



Please state which part of the Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

Please see enclosed representations

Please use the space below to make comments on this part of the Neighbourhood Plan.

Please see enclosed representations

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Please email this form to [policy.plans@wychavon.gov.uk](mailto:policy.plans@wychavon.gov.uk) or post it to Planning Policy, Wychavon District Council, Civic Centre, Queen Elizabeth Drive, Pershore, WR10 1PT.

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# Norton-juxta-Kempsey Neighbourhood Plan: Submission Version (July 2021)

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Representations by Savills on behalf of The  
Spetchley Estate and Hallam Land Management

# Draft Norton-juxta-Kempsey Neighbourhood Plan

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## 1. Introduction

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- 1.1 These representations have been prepared by Savills on behalf of The Spetchley Estate and Hallam Land Management (referred to throughout this document as 'our client') in response to the Norton-juxta-Kempsey (NjK) Neighbourhood Plan: Submission Version ('the draft NP'). The representations follow on from a submission to the previous draft version of the Neighbourhood Plan in November 2020.
- 1.2 As set out within those representations, the Estate holds a significant landholding to the north of NjK parish, and a small part of our client's land control falls within the northern part of the parish.
- 1.3 Our client's land interest that sits within NjK parish, is currently being promoted for development as part of a wider proposal for a new settlement centred on the new Worcestershire Parkway railway station.
- 1.4 The following section of this document sets out an overview of the 'basic conditions' Neighbourhood Plans are expected to meet, as well as the relevant policy context. Section 3 sets out our comments on the wider policies contained within the draft NP and Section 4 sets out our conclusions.
- 1.5 As an overarching comment, we recommend that the draft NP seeks to promote the NPPF's core themes of flexibility and positive planning throughout its policies. Our suggested amendments seek to refine the draft policy text so that the plan meets these objectives.

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## 2. Planning Policy Context – National Planning Guidance

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- 2.1. The Localism Act (2011) makes provision for Neighbourhood Planning, empowering local communities to develop a shared vision for their neighbourhood and deliver the sustainable development they need through planning policies relating to development and use of land.

### Basic Conditions

- 2.2. For a Neighbourhood Plan to proceed to a referendum, the Localism Act requires the appointed Examiner to consider whether it meets the 'basic conditions' set out at Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and summarised in Paragraph ID41-065-20140306 of the national Planning Practice Guidance (PPG).

- 2.3. The basic conditions are:

*"(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*

*(b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.*

*(c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.*

*(d) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*

*(e) The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*

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*(f) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*

*(g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)."*

## National Planning Policy and Guidance

- 2.4. The National Planning Policy Framework (February 2019) sets out the overarching principles for plan-making and the requirements for the preparation of Neighbourhood Plans and the role they must play in meeting the development needs of the local area.
- 2.5. The NPPF places at its heart a presumption in favour of sustainable development (PFSD). In the context of plan-making, this means that *"plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change"*<sup>1</sup>. The core themes of 'positive planning' and 'flexibility' run throughout national planning policy guidance.
- 2.6. For Neighbourhood Planning, the NPPF sets out that *"plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies"*<sup>2</sup>. Neighbourhood plans should be in general conformity with the strategic policies contained in any development plan that covers their area, nor should these strategic policies be undermined.
- 2.7. Both the NPPF and the online Planning Practice Guidance (PPG) sets out that all policies should be underpinned by relevant, up-to-date, proportionate and robust evidence<sup>3</sup>. This section of the PPG elaborates on this point, adding that such evidence should demonstrate how the *"plan or order guides development to sustainable solutions"*.
- 2.8. Criterion (e) of the basic conditions set out above relates to a requirement for neighbourhood plans to be 'in general conformity' with strategic policies. The PPG provides further detail into

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<sup>1</sup> NPPF Paragraph 11

<sup>2</sup> NPPF Paragraph 13

<sup>3</sup> NPPF Paragraph 31, PPG Paragraphs: 041 Reference ID 41-041-20140306; and para. 072 Reference ID: 41-072-20140306

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this, stating: *“when considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *Whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *Whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *The rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach”.*

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## 3. Response to draft Neighbourhood Plan policies

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### Introduction

- 3.1 Our clients and the Parish have shared values regarding the wellbeing and the quality of development in the local area, and it is hoped that our suggestions are viewed as constructive as they are intended to ensure that the draft NP achieves compliance with the necessary legislation, policy and guidance.
- 3.2 In that context, our clients welcome the publication of a Consultation Statement which clearly sets out the Parish Council's response to our comments from November 2020. The preparation of this statement provides transparency for all stakeholders involved within the consultation process.

