive without satisfactory evidence. Yet the intention is clear and accords with national policy and guidance and the thrust of the SWDP.

Of concern again is the policy sets a requirement and then needs to add an exception to the policy. This reinforces my sense that the policy is not appropriate in its current form.

Therefore a modification is made to ensure the policy meets the basic conditions alongside a change in policy title to reflect the newly worded policy.

³² NPPF para 124

- **Change the title of the policy to “*Design and Diversity of Future Developments*”**
- **Reword the policy to read:**

“New residential or mixed use developments should ensure that schemes create interest and individuality through variety of design and features and the creation of clusters of properties.”
- **Consequential amendments will be required**

Policy H6 – Control of Future Development

Policy H6 does not support development outside the development boundary unless it is for development defined by the SWDP. SWDP Policy 2 explains that open countryside is defined as land beyond any development boundary. In such areas, development is strictly controlled and is limited to various categories of specified development.

The policy also refers to the site allocations in the Plan as being exceptions to this policy. This is self-evident and the need for exceptions to the policy is problematic as explained earlier. Therefore the policy duplicates SWDP Policy 2. It therefore should be deleted.

- **Delete Policy H6 and its supporting text**
- **Consequential amendments will be necessary**

Policy H7 – Quality of Design

This policy seeks to ensure that new development is of high quality design and that local character is taken into account. This is in line with the NPPF’s³³ stance on the creation of high quality buildings and places. It helps to set out the clear vision and expectations that the NPPF refers to and meets the NPPF’s expectation that neighbourhood plans can play an important role in identifying the special qualities of the area.

It requires proposals to set out how they meet the policies in the Plan. This should be extended to policies in the development plan, of which the Plan will form part of once made, rather than only the Plan.

In addition, it refers to the VDS. The Plan explains that the VDS was adopted by WDC in 2016. Since then some changes have been made; these are of a relatively minor nature, but the amended version has not been formally adopted by WDC, as I understand it.

³³ NPPF Section 12

Furthermore the policy refers to the VDS at Annex 1. The Plan refers to the VDS as forming part of the Plan and this is not the case. It is a supplementary document that the Plan can refer to, but it does not form part of the Plan; this would give it a status it does not have.

I have some concerns about the VDS. In many places, it reads as policy rather than guidance and does not include the type of information which would be commonly regarded as design guidance.

However, with modification, the policy will be able to meet the basic conditions reflecting the emphasis placed on local distinctiveness in the NPPF, generally conforming to SWDP Policy 21 in particular and helping to achieve sustainable development.

There is also a modification to the supporting text to reflect the policy better.

- **Change the words “...policies set out in this Plan.” in the second sentence of the policy to “...policies set out in *the development plan.*” [please note that this modification is made to specifically include all plans which form part of the development plan – a term which has a specific meaning in planning]**
- **Delete the words “...at Annex 1” in the third sentence of the policy**
- **Change paragraph 8.27 on page 34 of the Plan to read: “*The VDS is an annex to the Neighbourhood Plan. Any new development must be designed taking this guidance into account.*”**

Policy H8 – Off-Street Parking

This policy sets local parking standards for new residential development.

Whilst the policy goes beyond the standards sought by Worcestershire County Council, I consider the policy will meet the basic conditions with some modification. It takes account of the NPPF³⁴ in that the Plan explains public transport is limited and car ownership high compared both to WDC and national figures. Congestion is an issue and causes access problems for emergency vehicles. In addition it is a local expression of the SWDP which indicates that locally specific parking standards and a more flexible approach is acceptable.³⁵

However, the policy specifically excludes garages as counting towards the car parking provision sought. There is often a concern that garages can be used for storage or be converted into living accommodation, but these are matters that can be addressed by the imposition of planning conditions on any consents to ensure the space is available

³⁴ NPPF para 105

³⁵ SWDP page 85

for car parking. To not count garages as car parking spaces would be likely to result in widespread parking areas possibly to the detriment of well planned and designed places. Although the County Council's Streetscape Design Guide (2018) indicates garages are not included in any calculation as they are often converted or used for storage, little local justification for this element is put forward. I consider these concerns can be satisfactorily overcome by conditions and it to be overly prescriptive. As a result, a modification is made.

