

Sedgeberrow Neighbourhood Development Plan

A report to Wychavon District Council of the Independent
Examination of the Sedgeberrow Neighbourhood Development
Plan

Copy to Sedgeberrow Parish Council

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Summary of Main Findings

This is the report of the Independent Examination of the Sedgeberrow Neighbourhood Development Plan. The plan has been prepared by Sedgeberrow Parish Council. The plan relates to Sedgeberrow Parish which was designated as a Neighbourhood Area on 29 November 2019. The plan area lies within the Wychavon District Council area. The plan period runs until 2035. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan allocates land for residential development of up to 24 dwellings.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Sedgeberrow Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Sedgeberrow Parish Council (the Parish Council). Sedgeberrow Parish was designated by Wychavon District Council (the District Council) as a Neighbourhood Area on 29 November 2019. The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Sedgeberrow Neighbourhood Area (the Neighbourhood Area). The Neighbourhood Plan has been produced by a Neighbourhood Plan Steering Group (the Steering Group) made up of Parish Councillor and other volunteers from the local community.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council for submission to the District Council. The District Council arranged a period of publication between 18 July 2022 and 5 September 2022 and subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 22 September 2022.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be taken into account and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless the District Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have 35 years' experience at Director or Head of Service level in six local planning authorities. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, and in the full range of types of urban and rural areas.
10. As independent examiner, I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
 - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
12. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.” The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations; the comments of the Parish Council; the level of detail contained within the submitted Neighbourhood Plan and supporting documents; and the responses to my request for clarification of matters have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded on the basis of examination of the submission and supporting documents; consideration of the written representations; and two unaccompanied visits to the neighbourhood area on 11 September 2022 and 9 November 2022.
13. This report should be read as a whole, and has been produced in an accessible format.

Basic Conditions and other Statutory Requirements

14. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. A neighbourhood plan meets the Basic Conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 of the authority (or any part of that area);

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- 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.

15. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies'. Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

16. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act introduced by section 38A (3); and in the 2012 Regulations made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

17. The Neighbourhood Plan relates to the area that was designated by the District Council on 29 November 2019. A map of the Neighbourhood Area is included as Figure 2 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

18. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure projects). I am able to confirm that I am satisfied that each of these requirements has been met.

19. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. Paragraph 5.1.1 of the Neighbourhood Plan confirms the plan period runs until 2035.

20. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
21. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
22. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
23. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

24. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:
- Sedgeberrow Neighbourhood Plan Submission Draft
 - Sedgeberrow Neighbourhood Plan Basic Conditions Statement May 2022 [In this report referred to as the Basic Conditions Statement]
 - Sedgeberrow Neighbourhood Plan Consultation Statement 2020-2035 [In this report referred to as the Consultation Statement]
 - Sedgeberrow Neighbourhood Plan (SBNDP) to 2035 Strategic Environmental Assessment (SEA) Environmental Report May 2022

- Memorandum of Understanding between South Worcestershire Councils (Malvern Hills District, Worcester City, Wychavon District) and Sedgeberrow Parish Council in relation to housing allocations in the Sedgeberrow Neighbourhood Plan and South Worcestershire Development Plan Review
- Information available on the Sedgeberrow Parish Council website including the Neighbourhood Plan evidence base documents
- Information available on the Wychavon District Council website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and Wychavon District Council and the Parish Council including: the initial letter of the Independent Examiner dated 22 September 2022; the comments of the Parish Council on Regulation 16 representations which I received on 13 October 2022; the letter of the Independent Examiner seeking clarification of various matters dated 19 October 2022; and the response of the Parish Council stated to be made in joint liaison with the District Council which I received on 3 November 2022
- National Planning Policy Framework (2021) [In this report referred to as the Framework]
- South Worcestershire Development Plan adopted 25 February 2016
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

25. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.
26. Following designation of the Sedgeberrow Parish as a Neighbourhood Area in November 2019 public consultation as part of the plan preparation process can be traced back to February 2020 when the Steering Group undertook a survey of residents. A questionnaire, which was advertised through posters and social media, was delivered to every address in the parish. This resulted in 150 responses, equating to 44% of households. The results of the survey informed a green space audit and policy preparation. A separate survey was sent to businesses in March 2020. Paragraph 4.25 of the Consultation Statement states that in October 2020 the landowners of 14 sites initially shortlisted for inclusion as areas to be designated as Local Green Space were written to. An online survey in November 2020 further explored issues that had been highlighted as locally important.
27. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 17 September 2021 and 30 October 2021. The consultation on the pre-submission draft Plan and supporting documents was publicised at a staffed launch event at Sedgeberrow Church of England First School that included display boards, and through a letter delivered to every household and sent to other stakeholders including statutory consultees. In addition, the consultation was advertised through posters; banners; a weblink; social media; and the Parish Council and dedicated Neighbourhood Plan websites. Arrangements were made for hard copy alternatives for interested parties not using electronic means. The Consultation Statement states all the local landowners of sites proposed to be designated as Local Green Space in the draft Plan were also notified of the Regulation 14 consultation. The Consultation Statement provides a link to a Table that details the representations received from all parties and sets out a response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was submitted by the Parish Council to the District Council.

28. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 18 July 2022 and 5 September 2022. Representations were submitted from a total of 20 different parties.
29. The District Council has submitted Officer comments that support the vision and objectives of the Neighbourhood Plan. This representation includes helpful general comments, including in relation to the relationship between the Neighbourhood Plan and the South Worcestershire Development Plan (SWDP) Review. Reference is made to a Memorandum of Understanding entered into by the Parish Council and the South Worcestershire Councils (Malvern Hills District, Worcester City, Wychavon District) in relation to housing allocations in the Sedgeberrow Neighbourhood Plan and SWDP Review, with particular relevance to the proposed allocation of the Springfield Nursery site in the Neighbourhood Plan (Policy SB1). The District Council Officer representation includes: specific comments in relation to Policies SB1, SB2 and SB3; support for the stated anticipated review of the Neighbourhood Plan; support for the identification of priorities for CIL spending; and support for inclusion of the Parish aspirations and actions presented in Appendix 6 of the Neighbourhood Plan. The representation also includes comment relating to the SWDP Review timetable that I refer to in the Annex to my report.
30. The Coal Authority has confirmed no specific comments on the Neighbourhood Plan. Worcestershire County Council Transport, Economy and Infrastructure Services comment that any new development must adhere to Worcestershire County Councils Streetscape Design Guide, and states that in order to reduce congestion within the village it is important that any further houses are within walking distance of the key facilities in the village. Worcestershire Children First has no specific objections to the Neighbourhood Plan and provides background information relating to provision for education, in particular with respect to school capacity. Worcestershire County Council as Lead Local Flood Authority support the Neighbourhood Plan with regard to flood risk management, stating it builds on existing processes. National Grid has identified that no grid assets are currently affected by proposed allocations within the Neighbourhood Plan.
31. Severn Trent has provided general guidelines and specific comments on Policies SB1, SB2 and SB3. The Environment Agency provided comment on flood risk, and in respect of water quality and water resources. Historic England has expressed support of both the content of the Neighbourhood Plan, and the vision and objectives set out in it stating “The emphasis on the conservation of local distinctiveness and the protection of rural character is highly commendable. We consider that a suitably proportionate approach is taken to the historic environment of the Parish whilst recognizing that the principal current focus is on the Springfield Nurseries potential housing allocation which would not appear to adversely affect heritage assets.”

32. A representation made by Howard Cole Ltd on behalf of a client states the Neighbourhood Plan does not meet the Basic Conditions making reference to national policies; strategic policies; meeting housing need; and the growth of the school and its role in the community. The representation includes objections with respect to Strategic Environmental Assessment, Policy SB1, and Policy SB2.
33. A representation by Sheldon Bosley Knight Ltd on behalf of two clients' objects to the designation of site references GS3, GS4, and GS11 as Local Green Space.
34. A representation by Cerda Planning Ltd on behalf of Sheiling Homes fully supports the policies of the Neighbourhood Plan and promotes the development of the Winchcombe Road Nursery site for housing either as a market led scheme, or as a rural exception site for affordable housing development, or tourist related development such as a caravan or log cabin and camping site. This representation also proposes the Winchcombe Road Nursery site, which is described as the second most popular site, should as a minimum be identified as a reserve site, and also states a scheme on that site could include provision for a community building.
35. The representation of the Sedgeberrow Village Hall Committee of Management comments on Policy SB2 with respect to proposed Local Green Space site reference GS7 Glebe Meadow. An individual, describing themselves as a member of the village hall committee, refers to a trust document and states disagreement with designation of site reference GS7 as a Local Green Space.
36. An individual requests the planning history of the Springfield Nurseries site, with refusals of residential development in 1988 and 1989, should be noted. The representation of another individual refers to issues related to the housing allocation site in respect of flooding, traffic generation, and use of a greenfield site. The representation of a further individual comments on the housing site selection process and states recent planning applications mean the Neighbourhood Plan is out of date. This representation also indicates Policy SB2 is outdated and should be revised with respect to three sites proposed for designation as Local Green Space. This representation also states the Neighbourhood Plan should include environmental and traffic policies making reference to envisaged problems in those respects relating to the housing allocation site. Specific mention is made to the site being rewilded and host to diverse wildlife, as well as the source of a spring and potential flood risk. Another individual identifies highway issues that should be addressed and in the light of planning applications, both granted and current, questions whether more houses are required. A representation of two individuals expresses concern regarding noise associated with a possible future community centre on the Springfield Nurseries site, and queries whether safe access to the housing development site can be achieved. This representation also states the allocation will result in loss of a green space; increase flood risk; and affect what is described as the diverse wildlife on and around the site. The representation states if two planning

applications are approved this will meet the housing quota for the village and be in line with the preference of residents for smaller developments rendering development of the Springfield Nurseries site unnecessary.

37. The representation of another individual questions the amount of locally determined element of Community Infrastructure Levy that will become available, and states the Neighbourhood Plan should include additional policies. This representation questions how the housing allocation reflects parishioners' preference for smaller sites and whether housing density guidelines are being followed. The representation identifies planning commitments and applications that would provide 30 properties negating the need for further development. The housing allocation site is described as completely rewilded greenspace with considerable biodiversity. Reference is made to a planning appeal decision in 1991. This representation also includes reference to traffic congestion; potential flood risk arising from development of the housing allocation site; and questioning of the proposed designation of site references GS5, GS11 and GS15 as Local Green Space.
38. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all of the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Having regard to *Bewley Homes Plc v Waverley District Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017 and Town and Country Planning Act Schedule 4B paragraph 10(6) where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.
39. I have noted some representations refer to a lack of transparency in the plan preparation process and question aspects of the process followed. One representation refers to Parish Council minutes and decisions; the signing of the Memorandum of Understanding between the South Worcestershire Councils and the Parish Council relating to housing development sites; and the status of the Neighbourhood Plan Steering Committee and raises issues including declaration of interests. Another representation includes comment on process matters and comment on the motives and actions of a person. I have explained earlier in my report my role is to determine whether the Neighbourhood Plan meets the Basic Conditions and other requirements I have identified. Consideration of probity related