### Worcestershire Parkway proposals

- 3.3 Further to our representations in November 2020, we note that the draft NP retains the unaltered reference to the emerging Worcestershire Parkway new settlement area (WP) in Section 3, titled 'Development Pressures'.
- 3.4 In response to our comments, the Consultation Statement sets out *"the NDP is considered to be in general conformity with strategic policy given it makes reference throughout to the emerging strategic new town at WP"*.
- 3.5 WP does not form part of adopted strategic policy. It is an emerging allocation via draft Policy SWDPR49 of the South Worcestershire Development Plan Review (SWDPR): Preferred Options document.
- 3.6 The PPG sets out the criteria the independent examiner will need to take into account when assessing the 'general conformity' of the plan against adopted strategic policy. Given WP does not form part of the adopted development plan, the 'general conformity' tests set out in the PPG may not be met if the draft NP focuses explicitly on emerging development proposals.

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- 3.7 In the event that NjK Parish Council chooses to retain the reference to Worcestershire Parkway, we suggest that this sub-section be retitled to 'Future Development', with the text and subsequent policies responding positively to the framing of future housing and employment needs, including the delivery of critical infrastructure in accordance with the draft NP's Vision at Section 5.
- 3.8 **It is recommended that the draft NP is amended to ensure conformity with the adopted South Worcestershire Development Plan, with reference to the emerging Worcestershire Parkway new settlement amended.**
- 3.9 Notwithstanding the above, it is positive to see that NjK Parish Council is keen to engage with the concept planning proposals and our clients welcome any thoughts or comments on the WP proposals you may wish to make directly to them.

## Policy NjK1: Built and Natural Landscape

- 3.10 Our clients support the removal of the former criterion 'F' which made reference to providing a landscape buffer and enhanced planting around High Park in the north of the parish, which created the potential to preclude the formulation of an evidenced masterplan.
- 3.11 The new criterion 'F' (previously criterion 'G') makes reference to "*ensuring that views and vistas are maintained wherever possible*". However, this element of the policy does not appear to be supported by technical landscape and visual evidence to define where these views/vistas are, or assessing their merits.
- 3.12 The WP proposals will need to evolve in regard to all planning matters which are not solely limited to landscape. As set out in our November 2020 response, it is too early to understand which local views and vistas should be a focus for the new development to respond to.
- 3.13 In the event that the WP new settlement is delivered, the area will be subject to considerable change. Such change to the landscape will be based on robust technical evidence that will underpin the final masterplan proposals.

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3.14 As a consequence, criterion 'F' is considered to be unjustified and should be removed so that it does not predetermine the masterplan exercise.

3.15 In the event that criterion 'F' is retained despite the concerns outlined above, we suggest that the text is amended in accordance with the comments previously provided by St Modwen, to state (new text underlined):

*"Respects local landscape quality ensuring that views and vistas are maintained wherever possible. It is recognised that the emerging Worcestershire Parkway new settlement allocation will notably change views that include land within the allocation."*

3.16 In any event, we reiterate that our clients would very much welcome the opportunity to evolve its proposals with input from the Parish Council.

## Policy NjK2: Trees and Hedgerows

3.17 As with Policy NjK1, there is a risk that Policy NjK2 precludes the development of a well-evidenced masterplan.

3.18 Our clients are supportive of and committed to providing high quality, multi-functional green infrastructure as an integral element of future development; note that the emerging Policy SWDPR49 seeks the provision of 40% green infrastructure, which will offer the basis for substantial areas for tree planting. However, the detail of these proposals for green infrastructure need to be progressed through a planning and design process which will evolve alongside the emerging Local Plan and future planning applications.

3.19 Although we note the diluted change to criterion 'C', development sites may contain a mix of lower grade (Category U) and higher grade (Cat. A, B or C or ancient/veteran trees) and trees of varying condition and quality. Given that the requirement for a tree survey and tree protection plan is secured by criterion 'B', this strand of the policy is unnecessary and we suggest removing criterion 'C'.