The policy also specifies a parking space per bedroom which could result in five or more spaces per unit. This would not lead to good planning in design terms, or to the efficient use of land. A modification is made.

Subject to these modifications, the policy will meet the basic conditions.

- **Add the word “residential” after “...new...” and before “...development...” in the first sentence of the policy**
- **Delete “...excluding garages...” from the first sentence of the policy**
- **Delete the words “...plus 1 car space per bedroom in excess of 5 bedrooms” from criterion a)**

Policy H9 – Protecting Existing Off-Street Parking

The supporting text to this policy explains that when a property is extended, this has resulted in reduction of off-street parking. This then leads to increased on-street parking and contributes to congestion.

The policy therefore supports householder planning applications where off-street parking is retained. Inadvertently, I suspect, this policy then supports development which might otherwise not be acceptable. The intention of the policy is however clear. A modification is therefore made to ensure the policy provides a practical framework for decision-making in line with national policy and guidance.

With this modification, the policy will meet the basic conditions.

- **Reword Policy H9 to read:**

“Householder development proposals which reduce the amount or availability of off-street parking provision within the site must demonstrate that the resultant property will provide satisfactory off-street car parking provision in accordance with the standards set out in the WCC Streetscape Design Guide 2018.”

9. Allocation of Sites

Eckington is identified as a Category 2 village in the SWDP. In such locations, the SWDP indicates that their role is predominately aimed at meeting locally identified housing and employment needs. They are suitable to accommodating market and affordable housing alongside limited employment for local needs.

SWDP Policy 59 allocates a site known as RM2 for 20 units. The Plan explains that permission has been granted for 25 houses on a site known as RM2.

The Plan explains that the community preference has been for small sites. There is also a desire to see the school supported. It proposes 20 additional units to support this aim.

A 'Call for Sites' took place as part of the work on the Plan. Nine sites came forward and were initially appraised by a planning consultant. These sites are shown on page 39 of the Plan. Four sites were progressed although one was subsequently withdrawn by the landowner.

Policy H10 – Land Allocation – Sites allocated for development

This policy allocates three sites; RM2, Pershore Road and JS1 for housing. The policy indicates that the proposals will be supported if they accord with all the policies in the Plan. This is both unnecessary and duplicative. The next two policies deal with these sites specifying a number of detailed matters. It is more appropriate, in providing a practical framework for decision making, to allocate the sites in the more specific policies. This policy therefore becomes redundant.

- **Delete Policy H10**
- **Consequential amendments will be required**

Policy H11 – North: Roman Meadow 2/Pershore Road/Community Land (PRF2)

Roman Meadow 2 (RM2) is the site with planning permission; it is therefore a commitment rather an allocation. A relatively large area of land is shown on Map 5 divided into three distinct areas; Pershore Road, PRF1 and PRF2. One landowner controls both areas of land. The Parish Council have therefore sought to negotiate combining the two areas of land by seeking to alter the planning permission on RM2 from 25 to 17 houses, providing open space on PRF1, community land on PRF2 and 21 houses on the Pershore Road element.

A number of issues arise with this policy.

Although the Plan combines the two separate parcels of land and has the landowner's agreement to this, there is no mechanism which ensures that the two areas of land will come forward together. Indeed I can see no planning based reason as to why they should.

Whilst I understand the intention is then to encourage the provision of manageable homes and retirement houses, it seems counter intuitive to reduce the number of houses on this commitment site.

It is now proposed that this site will provide eight affordable homes, four manageable homes and five retirement homes. The supporting text explains that three of a total of six manageable homes (across both sites) will be for those over 65. These then seem to be retirement homes rather than manageable homes.