matters and Freedom of Information issues as raised in representations is beyond my role. The Neighbourhood Planning Independent Examiner Referral Service guidance to service users and examiners states “There may be instances where an independent examiner is alerted to allegations of misconduct arising during the production of a plan. For example, someone may make an allegation about a conflict of interest within the qualifying body. An independent examiner has no authority to consider such allegations of misconduct. Such matters should be dealt with through internal complaints handling procedures of the qualifying body or local planning authority.”

40. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council did submit comments to me on 13 October 2022 in this respect and these were published on the District Council website. The Parish Council comments included a general statement as follows “Following review of the Regulation 16 representations the Parish Council would like to make a general comment in stating that it fully appreciates allocating land for future housing development and designating areas of local importance as protected green spaces can be particularly contentious especially where there are competing landowners and interests. Nevertheless, the preparation of the Plan has been evidence based and community-led in justification of each of the three policies (SB1, SB2 and SB3). The submission draft of the SBNP currently under examination has evolved through a robust process of information, consultation, actively involving and reporting back to the community.” The Parish Council also provided comments on four of the Regulation 16 representations. I have taken all of the Parish Council comments into consideration even though I have not referred to them in full in my report.
41. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) explains how they were consulted;
 - c) summarises the main issues and concerns raised by the persons consulted; and
 - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
42. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been

met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Steering Group has ensured stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

43. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and 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

44. Paragraph 6.1 of the Basic Conditions Statement, states the Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act

2010. Whilst an Equality Screening Assessment has not been prepared, from my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

45. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
46. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to Wychavon District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
47. Paragraphs 6.5 and 6.6 of the Basic Conditions Statement state “Regarding the requirement for a full SEA, in response to the first Screening Opinion consultation no issues were raised by the Environment Agency or Historic England with regard to matters within their remit, however Natural England recommended consultation with the Cotswolds National Landscape Board due to the potential for impact on the Cotswolds National Landscape. In response to the second Screening Opinion consultation, the Environment Agency, Historic England and Natural England made no further comments, however the Cotswolds National Landscape Board indicated that a full SEA is required; this is due to the potential visual effects of the proposed mixed-use allocation on views from the Cotswolds National Landscape. On that basis, it is determined that a full SEA is required. In light of the above, Wychavon District Council deemed it necessary that a full SEA was undertaken in the preparation of the Sedgeberrow Neighbourhood Plan. A SEA has been carried out and forms part of the Submission draft documents of the Sedgeberrow Neighbourhood Plan. A recommendation and suggestion made by the SEA have been added to Policy SB1 for a LVIA and habitat survey to accompany any application for development.”
48. A representation of Howard Cole Ltd on behalf of a client states “The SEA when considering Policy SB1 in the context of ‘Provide a range of housing to meet the

needs of the community' concludes that '...major positive effects are likely.', despite acknowledging that the SWDP Review SEA concluding that this only applies to sites of over 100 dwellings". I do not consider this difference of approach between the two SEA documents, particularly in the light of the very different spatial contexts of the two plans, would prevent the Neighbourhood Plan meeting the Basic Conditions. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.

49. It is reported at paragraph 6.4 of the Basic Conditions Statement that a HRA screening exercise undertaken by the District Council concludes that "the draft Sedgeberrow Parish Neighbourhood Plan does not require a full Habitats Regulation Assessment Appropriate Assessment to be undertaken. There are no internationally designated wildlife sites within the Sedgeberrow Parish Neighbourhood Area, with Bredon Hill SAC and Dixton Wood SAC falling within a 20km radius. The impact on these sites as a result of the land allocations contained within the SWDP has been assessed in the SWDP Habitats Regulations Assessment Appropriate Assessment, and although the draft Sedgeberrow Parish Neighbourhood Plan does deviate, the level of such allocation is considered small enough to conclude that it is unlikely to have a negative impact on any internationally designated wildlife sites. In addition, it is concluded that there will be no impact of the Sedgeberrow Neighbourhood Plan, with particular reference to the proposed mixed-use allocation, on functionally linked land related to the Severn Estuary SPA/Ramsar/SAC. As such, the recommendation is made that a full Appropriate Assessment is not required." Paragraph 6.4 of the Basic Conditions Statement states "the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017". I am satisfied that the Neighbourhood Plan meets the requirements of the Basic Condition relating to Habitats Regulations.
50. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
51. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
52. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The District Council as Local Planning Authority must decide whether the

draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

53. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.

54. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”

55. The most recent National Planning Policy Framework published on 20 July 2021 sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated, in part, on 25 August 2022. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance.

56. Table 1 of the Basic Conditions Statement sets out an explanation how the Neighbourhood Plan has regard to the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.

