

Wychavon Council

**Harvington  
Neighbourhood Plan**

**Independent Examiner's Report**

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11 June 2019

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## Summary

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

The Plan takes an ambitious approach with policies covering a wide variety of issues of importance to the local community. It supports growth recognising the importance of appropriate development to the continuing vitality of the community. It is underpinned by a comprehensive evidence base. The Plan does not seek to repeat higher tier policies, but to add a local layer to them. It includes a site allocation for some 35 units.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan provides a practical framework for decision-making as required by national policy and guidance although I have felt it necessary to recommend the deletion of some policies. I consider that these do not significantly or substantially alter the intention or overall nature of the Plan.

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 Harvington Neighbourhood Development 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  
11 June 2019



## 1.0 Introduction

This is the report of the independent examiner into the Harvington Neighbourhood Development 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 twenty-five years experience in planning and have worked in 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 conditions<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup> 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 check<sup>3</sup> 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.<sup>4</sup>

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.

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<sup>2</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

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

<sup>4</sup> 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 2015. A useful chronology table detailing the work is found in the Consultation Statement.<sup>5</sup>

Working groups were established under topic themes. A number of different surveys were carried out including one for residents and businesses. Specific groups such as school children were engaged on their needs. Views have been gathered in a number of different ways including online surveys, events, and announcements in the local Village News monthly newsletter.

A Housing Needs Survey took place in June 2016 with a good response rate of 44%. A Call for Sites was undertaken in January 2017.

Feedback to the community was also important.

Pre-submission (Regulation 14) consultation took place between 27 April – 9 June 2018. As well as advertisements in local papers and banners, a leaflet was delivered to every household. Local Green Space owners were specifically written to. Copies of the Plan and the Evidence, Reasoning and Justification document were available both electronically and at various locations. Four consultation events were held.

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

Submission (Regulation 16) consultation was carried out between 24 October – 5 December 2018. At this stage, the responsibility for the consultation passes to WDC rather than the Parish Council. There is nothing before me to indicate that this stage or previous stages have not met the requisite requirements.

The Regulation 16 stage resulted in 33 representations. 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).<sup>6</sup> PPG confirms that the

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<sup>5</sup> Consultation Statement page 6

<sup>6</sup> PPG para 055 ref id 41-055-20180222

examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> 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. Some representations seek the inclusion of other land within the development boundary or make useful suggestions. I feel sure the Parish Council will wish to consider these suggestions in any future revisions to the Plan.

PPG<sup>8</sup> 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.<sup>9</sup>

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 the Parish Council to make any comments; it is only if they wish to do so. The Parish Council did make comments on the representations.

I made an unaccompanied site visit to familiarise myself with the Plan area on 12 February 2019.

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.

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<sup>7</sup> PPG para 055 ref id 41-055-20180222

<sup>8</sup> *Ibid* para 056 ref id 41-056-20180222

<sup>9</sup> *Ibid*

## 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

Harvington 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 5 of the Plan.

### Plan period

The Plan period is 2016 – 2030 to align with the end date of the SWDP. This is confirmed in the Basic Conditions Statement, but not the Plan itself. A modification is made to address this. This requirement will therefore be met.

- **Insert time period for the Plan “2016 – 2030” on the front cover or in the Plan**

### Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement.

### 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.<sup>10</sup> In this instance, community projects have been included in ‘green boxes’ alongside the planning policies they are associated with. I consider this to be an appropriate approach for this particular Plan.

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<sup>10</sup> PPG para 004 ref id 41-004-20170728



## 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 last July.

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.

As the Plan was submitted before 24 January 2019, it is clear that it is the previous NPPF published in 2012 that is relevant to this particular examination. Any references to the NPPF in this report refer to the NPPF published in 2012 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 strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.<sup>11</sup>

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.<sup>12</sup>

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.<sup>13</sup>

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<sup>11</sup> NPPF paras 14, 16

<sup>12</sup> *Ibid* para 184

<sup>13</sup> *Ibid* para 17

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 [planningguidance.communities.gov.uk](http://planningguidance.communities.gov.uk) 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.

On 9 May 2019, PPG was updated including in relation to neighbourhood planning. The Government website states that:

“Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework, the policies in the previous version of the framework published in 2012 will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018.”

Therefore it is clear that it is the previous PPG which should be applied to this examination.

PPG indicates that a policy should be clear and unambiguous<sup>14</sup> 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 context and the characteristics of the area.<sup>15</sup>

PPG states there is no ‘tick box’ list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>16</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>17</sup>

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, the most up to date information available at the time, and does so well.

There are references throughout the Plan to the NPPF of July 2018. Where I refer to this version of the NPPF, I do so as NPPF2.

### **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 as a whole<sup>18</sup> constitutes the Government’s view of what sustainable development means in practice

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<sup>14</sup> PPG para 041 ref id 41-041-20140306

<sup>15</sup> *Ibid*

<sup>16</sup> *Ibid* para 040 ref id 41-040-20160211

<sup>17</sup> *Ibid*

<sup>18</sup> NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government’s view of what sustainable development means in practice

for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.<sup>19</sup>

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.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains a table of relevant SWDP policies and the Evidence, Reasoning and Justification (ERJ) document provides more information.

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

PPG<sup>20</sup> 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

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<sup>19</sup> NPPF para 7

<sup>20</sup> PPG para 031 ref id 11-031-20150209

Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

A Screening Opinion was undertaken by WDC in May 2018. This concluded that the Plan “may require a full SEA to be undertaken”.<sup>21</sup> The requisite consultation with the statutory consultees was undertaken. All three statutory consultees, the Environment Agency (EA), Natural England (NE) and Historic England (HE) responded. NE advised that there are unlikely to be significant environmental effects. HE responded there were unlikely to be any significant effects. EA considered that a SEA would not be needed in this instance.

As a result of this consultation, WDC<sup>22</sup> determined that a SEA would not be needed. I have treated this email as the statement of reasons that PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.<sup>23</sup> This has been confirmed by WDC to be the case.

I am therefore of the view that 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.<sup>24</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

The Screening Opinion of May 2018 carried out by WDC also included a HRA screening. This determined that no further work on HRA was required and the consultation responses from the three 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.