- 3.20 Criterion 'E' is too prescriptive as it includes specific planting requirements. The aforementioned 40% green infrastructure through the emerging WP policy has the potential to deliver a significant quantum of trees and vegetation. In this instance, this strand of the policy has the potential to conflict with one of the NPPF's core themes of promoting flexibility through plan-making and should be removed.
- 3.21 It is considered that the obligation to maintain any new trees for five years or "to a level of maturity" under criterion 'F' is imprecise as the draft NP does not appear to present a definition of maturity. The requirements for tree retention/replacement are matters that should be considered on a site by site basis and in response to detailed planning proposals.
- 3.22 **In light of the emerging target of 40% green infrastructure across the Worcestershire Parkway new settlement, we recommend that Policy NJK2 be amended so that it only retains criteria A, B, D and G.**

## Policy NjK3: Green Infrastructure

- 3.23 Criterion 'A' of this policy places a requirement for green infrastructure to "seek to conserve geological and topographical features and key views or visual relationships". The plan does not provide any evidence or explanation to justify this requirement and it is considered to preclude the development of a well-evidenced masterplan. We therefore suggest that this criterion is removed from the plan, or amended so that it does not preclude the evolution of a well evidence masterplan.
- 3.24 In regard to Criterion 'G', we welcome the promotion of Sustainable Urban Drainage Systems (SuDS) however these are not always the most appropriate method for addressing drainage on a specific site. In this instance, we suggest that this element of the policy be amended to state (new text underlined):

*"Include Sustainable Urban Drainage Systems (SuDS), where appropriate, that benefit wildlife."*

## Policy NJK4: Local Green Space

- 3.25 As part of the evidence base for the draft NP, NjK Parish Council published a 'Green Space Background Paper' which seeks to justify the inclusion of the LGS designations within the plan including the 'Green Space at High Park' (LGS map ref.7).
- 3.26 Within the reasoning for the designation of the High Park LGS, paragraph 4.17 of the Background Paper states:
- "This site provides an important buffer to residents of High Park. It preserves the rural feel for residents in this street by providing screening, a pleasant outlook and a noise barrier from traffic on the busy B4084. It is important that this area of green space is maintained as enhances the residents of High Park quality of life and is not an extensive tract of land. Therefore, the group consider it is appropriate to designate as a Local Green Space."*
- 3.27 Given that the area will be subject to a significant transformation over the next 20 years, it may not be appropriate to state that the site 'preserves the rural feel' for residents. Through the provision of new homes, commercial uses and highways infrastructure, a number of urban and sub-urban influences will be introduced to the area in the medium to long-term.
- 3.28 Paragraph 100(b) of the NPPF sets out that the LGS designation should only be used where the green space is *"demonstrably special to a local community and holds a particular local significance"* for example because of its beauty or its tranquillity.
- 3.29 In respect to the former, the LGS designation is not located within a World Heritage Site or an Area of Outstanding Natural Beauty, so may not be considered to be situated within an area that is demonstrably special in landscape terms. In respect to the latter, the site's location along the 'busy' B4084 means that the site is not situated within a tranquil area.
- 3.30 Appendix 4 of the Background Paper sets out the how the LGS designations were assessed for inclusion within the draft NP. In response to the whether the site has ecological value, trees, wildlife or habitat, the document states that the site contains *"established trees and hedgerow providing a habitat for a range of species"*. We agree that the site contains established trees

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and hedgerows. However, given the site is not subject to any European, national, county-wide or local ecological designations it may not be considered to be demonstrably special in ecological terms.

- 3.31 Within their consideration of a LGS designation, the examiner should be aware that national planning policy and guidance sets a high bar for their designation, and that their development should be consistent with those for Green Belts<sup>4</sup>.
- 3.32 For the reasons above, it is considered that the 'Green space at High Park' would not meet the 'demonstrably special' test set by national planning policy and is of minimal significance, so would not qualify as a LGS.
- 3.33 It is therefore considered that the 'Green space at High Park' would not meet the 'demonstrably special' test set by national planning policy and is of minimal significance, so would not qualify as a LGS.

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<sup>4</sup> NPPF Paragraph 101

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## Conclusion

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- 4.1. In order for a Neighbourhood Plan to proceed to a referendum, the Examiner must consider whether it meets a set of 'basic conditions', including that of being in general conformity with the relevant Development Plan (criterion 'e'). This is echoed in the online Planning Practice Guidance.
- 4.2. The draft NP's reference to WP, which is a draft allocation through the emerging local plan review, may not be considered to meet the 'general conformity' tests set out in the PPG and therefore the 'basic conditions' set out within the Town and Country Planning Act 1990.
- 4.3. The draft policies and supporting text in the draft NP are considered to be too prescriptive. The core themes of 'positive planning' and 'flexibility' run throughout national planning policy guidance and these representations suggest a number of amendments to the policy wording to ensure that these objectives are promoted.
- 4.4. Looking to the future, and separate to the NP process, our client is keen to engage with NjK Parish Council to discuss the development proposals in more detail which takes account of local residents' views.