57. The Neighbourhood Plan includes in paragraph 4.2 a positive vision for Sedgeberrow with economic, social and environmental dimensions. Paragraph 4.3 of the Neighbourhood Plan sets out nine objectives that help support delivery of the

vision. The objectives, which provide a framework for the policies that have been developed, include economic dimensions (a rewarding way of life, travel to work, appropriate employment, home working, new technology), and social components (safe access, public transport, recreation, sport, collective social activity, appropriate housing mix, health and education facilities, fuel poverty), whilst also referring to environmental considerations (natural and built heritage, biodiversity, landscape, local character, footways, significant gap, eliminate flooding).

58. The Neighbourhood Plan includes, in Appendix 6, a number of Parish aspirations and tasks. These tasks are presented in a Table and refer to a range of matters relating to countryside; facilities; social/sport/leisure; sustainability and housing; and traffic. It is explained these matters have been raised by local people as evidenced through consultation, however they cannot be addressed through planning policy. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states, “Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan”. As the aspirations and tasks are presented in an Appendix of the Neighbourhood Plan, I am satisfied they are adequately distinguished from the policies of the Neighbourhood Plan. I can confirm the community actions have not been subject to Independent Examination.

59. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”

60. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-

making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”.

61. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

62. The Framework states there are three dimensions to sustainable development: economic, social and environmental. Section 5 of the Basic Conditions Statement sets out a statement of how the objectives of the Neighbourhood Plan comprise a balance of social, environmental and economic goals. Table 4 of the Basic Conditions Statement demonstrates ways in which the policies of the Neighbourhood Plan support the economic, social and environmental aspects of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan policies.

63. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. In particular, I consider the Neighbourhood Plan as recommended to be modified seeks to:

- Allocate land off Main Street for development of up to 24 dwellings subject to stated requirements;
- Designate Local Green Spaces; and
- Ensure all new development meets identified flood prevention and water management requirements.

64. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that

the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

65. The Framework states neighbourhood 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”. Plans should make explicit which policies are strategic policies. “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies”.

66. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has confirmed the Development Plan applying in the Sedgeberrow Neighbourhood Area and relevant to the Neighbourhood Plan comprises the South Worcestershire Development Plan adopted 25 February 2016. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The District Council has provided me with a document that identifies what are regarded by the Local Planning Authority as strategic policies for the purposes of neighbourhood planning. Accordingly, I have proceeded with my independent examination of the Neighbourhood Plan on the basis that the Development Plan strategic policies relevant to the Neighbourhood Plan are:

SWDP1 Overarching Sustainable Development Principles

SWDP2 Development Strategy and Settlement Hierarchy

SWDP3 Employment, Housing and Retail Provision Requirement and Delivery

SWDP4 Moving Around South Worcestershire

SWDP5 Green Infrastructure

SWDP6 Historic Environment

SWDP7 Infrastructure

SWDP8 Providing the Right Land and Buildings for Jobs

SWDP9 Creating and Sustaining Vibrant Centres

SWDP10 Protection and Promotion of Centres and Local Shops

SWDP12 Employment in Rural Areas
SWDP13 Effective Use of Land
SWDP14 Market Housing Mix
SWDP15 Meeting Affordable Housing Needs
SWDP17 Travellers and Travelling Showpeople
SWDP21 Design
SWDP22 Biodiversity and Geodiversity
SWDP23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
SWDP27 Renewable and Low Carbon Energy
SWDP28 Management of Flood Risk
SWDP59 New Housing for Villages

67. Wychavon District Council is working with Worcester City Council and Malvern Hills District Council to prepare a South Worcestershire Development Plan Review. The plan 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 will include site allocations, policies and policy designations that will provide for the development needs of the area up to 2041. This work began in 2017 and has proceeded to the stage where a draft of the South Worcestershire Development Plan Review has been published for consultation which will close on 13 December 2022.

68. The Neighbourhood Plan can proceed ahead of conclusion of the South Worcestershire Development Plan Review. The Guidance states: "Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan;
- the emerging Local Plan;
- the adopted development plan;

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”

69. The approach of the District Council and the Parish Council has been consistent with that stated in the Guidance “It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.” I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the South Worcestershire Development Plan Review when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging South Worcestershire Development Plan Review is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”.
70. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

71. The Guidance states, “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.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

72. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration Table 3 of the Basic Conditions Statement that demonstrates how each of the policies of the Neighbourhood Plan is in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

73. The Neighbourhood Plan includes three policies as follows:
- Policy SB1 - Land at Springfield Nurseries Site off Main Street
 - Policy SB2 - Local Green Space Policy
 - Policy SB3 - Flood Prevention and Water Management

74. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”. Footnote 16 of the Framework states

“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

75. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

76. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

77. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

78. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.

79. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”

80. "Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need". "A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available."
81. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is 'made' they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy SB1 – Land at Springfield Nurseries Site off Main Street

82. This policy allocates 1.408 hectares of land off Main Street, identified in Appendix 1 and on a map insert, for housing development up to 24 dwellings subject to specified requirements.
83. The representation of Howard Cole Ltd on behalf of a client states "Policy SB1 is not supported by sufficient evidence and is contrary to paragraph 29 of the NPPF which states that 'Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.' Furthermore, it is not in conformity with the SWDP. Therefore, the SPNP in its Regulation 16 form does not meet the Basic Conditions." The representation also includes the statement that the Neighbourhood Plan "fails to include a mechanism to meet the identified housing need for 40 dwellings demonstrated in the Household Survey or the 14 affordable units defined in "Homes for You" data supplied by Wychavon Housing Department. The representation also states "Additionally, the proposal for 24 units under-delivers against the emerging SWDPR and the village own Household Survey - whilst doing nothing to address the immediate need for affordable housing. We are aware that Wychavon District Council is currently considering two planning applications in Sedgeberrow, one for nine dwellings including a single affordable unit on the former nursery off Winchcombe Road [W/22/01419]; and one for 16 units including 10 affordable units for local people, new open space for Sedgeberrow Church of England First School and new open space for community use on land to the rear of Churchill Road [21/02833/OUT] (See site location plan at Appendix 2). The latter, which has clear community benefits,

together with the 24 units proposed to be allocated in Policy SB1 would just meet the identified housing need of 40 units.”