I wrote to WDC on 23 April 2019 drawing attention to this and asking whether this change to the basic conditions gave rise to any implications for the examination of this particular neighbourhood plan. My letter is attached as Appendix 3.

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<sup>21</sup> SEA and HRA Screening Opinion May 2018 page 17

<sup>22</sup> Email from WDC to the Parish Council 22 June 2018

<sup>23</sup> PPG para 028 ref id 11-028-20150209

<sup>24</sup> *Ibid* para 047 ref id 11-047-20150209

WDC responded on 24 April 2019 confirming that WDC had reviewed the Screening Opinion in the light of the European Court cases and the new basic condition and that the Screening Opinion remains valid. The reasons for this are the distances of the Plan area from any European sites; the nearest being Lyppard Grange Ponds Special Area of Conservation (SAC) and Bredon Hill SAC which are approximately 18km north west and 13km south west of the Harvington Neighbourhood Area respectively, and although the Plan contains a site allocation, the Screening Opinion does not seek to take account of any measures intended to reduce or avoid any harmful effects on any European site.

WDC also consulted NE to ascertain the opinion of the statutory consultee. NE responded on 13 May 2019 agreeing with the conclusion of the Screening Opinion.

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 short 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.

## **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 25 policies. There is a useful contents page at the start of the Plan although the page numbers do not always align with the contents. This is a minor matter that is easily remedied in the final edit. A helpful abbreviations list is also given.

### **1 Introduction**

This is a well written and helpful introduction that sets the scene for the Plan.

Reference is made to the NPPF revised in 2018. With the passage of time, a new NPPF has been published and it will be up to the Parish Council to decide whether to update these references which appear throughout the Plan as part of the final version. I do not repeat this modification throughout the report.

Although there is presently no statutory requirement for neighbourhood plans to be monitored, the commitment to reviewing the Plan regularly is welcome and I regard as good practice.

There is a succinct summary of the evolution of the Plan and the engagement carried out with signposts to more details in other documents.

Reference is made to the evidence base and again other documents are signposted for further information.

Worcestershire County Council make the point that the development plan referred to in paragraph 1.1.5 on page 4 should include reference to the other documents that make up the development plan. For the sake of completeness, a modification is made.

WDC request that the Plan should also refer to the SWDP Review which commenced last year and will extend the SWDP period to 2041 once adopted. I agree this would be a useful addition.

Finally, this section clearly explains that a number of community projects are included. These appear in green boxes, distinguishable from the policies they sit alongside.

The approach taken in this section is to commended for its clarity and balance of information.

- **Update references as necessary / desired to the NPPF throughout the Plan**
- **Add the words “*the adopted Worcestershire Waste Core Strategy and the saved policies of the County of Hereford and Worcester Minerals Local Plan*” after “...the adopted South Worcestershire Development Plan...” in paragraph 1.1.5 on page 4 of the Plan**
- **Add the words “*A Review of the SWDP commenced in 2018.*” to the end of paragraph 1.1.4 on page 4 of the Plan**

## 2 The Parish of Harvington

Another well written and informative section of the Plan. It sets out the context for the Plan including identifying three distinct zones for the Plan area, it relates historical context well to the direction of the Plan and again signals which supporting documents are relevant.

The section contains a lot of information, supported by various maps and tables, presented to a very high quality.

### 3 Vision and objectives

The vision for the area is:

“The Parish of Harvington is a vibrant and active place to live in and to visit, whose residents wish it to continue to grow organically and sustainably within its attractive and productive landscape.

In 2030 the village will have added at least 50 residences (making much greater use of renewable energy), will be served by vibrant retail outlets and will have many more residents enjoying cycling and walking.”

The vision is clearly articulated.

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

### 4 Policies

#### 4.1 Development Boundary

##### Policy DB – Development Boundary

WDC suggest that the policy should be renamed. The Parish Council concurs with this. In the interests of clarity, a modification is made.

This policy has a number of different elements to it.

Firstly, it defines a new, extended development boundary which is clearly shown on page 17 of the Plan. The revised boundary adds four areas and removes two small areas. The development boundary has been defined logically, but I raised a query on one aspect of it which I considered to be illogical. Rear gardens of properties in Hawkes Piece have been excluded yet on the ground form a distinct boundary to the built up edge of the settlement. In my view they should be included. In response to my query on this matter, the PC indicates that the boundary in this location is drawn on advice from WDC to prevent the land from being built on. As they form a distinct boundary and clearly are part of the ‘built’ element of the village, they should be included.

Development is in principle supported within the development boundary.

Criterion 3) of the policy relates to development falling outside the boundary and refers to paragraph 79 of NPPF2. That has now been superseded with the publication of a new NPPF in February 2019, but in this case the reference remains the same. No

updating is therefore needed. Although WDC indicate the criterion is more relaxed than the approach in the SWDP, it mirrors the stance of the NPPF and therefore is acceptable. Whilst usually it is not advisable and there is no need to simply replicate national policy, in this case, it does clearly set out the expectations for the Parish.

Lastly, it refers to business developments and other policies in the Plan.

The policy is clearly written, it takes account of national policy and guidance, generally conforms to the SWDP, in particular Policies 1 and 2 and will help to achieve sustainable development. The only modifications are to the policy title and to the development boundary itself. With these modifications, the policy will meet the basic conditions.

- **Change the name of the policy from “Policy DB” to “Policy DB1”**
- **Include the rear gardens of properties in Hawkes Piece within the development boundary, changing Map 6 and any other maps accordingly**

#### ***4.2 Environment and Heritage***

##### **Policy EH1 – Green Infrastructure**

This is a long policy with four distinct parts A – D.

Part A refers to agricultural and horticultural land restricting residential and business development on it unless three criteria are met. All three are clear, have sufficient flexibility to accommodate strategic needs and changing circumstances and set out a preference for development within the boundary or on brownfield sites. A typo should be corrected.

Part B seeks to protect trees and hedgerows including those identified in Appendix C as “significant” and the Millennium Oak Avenue on Evesham Road. Some of the criteria could be worded more robustly and a change in order would make sense to help with clarity.

Part C refers to wildlife and biodiversity. Two of the criteria could be clearer and robustly worded.

Part D deals with public rights of way. All three elements are clearly worded.

Maps 7 and 8 referred to in the policy are clearly presented.