By specifying the number of different types of housing, this results in a reduction in the number of affordable housing units. A Housing Needs Survey has been carried out as part of the work on the Plan and found affordable housing was needed.

Therefore I can only conclude that this element would result in the less efficient and effective use of land and reduce affordable housing provision. This seems to be without justification and I struggle to see how this would achieve sustainable development or take account of national policy or be in general conformity with the SWDP.

Turning then to the larger site, this has identified three separate elements. PRF2 for community land is close to the existing built up area on the northern edge of the village. By constructing housing on the Pershore Road element it would be further away from the existing village and appear separate. I share WDC's concern about the visual impact of this area from the northern approach to the village. It would therefore be important to ensure suitable landscaping and retention of existing hedgerows wherever possible. The Pershore Road site is for 19 market homes and two manageable homes.

A small area to the north, PRF1 as proposed open space would seem without foundation. The boundaries between the three areas do not seem to be based on any physical features.

The VDS also clearly indicates that further expansion should be within the development boundary and be sensitive to views out of and towards the village. The proposed allocation appears to contradict this guidance.

PRF1 is subject to a later policy. Practically, it should be dealt with in one allocation.

The supporting text explains that the Plan sets a maximum number of houses. Setting a cap is not in line with national policy or guidance or design-led planning. This is because any scheme should be design-led and land used effectively and efficiently. The reasons

given for this approach in this Plan do not provide sufficient justification to depart from this.

Lastly, it would seem that the sites fall within Minerals Safeguarding Zones. Little account seems to have been taken of this.

Despite my reservations about the site's subdivision, I consider that with modification, it is possible to write a policy that retains the allocation element to meet the basic conditions. I am mindful that the NPPF supports housing where it will enhance or maintain the vitality of communities and opportunities should be identified where development will support local services.³⁶ SWDP Policy 59 B also supports housing proposals in villages where they comply with SWDP Policy 2 and fall within one of three categories; one is local initiatives including through neighbourhood plans.

- **Delete paragraph 9.23 on page 44 of the Plan**
- **Add the word “approximately” in the headings above paragraphs 9.24 and 9.28 before “...17 dwellings)” and “...21 dwellings)” respectively**
- **Remove the separate divisions of Pershore Road, PRF1 and PRF2 and identify the site as one entity to be known as Pershore Road**
- **Reword the policy to read:**

“The land identified on Map 5 as Pershore Road is allocated for approximately 21 houses, community recreation land, an extension to the cemetery and additional car parking and open space subject to compliance with all of the following requirements:

- a) ***the location and siting of the various elements should be informed by a design-led approach;***
 - b) ***there is a mix of manageable homes and retirement homes;***
 - c) ***the community recreation land is gifted to Eckington Parish Council;***
 - d) ***suitable vehicular access is provided to the community recreation land;***
 - e) ***appropriate landscaping is provided to the northern boundary of the site;***
 - f) ***existing hedgerows along Pershore Road are retained except where it is necessary to remove the hedgerow to provide safe access and***
 - g) ***account is taken of any Minerals Safeguarding Zone and any necessary action taken prior to the commencement of any development.”***
- **Delete the sentence that reads “See also Section 10.4” from page 46 of the Plan**
 - **Consequential amendments will be needed**

³⁶ NPPF para 78

Policy H12 – South: Jarvis Street (JS1) and Community Land (JSF)

This policy seeks to allocate a site for a mix of housing development and community land. Part of the site abuts the Conservation Area boundary.

In line with the modifications made to Policy H11, modifications are made to this policy to remove the cap on housing numbers, avoid unnecessary duplication and remove a reference to JSG which is not referred to in any detail or evidenced and in any case is not supported by the landowner.

With these modifications, the policy will meet the basic conditions. It will help boost the supply of housing and be in general conformity with SWDP Policies 2 and 59.