84. I have considered the issue of meeting housing needs. The Guidance states “The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.”
85. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.”
86. “Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make. Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it.”
87. “The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies”
88. The Guidance states “If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress. A local planning authority should share evidence with those preparing the neighbourhood plan, in order for example, that every effort can be made to meet identified local need through the neighbourhood planning process.”
89. “Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is

relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in: the emerging neighbourhood plan; the emerging local plan; the adopted development plan; with appropriate regard to national policy and guidance.”

90. “The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.”
91. Paragraph 29 of the Framework states “Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and meets the requirements set out in the Guidance. The strategic planning policy framework for the Sedgeberrow Neighbourhood Area is provided by the South Worcestershire Development Plan (SWDP) which was adopted in February 2016. The housing requirement to 2030 in South Worcestershire is 28,370 dwellings. The SWDP makes provision for around 28,400 dwellings to meet this need. The SWDP (2016) categorised Sedgeberrow as a category 2 settlement where infill development within the defined development boundary of the settlement was conditionally supported, and where two housing sites were allocated. The Winchcombe Road allocation site had been built out in 2019 and

the allocation site off Main Street was under construction at the time of drafting the Housing Background Paper that forms part of the evidence base supporting the Neighbourhood Plan. At the time of my visits to the plan area this latter site now appears to have been completed also. The contribution arising from these sites amounts to a significant boost to the supply of housing in the Neighbourhood Area.

92. The South Worcestershire Councils have commenced a revision of the South Worcestershire Development Plan. Sedgeberrow is identified as a Category 3 settlement. Category 1, 2 and 3 villages are stated to have a role predominately aimed at meeting locally identified housing and employment needs and are suited to accommodate market and affordable housing needs alongside limited employment for local needs.
93. The latest evidence of housing need is indicating that the revised SWDP (SWDPR) will need to plan for approximately an additional 14,000 dwellings across South Worcestershire in the period 2021 to 2041. The South Worcestershire Councils consulted on the SWDPR Preferred Options between November and December 2019, including a proposed housing allocation in Sedgeberrow to deliver up to 29 dwellings by 2041. The evidence and justification text in the Neighbourhood Plan supporting Policy SB1 includes an explanation of the housing site allocation made. Paragraph 1.7.4 of the Neighbourhood Plan states a driving force (as indicated by parishioners) behind preparing the neighbourhood plan is to influence the location of any new housing within the parish. Whilst paragraph 70 of the Framework says that Neighbourhood Planning groups should consider the opportunities for allocating small and medium-sized sites suitable for housing in their area, the Framework does not require Neighbourhood Plans to allocate sites for housing. Paragraph 14 of the Framework does, however, confer a limited protection on Neighbourhood Plans which plan for housing where certain criteria are met. To benefit from the protection conferred by Paragraph 14 a Neighbourhood Plan would need to plan for housing through policies and allocations to meet the identified (or indicative) housing requirement in full, including possible allowance for some windfall development.
94. The Housing Background Paper supporting the Neighbourhood Plan, prepared in September 2021, sets out details of the evidence base and of the process adopted leading to the housing site allocation made in Policy SB1. It is explained Policy SB1 allocates an alternative site to that proposed in the SWDPR.
95. Following a request by Sedgeberrow Parish Council, the South Worcestershire Councils provided indicative housing requirement figures for the Sedgeberrow Neighbourhood Area in June 2020. The indicative housing requirement for the Neighbourhood Area for the period 2021 to 2030 was 1 dwelling (over-and-above existing allocations in the adopted SWDP). The indicative housing requirement for the Neighbourhood Area in the period 2031 to 2041 was a further 14 dwellings. The housing requirement figures were “indicative”, should be considered as minimum

requirements and may be subject to change, particularly as they were based on the current SWDP rather than the SWDPR. The Housing Background Paper states “Therefore the Sedgeberrow NDP have undertaken a robust and proportionate analysis of land in the parish to identify an appropriate housing site or sites to meet as a minimum the indicative housing requirement provided by Wychavon District Council in June 2020”. The Neighbourhood Plan allocates a site for development although there is no requirement that it should. Policy SB1 of the Neighbourhood Plan allocates land for residential development of up to 24 dwellings.