This policy sets out a local approach which plans positively for the protection and enhancement of biodiversity, networks and green infrastructure. This will help to deliver both environmental and quality of life benefits for the local community. With the recommended modifications, it will take account of national policy and guidance,



generally conform to SWDP Policies 1, 5, 6 and 22 and will help to achieve sustainable development.

Paragraph 7 on page 25 of the Plan refers to the policy requiring an inspection and preservation activity. I think this refers to the Community Project on page 21 of the Plan rather than Policy EH1. A modification to correct this minor error is made.

- **Correct “Brownfield Land Registry” in criterion c) of Part A to “Brownfield Land Register”**
- **Change Part B, criterion 1) to read: “Development must take into account the importance of veteran and mature trees and ancient hedgerows. Development which adversely affects such trees or hedgerows will *be resisted and will only be supported in exceptional circumstances and where* there is a net gain in tree and hedge planting.”**
- **Change Part B, criterion 2) to read: “Appendix C to this NP lists the significant trees in the neighbourhood area in 2017. When considering physical access or visibility splays for a development site *it should be demonstrated that every effort has been* made to avoid any need to remove or modify these trees.**
- **Change Part B, criterion 4) to become criterion 3) and read: “3) The 43 verge-side Elm trees in Leys Road, identified in Appendix C, which have been planted to evaluate candidate local replacement species, are to *be protected.*”**
- **Change Part B, criterion 3) to become criterion 4)**
- **Change Part B, criterion 5) to read: “5) Any *removal* of the linear tree-and-hedge wind-breaks shown in Map 8 will be *resisted.*”**
- **Change Part C, criterion 1) to read: “Where the removal of old orchards and hedgerows are involved in a proposed development, appropriate surveys should be carried out and submitted at the application stage and in all cases prior to determination. Such surveys should include detailed and adequate mitigation measures where an *adverse* impact is identified.”**
- **Change Part C, criterion 2) to read: “Provision should be made for wildlife corridors within developments by preserving existing hedgerows *wherever possible and ensuring that replacement provision is made when hedgerows are necessarily removed.*”**
- **Change the reference to “policy” in paragraph 7 on page 25 of the Plan to “Community Project”**

## Policy EH2 – Local Green Spaces

12 areas of Local Green Space (LGS) are proposed.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>25</sup> The effect of such a designation is that new development will be ruled out other than in very special circumstances.

The identification of LGSs should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

I visited the areas on my site visit. Taking each one in turn:

**GS1 Jubilee Community Orchard** is an area along Leys Road which contains fruit trees planted by the community, has a mound and ponds, seating and play equipment. The area is a joint activity between Harvington Trust and WDC. It has a dual purpose to provide flood control and a community ecological asset. It was constructed in part by villagers and the fruit trees are stocked by village subscription. It is particularly valued for its ecology and as a village area.

**GS2 Leys Road** is a grassed area between housing in an established residential area. The supporting information explains that it has a path that leads to an informal path across farm land which in turn connects to a public footpath. The supporting information refers to some ecological significance and its active use as a corridor to open fields, dog walking and resulting social interactions.

**GS3 Orchard Place** is a greensward at the heart of a residential estate which contributes to the area's character and softens the impact of an electricity sub station and turning head. I raised a query about the land proposed for designation, but in fact the proposed area is clear and my query was based on my misinterpretation of the area.

**GS4 Ragley Road verge** is a wide grass verge which acts as an entrance to Ragley Road with individual trees on it. It forms an important part of the street scene. Supporting information also indicates its use and value as a play space.

**GS5 Village Green** is a triangular space with an individual tree on it opposite the Village Hall. It is located within the Harvington Conservation Area (CA). The area is at the heart of the village and is used for social gatherings.

**GS6 Allotments** This is a relatively large area compared to the other proposed LGSs of allotments at about 2.64 hectares. Some allotments are well tended, but at the time of my visit there were also some vacant plots. The supporting information indicates that

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<sup>25</sup> NPPF paras 76, 77 and 78

the allotments are valued for their recreation opportunities in food growing, exercise and social interaction. The allotments “keep alive the market gardening tradition” of the village. The landowner has objected to the designation. The allotments do provide recreation opportunities and are well related to the school and village.

**GS7 Playing Fields** is accessed by a footpath and is an enclosed area for sports and recreation. It is mainly laid to grass, but has play equipment, picnic tables, a pavilion, net hoops and goal posts.

**GS8 Field to south of Playing Field** adjoins the Playing Fields. There is a public footpath to the northern boundary. The land slopes away and affords some long distance views. The supporting information indicates the area has been used for many years by villagers for dog walking and that it provides social interaction for the dog walking community.

**GS9 Glebe Cottages verge** is a grassed verge that slopes from the road to houses with a number of trees on it. It adds to the character of the locality. The area falls within the CA.

**GS10 The Steps** is an area surrounded by housing with a large tree in the middle. It is a secluded area. Pedestrian access is gained to Stratford Road from Finch Lane. The supporting information explains that the site is in one of the oldest parts of the village and provides a setting for buildings as well as a play area for local residents. It has been used for community street parties. The area falls within the CA.

**GS11 Cricket Club** is accessed by a lane off Anchor Lane. Although it is on the other side of the road to the village, it is reasonably close to the community it serves. As well as providing opportunities for cricket and football, the club house is used for community events.

**GS12 Cemetery** is a well defined and contained area. It has historical significance and is home to the War Memorial. It is in active use and provides the villagers with an oasis for quiet contemplation. It also falls within the CA.

In my view, all the proposed LGSs are clearly defined. In considering the criteria for proposed LGS designation in the NPPF, all are in reasonably close proximity to the community they serve. I consider all to be local in character and not extensive tracts of land.

Turning now to the last element of LGS designation, whether the green area is demonstrably special to the local community and holds a particular local significance. The examples given in the NPPF are beauty, historic significance, recreational value, tranquility or wildlife, but I do not regard this as a closed list.

In my view there are two LGSs which do not satisfactorily meet this criterion. The first is GS2 Leys Road. I appreciate that the area may be special to the local community, but the basis for inclusion is its use as a corridor to open fields and its suitability for dog walking resulting in some recreational value as well as some ecological value. At my

visit, whilst a footpath was well trodden, I could not see anything that distinguished this land from other land of a similar nature or anything particularly demonstrably special about it in its own right.