- **Reword the policy to read:**

“The land identified on Map 5 as JS1 and JSF is allocated for approximately six dwellings of which at least four should be manageable homes built in accordance with Policy H1 and two should be market dwellings together with an area of land known as JSF to be gifted to Eckington Parish Council for use as a playing field and a car park of approximately 16 spaces and drop off area for the school with access provided to JSF as part of the overall scheme. Indicative locations for the car park and drop-off zone are indicated on Map 5.”

- **Delete the sentence that reads “See also Section 10.5 to 10.7” from page 48 of the Plan**
- **Indicate the car park and drop-off zone on Map 5 or on a separate map clearly marked indicative**
- **Consequential amendments will be needed including the deletion of JSH and JSG from Map 7**

10. Community

Policy C1 – New Community Facilities

This policy starts by allocating PRF2 and JSF for new community facilities. This is unnecessary as this has already been covered by Policies H11 and H12.

The second element of the policy refers to the site of the existing Village Hall; the policy retains it unless it is relocated in accordance with SWDP 37 and Policy C3. Policy C3 details this ambition and it is not necessary to retain this part of the policy; it can be incorporated more appropriately in Policy C3.

- **Delete Policy C1 and its associated text**
- **Delete Map 6**
- **Move paragraphs 10.4 – 10.7 to sit alongside Policies H11 and H12 as appropriate ensuring that any amendments as a result of modifications to these two policies have been carried out**

Policy C2 – Community Facilities – South: Jarvis Street/School Lane Area

The requirements of this policy have now been incorporated into Policy H12. This policy is therefore no longer needed.

- **Delete Policy C2**
- **Delete Map 7**

Policy C3 – Village Hall

The Village Hall is clearly valued by the community as an important asset. Presently the Village Hall is located opposite the school. This policy seeks to support the relocation of the Village Hall should that opportunity arise and earmarks the existing site for school purposes or housing. I cannot see why school related uses would not also be appropriate or that other community uses should not be considered in the interests of the achievement of sustainable development. I modify the policy to this end as this chimes with the justification text.

With modifications to ensure that the policy is clear and precise, it will meet the basic conditions.

- **Reword the policy to read:**
 - “a) The site of the Village Hall will be retained for community uses. Proposals for additional community facilities to enhance or replace the existing Village Hall, or other community uses will be supported.***
 - b) Should the Village Hall be relocated, in line with SWDP Policy 37, development of the existing site for housing or school or school related development or other community uses will be supported in principle.”***

11. Economy

This section does not contain any policies, but explains the local situation.

12. Environment

Policy EN1 – Key Landscapes

The Plan explains that part of Bredon Hill lying within the Parish falls within the Cotswolds Area of Outstanding Natural Beauty (AONB) and is a Special Area of Conservation (SAC). There is also a Conservation Area (CA) and other sites of archaeological interest.

Key landscapes have been informed by the Placecheck Survey Report which forms part of the VDS and the CA Appraisal and Management Plan.

The policy refers to key landscapes and vistas identified in Annex 2. These are eight viewpoints. The second element of the policy refers to eight specifically identified Key Landscapes, but these seem to be the same as those in Annex 2.

It seems to me that these are more views than landscapes and this is borne out by the detail in Annex 2. Therefore a modification to address this is made together with the removal of duplication. This will ensure that the policy conserves the views but does not prevent development per se.

I saw the eight views at my site visit. All seemed to me to be appropriately defined. With these modifications, the policy is a local expression of SWDP Policy 25 and will meet the basic conditions.

- **Change the title of the policy to “Key Views”**

- **Reword the policy to read:**

“The key views identified in Annex 2 and listed below shall be conserved. Proposals that would have a significant detrimental impact on a key view by way of scale, massing, height, use of materials or lighting will not be supported. The key views are:

[retain existing list]”

- **Consequential amendments may be needed including to titles, maps and the annex**

13. Implementation

This section explains how the Plan will be used. It also confirms that the Parish Council will monitor the Plan and more formally review it every four years. Whilst monitoring and review is not yet a requirement for neighbourhood plans, I welcome this as good practice and commend this approach to others.