96. The site allocated for development by Policy SB1 is situated adjacent to, with a small part within, the Sedgeberrow settlement boundary identified in the SWDP. A settlement development boundary is used in the SWDP as a policy tool to define where plan policies are to apply, and in particular within which new housing development proposals will be conditionally supported, and outside which support is limited to developments of specified types. Strategic Policy SWDP2B states windfall development proposals will be assessed in accordance with the settlement hierarchy. Sedgeberrow is identified as a Category 2 settlement in the hierarchy. In relation to Category 2 villages Policy SWDP2B states infill development within the defined development boundaries is acceptable in principle subject to the more detailed Plan policies. I am satisfied the development boundary defines the area within which new housing development will be supported throughout the plan period. There is no requirement for the housing site allocation made in Policy SB1 to be wholly within the development boundary. Part H of Policy SWDP2 states “The SWDP is supportive of development proposals that are promoted through neighbourhood planning mechanisms, where the proposals do not compromise the delivery of the plan’s strategic policies and proposals.”
97. Neither the SWDP nor the Neighbourhood Plan place any limit on the number of homes that can be provided within the development boundary, although other development plan policies may restrict potential additional provision. The SWDP also supports new housing of specified types outside the development boundary. Again, no limit is placed on the number of homes that can be provided in accordance with the relevant policies. Whilst no total figure can be assumed there is undoubtedly some limited potential for additional dwellings to be provided on infill plots or possibly through the redevelopment of sites within the SWDP defined development boundary of Sedgeberrow and for additional dwellings to be provided outside the development boundary, in addition to the up to 24 dwellings allocated in Policy SB1. I conclude the Neighbourhood Plan will not promote less development than set out in the Local Plan, as required by paragraph 29 of the Framework.
98. The representation of the District Council acknowledges the Neighbourhood Plan reflects the stage at which the SWDP Review is currently at and states “It is noted that the Parish Council intend to review the SNP once the SWDP Review has been

adopted and this is sensible and is supported by officers. This will allow the refresh of the SNP to consider how to incorporate the Neighbourhood Area housing requirement set out in the SWDP Review and respond to the latest Development Management policies once the replacement local plan is adopted". I consider this approach based on co-operation between the District and Parish Councils provides flexibility as an alternative to the identification of reserve development sites.

99. The representation of the District Council also states "It is also acknowledged that Wychavon District Council and Sedgeberrow Parish Council have entered into a Memorandum of Understanding relating to the SNP (July 2020), and in particular the proposed allocation of the Springfield Nursery site (SNP SB1) in preference to the proposed allocation for the village set out in the SWDPR Preferred Options in November 2019". The District Council Regulation 16 states "This site is scheduled to be included as a housing allocation in the SWDPR Regulation 19 Publication document (November 2022) and will be removed for the SWDPR Reg 22 Submission stage of the review in the event of the making of the SNP." I have noted that the SWDP Review Publication Consultation (Regulation 19) commenced on 1 November 2022 and that the emerging SWDP Review includes Policy SWDPR63 for Wychavon Allocations in Category 3 Settlements listing a new proposed housing allocation on 1.55 hectares of land at Springfield Nurseries Main Street Sedgeberrow (SWDP Reg 19 reference WYPH25). This allocation has an indicative housing figure of 28 units. The difference in site area to the site allocated in Policy SB1 of the Neighbourhood Plan is explained by the exclusion of property numbers 95 and 99 Main Street from the Neighbourhood Plan allocation which I refer to later in my report.

100. I am satisfied the District Council has taken a proactive and positive approach, working collaboratively with the Parish Council particularly sharing evidence and seeking to resolve issues as recommended in the Guidance. The District Council has worked with the Parish Council so that complementary neighbourhood and local plan policies are produced minimising any conflicts between policies in the Neighbourhood Plan and those in the emerging SWDP Review, including housing supply policies. Part a) of Policy SB1 requires development proposals to respond to housing need unless up-to-date evidence justifies an alternative approach. Part b) of Policy SB1 requires development schemes to deliver affordable housing provision in accordance with the latest guidance and identified local need. I am satisfied parts a) and b) of the policy have sufficient regard for national policy and are in general conformity with the strategic policies of the Development Plan.

101. The representation of Howard Cole Ltd on behalf of a client refers to Policy SWDP6 raising concerns that the Neighbourhood Plan does not take into account the impact on the setting to the high-status Grade II* listed Church House (which is

stated to be closer to the allocation site than the distance set out in the Housing Background Paper) and archaeological impacts of the Springfield Nurseries site. The representation also refers to protection of historic transportation routes. Paragraph 189 of the Framework states heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 190 of the Framework states plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. Having regard to national policy I am satisfied heritage impacts have been adequately considered in preparing the Neighbourhood Plan. The issue of identification of potential archaeological assets through desk-based assessment or field evaluation, and any recording can be dealt with in accordance with paragraphs 194 and 205 of the Framework. I have noted Historic England state “the principal current focus is on the Springfield Nurseries potential housing allocation which would not appear to adversely affect heritage assets.”

102. Severn Trent state “From a high-level review, providing that surface water is managed sustainably following the Drainage Hierarchy it is unlikely that this site will cause significant issues regarding the sewerage network. However, there is a risk that developers will wish to connect surface water into the combined sewer network if infiltration is not viable. The nearest surface water drainage ditch appears to be approximately 200m away and we recommend that every effort is made to ensure that surface water from the development is managed sustainably via drainage to available watercourses rather than connection to the combined sewer which will increase future sewer flooding risk. We encourage you to include policy wording within this policy to ensure that the Drainage Hierarchy is incorporated (see Surface Water section below for suggested wording).” I am satisfied Policy SB3 adequately includes provisions to ensure satisfactory drainage arrangements in new developments and there is no need to duplicate these matters in Policy SB1. In response to my request for clarification the Parish Council in joint liaison with the District Council has confirmed “We agree. We believe SB3 sufficiently outlines drainage arrangements, and any further elaboration in SB1 would constitute duplication.” Paragraph 16 of the Framework states plans should avoid unnecessary duplication of policies that apply to a particular area.