The second area is GS8 Field to south of Playing Field. The basis for the inclusion of this land is its use by villagers especially for dog walking. This in turn has generated social interaction amongst the walkers. The landowners have objected to this site indicating it has no public access. LGS designation does not confer any rights of public access over what exists at present.<sup>26</sup> PPG is clear that land can be considered for designation even if there is no public access. It gives the examples of green areas valued for their wildlife, historic significance or beauty.<sup>27</sup>

Whilst ownership and public access are not issues that will necessarily preclude land from inclusion as LGS, they are relevant when the basis of the designation is, as in this case, use.

A public footpath passes along one of the site boundaries. I walked this at my site visit. I did not see anything to indicate that the land is otherwise available for recreational use. Given the reasons put forward in support of this designation, the land itself does not have any features that would distinguish it from other similar land surrounding the village or being particularly valued for wildlife, historic significance or beauty for example in comparison to other adjoining land. I could not see any particular merit for special designation.

Finally, GS10 The Steps. In principle, I can see no reason why this area should not be designated as a LGS. However, at the time of my site visit, some of the area shown for potential designation appeared to include garden areas although this may not be an authorised use. I asked a question regarding the extent of the area and its boundaries. Land ownership and public access are not usually matters that would be determining factors as I have indicated above. However, there needs to be clarity over the land proposed for designation so that any landowners or others with an interest in the land have an opportunity to comment. At the present time, I do not feel there is sufficient certainty over the proposed area.<sup>28</sup> In making this recommendation for deletion, I am also mindful that the area falls in the CA which will afford it some protection whilst these matters are resolved.

Therefore GS2, GS8 and GS10 do not, in my view, either meet the criteria for designation in the NPPF satisfactorily or there is some uncertainty about fairness.

Turning now to the policy wording, it cross refers to Map 9 which shows each LGS and Appendix A which gives more details. It refers to “very special circumstances” which reflects the NPPF’s policy on LGSs which is to manage development in LGSs in line with policy for Green Belts.

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<sup>26</sup> PPG para 017 ref id 37-017-20140306

<sup>27</sup> *Ibid*

<sup>28</sup> *Ibid* para 019 ref id 37-019-20140306

- **Delete proposed LGSs, GS2, GS8 and GS10 from the policy**
- **Consequential changes will be required to the text and maps**

### Policy EH3 – Responding to Local Character

This policy seeks to ensure that local character is taken into account. This is in line with the NPPF's<sup>29</sup> stance on the promotion and reinforcement of local distinctiveness and is supported by a Village Character Appraisal.

It refers to the Village Character Appraisal as being provided at Appendix A whereas it is in fact attached as Appendix B to the Plan. With this small correction, the policy will meet the basic conditions reflecting the emphasis placed on local distinctiveness in the NPPF, generally conforming to SWDP Policies 1 and 5 in particular and helping to achieve sustainable development.

- **Correct the reference to “Appendix A’ in the policy to “Appendix B”**

### Policy EH4 – Setting of Conservation Area ‘holloway’

This policy identifies a “protection zone” which forms part of the skyline to the Anchor Lane holloway or sunken lane.

Evidence supporting this policy indicates that any visual intrusion into the skyline would affect the heritage asset. Whilst some of the area falls within the Harvington Conservation Area, development adjoining the top would fall outside the Conservation Area along part of the proposed protection zones. Therefore there is merit in identifying this particular area given its importance to the local community.

I saw at my site visit that Anchor Lane is an unmade single track lane serving a number of houses. The policy seeks to resist any development or public utilities which would be visible from Anchor Lane. This is an unusual feature and although there were a number of roofs and utility development visible now and despite some reservations as to how this policy might be implemented, it has a clear purpose.

Therefore with one correction, the policy will meet the basic conditions. A further correction is made to a reference in the explanatory text.

- **Correct the reference to “three areas” in the policy to “two areas”**
- **Correct the reference to “Map 9” on page 31 of the Plan to “Map 10”**

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<sup>29</sup> NPPF para 60

## Policy EH5 – Valued Landscapes

One of the NPPF's core planning principles is the recognition of the intrinsic character and beauty of the countryside.<sup>30</sup> It is clear that the planning system should contribute to and enhance the natural and local environment.<sup>31</sup>

This policy seeks to ensure that any development that has an adverse impact on a number of views valued by the community is resisted. The views are clearly shown on Maps 11 and 12 and described in Table 1 on page 33 of the Plan. I saw at my site visit that these views are appropriately identified. In many instances, a view of a church steeple for example, or to or over a longer distance landscape is gained. These are important features which make a contribution to the setting of, and local distinctiveness of, the village and wider Parish.

The policy itself is clearly worded. It reflects the stance of the SWDP and Policy 5 in particular. However, valued landscapes is, in my view, a misnomer for the policy and so a modification is made in this regard in the interests of clarity. In addition the policy could be more precise about the harm it seeks to avoid. A modification is made in this regard.

There is also some repetition in the explanatory text and a typo in the Table. In the interests of accuracy, modifications are made to address these.

With these modifications, the policy will meet the basic conditions.

- **Change the title of the policy to “Valued Views”**
- **Change the word “landscapes” in criterion 3) to “views”**
- **Reword criterion 4) of the policy to read: “Any development or alterations to an area within the identified views must ensure that key features of the view can continue to be enjoyed including distant buildings, areas of landscape and the juxtaposition of village edges and countryside.”**
- **Delete paragraphs 5, 6 and 7 on page 32 of the Plan**
- **Correct “escarp, emt” on page 35 of the Plan to “escarpment”**
- **Consequential amendments will be needed**

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<sup>30</sup> NPPF para 17

<sup>31</sup> *Ibid* para 109

## Policy EH6 - Flooding

The supporting text explains that there are three potential sources of flooding within the Parish; run-off from sloping fields and allotments, overflow from the Harvington Brook and overflow of the River Avon.

Map 13 which shows the Environment Agency's flood risk areas is included. It is good to see the Plan acknowledge and encourage users to source the most up to date information available from the EA's website.