14. Glossary

A useful glossary is included. There are references to the NPPF of July 2018 which should be removed or updated to reflect the latest version of NPPF in February 2019.

Some definitions require amendment in the interests of accuracy. With regard to the definition of windfall sites, I am unsure as to what the last sentence means; it seems not to reflect the current NPPF's definition.

- **Remove or update references to the NPPF on page 64 of the Plan**
- **Delete the last sentence of the definition of “Windfall Sites” on page 66 of the Plan**

15. Acknowledgements

No comments.

16. Annexed Documents and 17. Appendices

There are currently two annexes; the VDS referred to in Policy H7 and Key Landscapes referred to in Policy EN1. These are both appended to the Plan.

There is then a separately bound document titled Appendices. Many of the contents are supporting material or background documents. It is useful to have this available. One of the appendices is however the list of community actions; Appendix 3. My view is that this should also be appended to the Plan document itself.

There is also a typo in one of the other appendices to correct.

- **Move Appendix 3, the community actions, to become Annex 3 to the Plan**
- **Correct Appendix 8 to Appendix 6**

8.0 Conclusions and recommendations

I am satisfied that the Eckington Neighbourhood Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Wychavon Council that, subject to the modifications proposed in this report, the Eckington Neighbourhood Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Eckington Neighbourhood Plan should proceed to a referendum based on the Eckington Neighbourhood Plan area as approved by Wychavon District Council on 17 March 2015.

Ann Skippers MRTPI

Ann Skippers Planning
22 October 2019

Appendix 1 List of key documents specific to this examination

Eckington Neighbourhood Plan Submission Plan

The Eckington Plan Appendices

Basic Conditions Statement

Consultation Statement March 2019

Strategic Environmental Assessment Environmental Report October 2018 (Lepus Consulting)

Strategic Environmental Assessment Scoping Report October 2018 (Lepus Consulting)

Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion April 2018

Village Design Statement 2015 but dated December 2016 (Submission Copy)

Eckington Conservation Area Appraisal and Management Plan 2010

South Worcestershire Development Plan February 2016

Comments on the representations received at Regulation 16 from the Parish Council

List ends

Appendix 2 Questions of clarification from the examiner

Eckington Neighbourhood Plan Examination Questions of Clarification from the Independent Examiner to the Parish Council (PC) and Wychavon District Council (WDC)

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Please provide me with a copy of the Strategic Environmental Assessment (SEA) Scoping Report.
2. Did the Environmental Report undergo consultation alongside the draft Plan at pre-submission (Regulation 14) stage?
3. Has the Environmental Report been updated or reviewed in the light of changes made to the Plan after the pre-submission stage? If not, is it still valid?
4. Please provide me with a copy of the Habitats Regulations Assessment (HRA) Screening Report.
5. Please confirm that the statutory consultees have been consulted on the HRA Screening Report and send a copy of any responses received.
6. Please confirm that the HRA Screening Report has been available alongside other documents for consultation at the submission (Regulation 16) stage.
7. Please indicate what the changes are between the Village Design Statement adopted by WDC and the amended version which is Annex 1 and referred to in Policy H7.
8. Please send me brief details of the extant planning permission on RM2 (the site layout, decision notice and any legal agreement).
9. Please see me an unredacted version of representation 6 as I need to understand the comments made.
10. Does the Plan seek to define a development boundary and if so, which map is this shown on? If not, what development boundary does the Plan rely on?

The questions and other matters are raised without prejudice to my consideration of the Plan against the basic conditions and other requirements.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this note is a public document and that your answers will also be in the public domain. Both my queries and your responses should be placed on the Councils' websites as appropriate.

With many thanks.

Ann Skippers
14 August 2019