103. The Environment Agency states “We recognise that the submitted site (Policy SB1 – Land at Springfield Nurseries) is the same site recommended for development in the Regulation 14 draft. We provided comment upon the site at that stage, noting that it is entirely within Flood Zone 1 (the low-risk zone) on the Flood Map for Planning. As the site is not within Flood Zone 2 or 3 (the medium and high-risk zones), we would not provide further comment nor have objections with regards to this proposal.”

104. The representation of Howard Cole on behalf of a client refers to Policies SWDP25 and SWDP35 and states “We are concerned that the appraisal of the site at Springfield Nurseries fails to take account of the Planning Inspector’s reasoning for dismissing the appeal on this site (T/APP/H1840/A/A09/156882/P3) regarding landscape impact which found ‘Parts of the holding are easily visible not only from nearby roads and properties but also from several more distant points, including Cheltenham Road.’ He also points out that the site is adjoined by extensive open land on 2 sides and ‘...relates well to the stretch of open countryside bordering this built-up part of the village and makes a notable contribution to the rural character of these wider surroundings.” Policies SWDP 25 and SWDP35 are not regarded as strategic policies for the purposes of neighbourhood planning by the District Council. I have noted the development site allocated in Policy SB1 is in small part within the built-up area of Sedgeberrow and the remainder is located immediately adjacent to the built-up area. When viewed from the north-west, west, and south-west development on the site will be seen against the backdrop of the existing settlement and when viewed from other directions will not have a significant detrimental impact. I am satisfied landscape impact has been adequately considered in site selection and does not prevent the Neighbourhood Plan meeting the Basic Conditions.
105. The representation of Howard Cole on behalf of a client states “the site will do nothing to assist the school in its further development, as the school requires adjacent land to assist in its expansion and delivery of one of its core objectives - the provision of safe and secure of outdoor activity”. Worcestershire Children First has no specific objections to the Neighbourhood Plan but provide background information relating to provision for education, and in particular with respect to school capacity. There is no requirement for the Neighbourhood Plan to provide for the expansion of the school site in order to meet the Basic Conditions.
106. The representation of Howard Cole on behalf of a client refers to part d) of Policy SB1 which requires that a minimum of 20% of the overall site allocation area should provide multifunctional Green Infrastructure (GI) stating this “falls below that required by Policy SWDP5” and that “there is no certainty that such a facility will be delivered”. The Parish Council has commented “The whole notion of neighbourhood planning and localism is for communities to develop a shared vision for their neighbourhood and shape the development and growth of their local area... Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community’s needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area (PPG, Paragraph: 001 Reference ID: 41-001-20190509). This often involves finding local solutions to local problems. A shared local aspiration is to provide a dedicated community building with associated parking in a central part of the village within proximity to the school. The provision of land to come forward as part of the site allocation under SB1 will progress that aspiration and the greater

share vision of a dedicated community building with associated parking. Furthermore, community grant funding of £250k has been secured from Wychavon District Council towards a future building – see letter at appendix 1.” Strategic Policy SWDP5 requires greenfield sites of more than 1 hectare gross to provide 40% Green Infrastructure unless a lower level of provision is justified by a robust viability assessment. Part d) of Policy SB1 requires 20% of the allocated site to provide multifunctional Green Infrastructure. I am not aware that any viability assessment has been undertaken, however, I consider Policy SB1 to be in general conformity with strategic Policy SWDP5. I have taken into account the actual site area and the fact part c) of Policy SB1 requires 0.2 hectares (14.29% of the allocation site) to be provided for a community building with associated parking, and I have also taken into account the fact that both parts c) and d) of the policy include locational requirements within the site layout. The intended Green Infrastructure is capable of being secured through condition as part of any future planning permission.

107. Representations refer to the allocation site access being onto a bend on Main Street at a key pinch point for traffic problems within the village identified in the village survey as a key concern for residents, and are anticipated to magnify with the additional housing at the Springfield Nursery location. I note the access to the allocation site is on the outside of the bend referred to which will assist in the achievement of satisfactory visibility. Paragraph 5.7.13 of the Neighbourhood Plan states “Following the submission of an access arrangements plan from the landowner’s agent and subsequent discussions with the Wychavon District Council and the Local Lead Highway Authority it is considered that, subject to any development being served from Main Street, a safe and suitable access can be achieved”. The District Council also state with respect to Para 5.7.13 of the Neighbourhood Plan “It is noted that access issues (have) been overcome, and the Reasoned Justification clearly sets this out”. In response to my request for clarification the District Council has confirmed the word “have” as I have shown in brackets should have been included. I have looked in both directions along Main Street from the point of the proposed site access and have no reason to question the conclusion of Local Lead Highway Authority.