There is little doubt that consideration of flood risk will proactively help to meet one of the challenges of climate change. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.<sup>32</sup> It advocates a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property.<sup>33</sup>

The policy seeks to help to address flood risk and encourage appropriate surface water and sustainable drainage systems. It takes account of national policy and guidance, generally conforms to SWDP Policy 28 and will help to achieve sustainable development. With two modifications reflecting the representation from Worcestershire County Council, it will meet the basic conditions.

- **Add the words “*add any additional water quantity or*” after “Development should not...” in criterion 2) of the policy**
- **Change the words “...hard standing...” in criterion 3) of the policy to “...*paving areas*...”**

### 4.3 Local Facilities and Leisure

#### Policy LFL1 – Village Facilities

Policy LFL1 lists a number of facilities indicating that redevelopment or change of use to any of the listed facilities will only be supported if the facility is improved, an equivalent is provided or if the facility is surplus to requirements – current or future. The listed facilities are clearly identified on Map 5.

The NPPF<sup>34</sup> promotes the retention, and development, of local services and community facilities.

However, I consider it would be difficult to predict what future requirements may be. Subject to this element of the policy being deleted, it will generally conform to the

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<sup>32</sup> NPPF para 100

<sup>33</sup> *Ibid*

<sup>34</sup> *Ibid* para 28

SWDP in particular Policy 10 which protects and promotes retail and community uses and SWDP non-strategic Policy 37 and will help to achieve sustainable development.

- **Delete “...or expected future...” from the policy**

### **Policy LFL2 – Expansion of First and Nursery School**

This policy seeks to reserve a parcel of land to the north of Harvington Church of England First and Nursery School for future development. The land in question is clearly shown on Map 14.

The land currently forms part of an allotment and is immediately adjacent to the School site on two sides.

The NPPF indicates that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.<sup>35</sup> This policy takes a proactive and positive approach to meeting this requirement and to giving an opportunity to the School to expand. The School has requested the safeguarding.

However, I note a representation on behalf of the landowner indicates this is not yet planned and will require approval by the Diocesan Board of Education. This then casts some doubt on the deliverability of this policy, but I am mindful that the landowners do not object per se. In addition, the policy reserves, rather than allocates, the site and that the Plan makes a commitment to review. Of course ultimately whether the land is used for this purpose or not will require the consent of the landowner.

In the meantime though, this is an example of positive planning. The policy is also welcomed by Worcestershire County Council. The policy is clearly worded. It meets the basic conditions.

### **Policy LFL3 – Expansion of the Village Hall**

This policy allocates an area of land to the rear of the Village Hall for its future expansion including recreational use. Permanent structures should be avoided. The land is shown clearly on Map 15. I saw at my visit that the land in question is grass alongside a footpath and narrow access way. Its easternmost boundary follows a hedgerow.

A representation has been received from the landowners. They object to the “assumption” that this land is available for the proposed use. Land ownership is a

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<sup>35</sup> NPPF para 72



matter separate to the planning process. However, whilst policies should be prepared positively and aspirational, they also should be deliverable. In this case, unfortunately at this point in time, I do not consider there is sufficient certainty that the policy is deliverable. Therefore I do not consider it meets the basic conditions. As a result, it should be deleted.

It could however become a community aspiration so that the wishes of the Parish Council are recorded and ongoing discussions with the landowner can be held. This is not a matter I need to make a recommendation on.

- **Delete Policy LFL3 and its explanatory text**

#### **4.4 Business and Tourism**

##### **Policy BT1 – Employment Sites**

The NPPF<sup>36</sup> supports economic growth in rural areas recognising this will help to create jobs and prosperity. All types of business and enterprise are supported including farm and other land-based rural businesses. SWDP Policy 12 protects existing employment sites from changes of use unless marketing has been carried out for employment generating uses and the site is no longer viable.

The policy is in three parts. The first element supports the expansion of existing employment sites and is similarly worded to the relevant part of SWDP Policy 12. The second part deals with changes of use of existing employment sites. Any change of use needs to show active marketing of the site for at least 12 months. There is a subtlety between this part of the policy and SWDP Policy 12; the higher tier policy refers to employment generating uses and accepts tourism and leisure uses for example. Policy BT1 refers to employment sites. This distinction is more restrictive than the higher tier policy and there is little justification for this. To remedy this, a modification is made.

The third part offers support for small scale businesses subject to four criteria. The fourth criterion is unnecessary as it simply refers to other policies in the Plan. Additionally it does not acknowledge other policies in other documents that may form part of the development plan. Therefore for both reasons, this criterion should be deleted. The other two criteria are clear and appropriate for the Parish.

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

- **Change the words “...as an employment site” in part 2) of the policy to “...for an employment generating use.”**
- **Delete part 3) criterion d) from the policy**

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<sup>36</sup> NPPF para 28

## Policy BT2 – Village Retail and Service Outlets

This policy firstly supports the creation or expansion of farm shops, garden centres and other “similar, rural enterprises” if they enhance the viability or expansion of a local business. Potential confusion may arise with the use of the phrase “similar rural enterprises” and whether a particular proposal may or may not be subject to this policy. This then does not provide the practical framework sought by national policy and guidance. A modification is made to address this concern.

Secondly, such development seems to be only supported where it would enhance an existing local business. The NPPF<sup>37</sup> does not make such a proviso and so this is more restrictive than national policy which supports the growth and expansion of all types of business and enterprise in rural areas and promotes the development and diversification of agricultural and other land-based rural businesses. I cannot see any justification for this more restrictive policy in this Parish. A modification is therefore made to address this point.

SWDP Policy 10 supports new or expanded farm shops, garden centres or petrol filling stations subject to their effect on the viability and vitality of other local shopping facilities, redundant or underused buildings are used in relation to farm shops and in the case of garden centres, the site is readily accessible. The creation of new or the extension of garden centres and farm shops in the open countryside is only permitted if the proposed use is ancillary to and on the site of, an existing operation.

Policy BT2 does not make any distinction between open countryside and other areas, but relates to the Plan area. It also does not make any reference to the impact on other local shopping facilities. It therefore is more permissive than the higher tier policy.

The second part of the policy supports Use Classes A1, A2, A3 and A4. Again this gives blanket support for such uses and would potentially support a large supermarket for example within the Plan area.

WDC has commented that this policy does not limit development. However, the last part of the policy makes support for the first two parts of the policy subject to the effect on local amenity and provision of parking. These are both sensible requirements and will ensure some limitation on development. Nevertheless I agree that the policy requires some modification to ensure it does not, inadvertently, open the floodgates to otherwise unsustainable development.

Finally there is a typo in the explanatory text.

With these modifications, the policy will meet the basic conditions.

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<sup>37</sup> NPPF para 28

- **Reword part 1) of the policy to read: “The creation or expansion of farm shops, garden centres and *other land-based rural businesses* will be supported where they *support the sustainable growth and expansion of local businesses, do not have a significant adverse impact on the viability or vitality of other defined local shopping facilities and meet part 3) below.*”**
- **Reword part 2) of the policy to read: “Permission for new business premises of Use Classes A1, A2, A3 or A4 will be supported *where they are in an accessible and sustainable location or relate to the expansion or diversification of an existing business and wherever possible existing buildings are reused and meet part 3) below.*”**
- **Change “compliments” in paragraph 1. on page 47 of the Plan to “complements”**

### Policy BT3 – Farm Diversification

In line with the NPPF,<sup>38</sup> support is given to farm diversification subject to three criteria. The NPPF refers to land-based rural businesses and so a modification is made to widen the policy to reflect this.

SWDP Policies 10 and 12 also refer to farm diversification with Policy BT3 closely reflecting the wording of the relevant part of SWDP Policy 12. Policy BT3 is more permissive than the higher tier policies, but the Plan explains that local farms are essential to the local economy and that “freedom” is needed. The policy has sufficient safeguards to ensure that any such development is appropriate to the area. This is done through three criteria which are clearly worded and appropriate for this Parish.

Subject to this modification, the policy meets the basic conditions.

- **Add the words “*and other land-based rural*” after “...farm...” in the first sentence of the policy**

### Policy BT4 - Tourism

The NPPF supports sustainable rural tourism developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. It makes it clear this includes the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.<sup>39</sup>

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<sup>38</sup> NPPF para 28

<sup>39</sup> *Ibid* para 28

There are two parts to Policy BT4. The first part promotes tourism development in the Plan area subject to four criteria.

The second part then refers to “tourism-related buildings” outside the development boundary indicating that these will only be acceptable if they are ancillary to an existing tourism business or reuse rural buildings.

The policy takes account of the stance in the NPPF. It generally conforms to the SWDP. It will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

### **Policy BT5 – Static and Touring Holiday Caravans, Chalets and Camp-sites**

SWDP Policy 36 does not permit new or extended sites within flood zones 2 or 3. Given that much of the Plan area south of the A46 lies within those zones, the Plan seeks to make provision for the relocation or expansion of such facilities elsewhere in the Plan area. It does so subject to six criteria. All are appropriate and clearly worded. The policy meets the basic conditions and no modifications are recommended.

## **4.5 Travel**

### **Policy T1 – Sustainable Management of Private Transport**

The supporting text explains that on-street parking is prevalent in Harvington and particularly so in the Leys Road/Blakenhurst area and at Malthouse Close.

The policy seeks to resist the loss of three off-street communal areas in these localities. The areas are clearly shown on Maps 16 and 17. The policy is worded flexibly to allow loss should there be no need for the areas.

The second element of the policy seeks to ensure that new dwellings have electric car charging facilities. It also supports communal charging points at the Village Hall, shops and pubs.

A community project sits alongside the policy.

Given the concern locally and the precision with which the policy is worded, both elements will meet the basic conditions and particularly help to achieve sustainable development. No modifications are therefore recommended.

A minor typo should be corrected in the supporting text.

- **Change “compliments” on page 53 of the Plan to “complements”**

## Policy T2 - Provision for Cycleways

Three routes are safeguarded by this policy for upgrading to cycleways. The policy will promote cycling. However, the last sentence of the policy resists any development which would adversely affect these current or future routes. In order for the policy to provide a practical framework for decision making, a modification is suggested.

The three routes are clearly shown on Map 18. However, a representation from Worcestershire County Council indicates that a route is not correctly shown in respect of the land owned. The Parish Council has helpfully provided an amended map with the comments on the representations and Map 18 should be updated accordingly in the interests of accuracy.

- **Reword the last sentence of the policy to read: “*Development proposals which would adversely affect the provision of these current and future routes will be resisted.*”**
- **Update Map 18 to show revised route from Norton to Twyford Country Park**

## 4.6 Infrastructure and Housing

### Policy IH1 – Housing Growth

Around 40 dwellings are supported by this policy over the Plan period. The number will be achieved through a mix of a site allocation for around 35 dwellings (subject of a later policy) and a reasonable windfall development allowance. The supporting text explains this figure is not a ceiling.

Harvington is identified as a “Category 2” settlement in the SWDP. These are settlements with at least two key services including a shop and have access to at least daily services for employment and shopping. Policy 59 of the SWDP allocates a site with a capacity of nine dwellings at land adjacent to Crest Hill.

This Plan supports more growth including through a site allocation. There is nothing to prevent a neighbourhood plan making further site allocations. Indeed many neighbourhood plans have been criticised for not seeking more growth. PPG<sup>40</sup> explains that additional sites can be allocated to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan.

A Housing Needs Survey was carried out. This did not identify any need from people with an existing connection to the village needing new housing, but did identify need for housing for downsizers. As part of the supporting evidence for the Plan, housing

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<sup>40</sup> PPG para 044 ref id 41-044-20160519

growth rates were analysed at a local level as were housing type, tenure and stock. It was concluded that the historic growth rate should be continued over the Plan period.

Whilst concerns over infrastructure and service provision are valid considerations, SWDP Policy 2 also supports proposals promoted through neighbourhood planning where these do not compromise the delivery of the SWDP's strategic policies and proposals. I note the site allocated in the SWDP is already under construction and WDC have not raised any concerns in this regard.

The policy is clearly worded. It will support growth in line with the community's wishes and the needs of the area. It therefore meets the basic conditions and no modifications are recommended.

## **Policy IH2 – Housing Mix**

Developments of over 10 units are required to provide at least 10% single level accommodation and at least 10% 2 bed starter homes.

SWDP Policy 14 requires housing mix in developments of over five units to be informed by, amongst other things, location, site size, viability and a neighbourhood plan. Evidence gathered for the Plan showed the majority of housing stock was 3 bedroomed and together 3 and 4 or more bedroomed housing accounted for 85% of the stock. In response to this, Policy IH2 seeks to do two things; promote smaller units for older people and starter homes.

The Housing Needs Survey undertaken by the Warwickshire Rural Community Council concluded that smaller bungalows would be needed to meet the downsizing needs of existing villagers. 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.

The policy recognises that bungalows are not the only possibility for older people but that generally single level accommodation is desired by this group. Therefore there is flexibility in the policy and this is explained in the accompanying text.

The requirement for starter homes recognises that single people and younger people are underrepresented in the village.

The NPPF is clear that a mix of housing should be planned for to widen opportunities for home ownership and to create sustainable, inclusive and mixed communities.<sup>41</sup> This policy is a local expression of that aim. It is clearly worded requiring both elements to be provided at least 10% provision. It meets the basic conditions and as such no modifications are suggested.

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<sup>41</sup> NPPF para 50

## Policy IH3 – Parking Provision

This policy seeks to ensure that new residential units have adequate car parking provision and cycle storage.

Whilst the policy goes beyond the standards sought by Worcestershire County Council, I consider the policy will meet the basic conditions. It takes account of the NPPF in that it recognises the particular issues this rural Parish faces and in setting a local parking standard takes the car ownership into account as well as the characteristics of the local transport network.<sup>42</sup> In addition it is a local expression of the SWDP which indicates that locally specific parking standards and a more flexible approach is acceptable.<sup>43</sup>

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

Furthermore, the policy refers to parking areas or garage courts which are not always welcomed in design-led layouts. A modification is made to address this.

The policy also specifically excludes garages “which are integral parts of residential buildings” as counting towards the car parking provision sought. The supporting text explains this is because garages tend to be used for storage or be converted into living space.

Whilst I understand this concern, these are matters which can be addressed by the imposition of planning conditions on any consents to ensure the space is available 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. I consider this element to be overly prescriptive. As a result, a modification is made.

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

- **Add the words “*up to a maximum of four spaces per property*” at the end of criterion 3)**
- **Change criterion 4) to read: “Car parking spaces *should preferably be provided within the grounds of the related property. Where a design-led approach supports the provision of parking areas or garage blocks, these must be specifically assigned to the property.*”**
- **Delete criterion 5) from the policy**

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<sup>42</sup> NPPF Section 4

<sup>43</sup> SWDP page 85

## **Policy IH4 – Density of Development**

This policy does not impose any range or maximum density on housing schemes, but instead indicates that density should be dealt with on a site by site basis. Parts two and three of the policy set out a number of criteria aimed at ensuring that key characteristics of the locality and any site context are respected. Reference is made to the Village Design Statement and the supporting text sets out the densities on larger estates in the village as comparable densities.

In line with the NPPF,<sup>44</sup> this policy sets out a locally distinctive approach. It is appropriate for new development to respond to the density and character of the area in which it is located. It is in general conformity with SWDP Policy 13. The policy will help to encourage design-led solutions appropriate to the area.

The policy is clearly written. It meets the basic conditions and no modifications to it are suggested.

## **Policy IH5 – Designated Development Site**

A site for mixed use development comprising around 35 dwellings and community uses is allocated by this policy. Access is to be taken from Village Street which is the only physical possibility for the site given its location. The site has been included in the new development boundary.

Whilst the site is closely related to the village and is on a bus route, it will need careful planning. This is because existing properties along Evesham Road and Village Street are orientated to the rear, facing the existing field to be developed and the relationship between the existing properties and new development will require careful design.

There are a number of objections from local residents. Concerns include access, loss of trees and flooding and sewerage. I note that in a representation, Severn Trent Water indicate the site is not expected to cause any significant issues to the sewerage system as long as surface water is drained into the local watercourse and the Environment Agency confirm the site is located within Flood Zone 1. These are usually matters which can be dealt with satisfactorily at the more detailed planning application stage.

The site is clearly shown on Maps 21 and 22 which are cross referenced in the policy. The red line denotes "Site A" and a purple line the area for community uses. I consider it would be clearer if the combined site was shown as the designated site to avoid any possibility of confusion or separation. Whilst it is understandable that the area preferred for community uses is shown, this area will also need to form any access point

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<sup>44</sup> NPPF paras 47, 58 and 59



and it may be found that community uses may be better sited elsewhere within the designated development site.

Therefore modifications are made to the policy to help with clarity and flow and the Maps. These will ensure that the Plan provides a practical framework for decision making, retains flexibility for a design-led approach, but also ensures community uses are provided.

- **Reorder the policy by making criterion 3) into criterion 2)**
- **Reword [existing] criterion 2) to read: “*The Maps show an area preferred for community use. This could include a community building with associated parking facilities.*”**
- **Change Maps 21 and 22 to indicate the combined “Site A” and “Community Area” as the red line and hatch the “Community Area” element and show it on the key as “*Preferred area for community uses*”**

## Policy IH6 – Use of Renewable Energy

One of the core planning principles in the NPPF<sup>45</sup> is to support the transition to a low carbon future and to encourage the use of renewable resources including through the development of renewable energy.

However, the Government announced in a Written Ministerial Statement (WMS) of 25 March 2015, that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans.

This policy which sets out expectations for the use of renewable energy in all developments therefore requires some changes to reflect this and can only encourage, rather than require, energy efficiency.

Subject to this increased flexibility, the policy would meet the basic conditions. The policy also applies to other types of development.

Whilst the policy sets out a threshold of 10 or more dwellings for geothermal or river sources which differs from SWDP Policy 27, the modifications made to increase flexibility and to ensure this policy encourages rather than requires means that it is a local expression of the SWDP and is in general conformity with it as a whole.

- **Change the words “...will be expected to:” to “...are encouraged to:” in part one of the policy**

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<sup>45</sup> NPPF para 17

- **Change the words “...should examine...” to “...are encouraged to examine...” in part two of the policy**

### **Policy IH7 – River Energy**

Policy IH7 sets out the community’s support for renewable and low carbon energy using the River Avon as an energy source. The policy is clearly written. It meets the basic conditions in that it supports the delivery of renewable energy which the NPPF explains is central to the economic, social and environmental dimensions of sustainable development,<sup>46</sup> reflects the stance of SWDP Policy 27 and will help to achieve sustainable development.

### **Policy IH8 – Solar Energy Farms**

This policy signals support for solar energy farms subject to three criteria. Like the previous policy, it is clearly written and particularly reflects the Government’s aims expressed in the NPPF to support the delivery of renewable energy as well as the SWDP. It therefore meets the basic conditions and no modifications are put forward.

## **5 Aspirations**

Two Community Projects are referred to at the start of this section. In fact there are three contained within the Plan and so this should be remedied for the sake of completeness.

A number of other aspirations are then listed in this section. All are presented well. However 5.4 on footways includes statements that relate to development and use of land matters. To include them here may create confusion between planning and non-planning matters and so modifications are made to address this concern.

- **Add the third Community Project (Preservation of arboreal genetic heritage) to the list on page 75 of the Plan in the first section**
- **Delete the second sentence in paragraph 5.4.1 on page 75 of the Plan**
- **Change the first sentence of paragraph 5.4.3 on page 75 of the Plan to read: “Where appropriate, new development *is encouraged to demonstrate how...*”**

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<sup>46</sup> NPPF para 93

## Appendices

Appendix A is a useful set of photographs of the proposed Local Green Spaces. In line with my recommendation on Policy EH2, this appendix will require some modification. Appendix B is the Village Character Appraisal referred to in Policy EH3. Page 87 of the Plan refers to Policies IH2 and IH3, but these, in the current version of the Plan, are no longer correct references. I think it should be Policy IH4.

Appendix C is a list of significant trees referred to in Policy EH1.

- **Change the references to “Policy IH2” and to “...the IH2/IH3...” on page 87 of the Plan to “Policy IH4”**

## 8.0 Conclusions and recommendations

I am satisfied that the Harvington 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 Harvington 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 Harvington Neighbourhood Plan should proceed to a referendum based on the Harvington Neighbourhood Plan area as approved by Wychavon District Council on 17 March 2015.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
11 June 2019

## Appendix 1 List of key documents specific to this examination

Harvington Neighbourhood Plan Regulatory 16 Statutory Consultation 9 Oct 2018

Basic Conditions Statement 20 September 2018

Consultation Statement 23 September 2018

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Opinion May 2018

Evidence, Reasoning and Justification Regulation 16 Statutory Consultation Harvington Conservation Area

Parish Plan and Village Design Statement

Housing Needs Survey

AECOM Site Assessment Final Report December 2017

South Worcestershire Development Plan February 2016

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

Various documents on [www.harvington-pc.org.uk](http://www.harvington-pc.org.uk)

**List ends**

## Appendix 2 Questions of clarification from the examiner

### Harvington Neighbourhood Plan Examination Questions of Clarification and Other Matters from the 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. Policy DB – Development Boundary\*  
On the proposed development boundary, have back gardens of properties in Hawkes Piece been excluded from the boundary? And if so, it is not clear to me why this might be?
2. Policy EH2 – Local Green Spaces\*
  - a) On GS3 Orchard Place it looks as though the turning head and sub station have been included in the designation; is this intended? And if not, please could an amended plan be provided?
  - b) On GS10 The Steps - it appears as though some private garden areas have been included in the designation? Again if this is correct, should they be excluded and if so please could an amended plan be provided?

It should be noted that questions marked with an \* were asked by email on 8 April 2019 and responses given to me on 9 April 2019. They are included here for completeness so that all the queries are in one place.

### **Other Matters**

#### *EU Obligations matters*

WDC undertook a Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening Opinion in May 2018. It concluded that a SEA may be needed. Following responses from all three statutory consultees, an email of 22 June 2018 from WDC to the PC confirmed a SEA would not be needed.

- a) Please could WDC confirm whether this is the ‘statement of reasons’ that PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects<sup>47</sup> or whether there is any other document I should be referred too?

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<sup>47</sup> PPG para 028 ref id 11-028-20150209

b) If this is the 'statement of reasons', confirm whether or not the view expressed in the Screening Opinion changed as a result of the responses from the statutory consultees.

c) Please see the accompanying letter on HRA.

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

23 April 2019

## Appendix 3 Letter from the examiner

Letter to Andrew Ford and Reiss Sadler  
Wychavon District Council

23 April 2019

Dear Andy and Reiss,

### **Examination of the Harvington Neighbourhood Plan Amendment to the Basic Conditions**

I am writing to draw your attention to the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which came into force on 28 December 2018.

Amongst other things, these Regulations amend the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

#### **The Regulations substitute a new basic condition which states:**

- **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 Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on European sites or European offshore marine sites. The first stage is to screen the plan to see whether it is likely to have a significant effect on any European site. If the plan is 'screened in' because significant effects cannot be ruled out, the next stage is for an appropriate assessment to be carried out considering the impact on the European site's conservation objectives. Consent for the plan can only be given if it is 'screened out' at the first stage or the appropriate assessment concludes the integrity of the European site will not be adversely affected.

Case law (*People Over Wind*, *Peter Sweetman v Coillte Teoranta*) ruled that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage. This represented

a move away from what was common practice. Any 'mitigation' measures can now only be considered at the appropriate assessment stage.

This resulted in some confusion as to whether neighbourhood plans 'screened in' could progress because of the wording of the basic condition.

The substituted basic condition removes this confusion; it gives certainty that those neighbourhood plans which have been 'screened in' and therefore require appropriate assessment can continue to progress (provided that the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 are met).

The process for appropriate assessment of neighbourhood plans is the same as assessments for Local Plans.

There are no transitional arrangements and so the substituted basic condition applies from 28 December 2018. It will therefore apply to any neighbourhood plans currently at examination or those submitted for examination on or after 28 December 2018.

As all basic conditions must be met by a neighbourhood plan before it can proceed, I would be grateful if you would consider this change to the basic conditions and let me know of any implications arising from it for the examination of this neighbourhood plan. I will reach my own view on this matter as well.

Once you have had an opportunity to consider what, if any, further work needs to be undertaken, I suggest that we agree a way forward for the examination of the Neighbourhood Plan, including any new timescales should further work be required.

This letter should be placed on the relevant Council websites.

With many thanks,

Ann Skippers MRTPI  
Ann Skippers Planning  
Independent Examiner