108. Paragraph 5.7.14 of the Neighbourhood Plan states “garden land adjustments and reconfiguration may be required to achieve a safe and suitable access from Main Street”. In response to my request for clarification the Parish Council in joint liaison with the District Council has confirmed this is a reference to garden land at 95 Main Street and 99 Main Street and that “these are the site landowners and have confirmed their agreement to reduce their front gardens to allow for a safe and suitable access for the site.” The Site Assessment Form included in Appendix 6 (Housing Site Assessments) in the Housing Background Paper dated September 2021 describes the site address of site Ref 1 as “95 Main Street, 99 Main Street and Springfield Nurseries Main Street, Sedgeberrow” and states a site area of 1.55

hectares. Paragraph 5.7.14 of the Neighbourhood Plan explains that following the Regulation 14 consultation no. 95 and no. 99 High Street are to be retained resulted in a reduction of the site area to 1.408 hectares. The map of site Ref 1 included in the Neighbourhood Plan as Figure 6 and in Appendix 1 includes a number of red lines. I have recommended a modification so that the maps presented in Appendix 1 and as Figure 6 should only include a red line around the site allocated for development in Policy SB1. In response to my request for clarification the District and Parish Councils have confirmed this modification is welcomed. I have also recommended the imprecise reference in the policy to “the map insert” should be amended to refer to Figure 6. I have recommended a modification in these respects so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

109. I have considered the site selection process. Paragraph 2.23 of the Housing Background paper states “The conclusions and data in both the SHELAA and the SWDP Non-Strategic Site Allocations Background Paper has been referred to within the NDP site assessments and where different conclusions have been drawn in light of local knowledge and more up-to-date information this has been captured in the NDP site assessments (Appendix 6).” Appendix 6 of the Housing Background Paper presents the details of the housing site assessments relating to each of the 22 different sites considered. I am satisfied the assessments considered an appropriate range of factors, including availability, and an assessment conclusion consistent with the findings. The requirements of a development scheme set out in parts a) to g) of Policy SB1 are appropriate and proportionate.

110. The merits or demerits of housing development on alternative sites referred to in the Regulation 16 representations are not a matter for my consideration. I have found the Neighbourhood Plan will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and meets the requirements set out in the Guidance. The approach taken and the choices made in the Neighbourhood Plan regarding housing provision are sufficiently evidenced and justified and have sufficient regard for the Framework and Guidance. I am satisfied the approach adopted to address the quantity of housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation for the Sedgeberrow Neighbourhood Area and provides the necessary justification that those policies (after recommended modification) that are relevant to housing supply will result in local housing needs being met. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, and will not undermine those strategic policies.

111. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular Part H of Policy SWDP2 which states “The SWDP is supportive of development proposals that are promoted through neighbourhood planning mechanisms, where these proposals do not compromise the delivery of the plan’s strategic policies and proposals”. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
112. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1:

In Policy SB1 replace “reproduced on the map insert” with “on Figure 6”

Modify the maps presented in Appendix 1 and as Figure 6 to only include a red line around the site allocated for development in Policy SB1.

Policy SB2 – Local Green Space Policy

113. This policy seeks to designate ten Local Green Spaces. In addition to the text of section 5.8 of the Neighbourhood Plan, including the reasoned justification, the policy is supported by the Green Space Background Paper (April 2022).
114. The representation of the District Council supports Policy SB2 and recognises it reflects the issues and concerns raised by the community via the consultation process. A representation on behalf of Sheiling Homes states “This policy designates a number of Local Green Spaces within the Parish, which will be protected from development and this policy is supported. Specifically, the designation of land opposite the Winchcombe Road nursery site is welcomed at this entrance to the village. Development at the Winchcombe Road nursery site would complement this allocation and deliver additional green spaces in the village, contributing to the openness and tranquil rural character of the area.”
115. In a representation Severn Trent state “Severn Trent are supportive of green spaces. We note that your policy may be restrictive if any potential flood alleviation works are required, therefore we encourage you to add the following policy wording: Development of flood resilience schemes within local green spaces will be supported provided the schemes do not adversely impact the primary function of the green

space. Supporting Text: We understand the need for protecting Green Spaces, however open spaces can provide suitable locations for schemes such as flood alleviation schemes to be delivered without adversely impacting on the primary function of the open space. If the correct scheme is chosen, the flood alleviation schemes can result in additional benefits to the local green space through biodiversity and amenity benefits.” The Parish Council confirmed support for the inclusion of this text should I be minded to recommend a modification in that respect. Paragraph 103 states “Policies for managing development within a Local Green Space should be consistent with those for Green Belts”. Paragraphs 147 to 151 of the Framework set out the national policy approach to the assessment of proposals affecting such areas. It is not appropriate for the Neighbourhood Plan to seek to vary that basis. No modification of the policy is necessary in respect of the matters raised in the representation of Severn Trent in order to meet the Basic Conditions.

116. Through inclusion of the terms “protected from development” and “exceptional circumstances where it can be clearly demonstrated that the development will not conflict with the purpose of the designation” Policy SB2 seeks to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not. (R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number C1/2020/0812). I have recommended that the policy is modified in this respect and to remove the incorrect reference to “individual” maps. I have recommended this modification so that the policy has sufficient regard for national policy and in order to correct an error.
117. The representation of an individual states the selection of green space site references GS5, GS11, GS15 is to prevent previously suggested development in the future. No details were provided of “previously suggested development”. Later in my report I explain what are the criteria for assessment of proposals for designation of Local Green Space. Those criteria do not include consideration of previously suggested development. The representation of another individual suggests Policy SB2 is out of date in that one area proposed for designation “has already been granted planning consent for four houses”. The Parish Council has commented Permission in Principle for up to 4 self-build houses, application reference W/22/00558/PIP, included a block plan which clearly shows proposed Local Green Space reference GS5 as “Orchard area retained”. I am satisfied Policy SB2 is not out of date as suggested in the representation.
118. The Sedgeberrow Village Hall Committee of Management state in respect of site reference GS7 Glebe Meadow “This land was purchased from the Church Authorities with monies collected in the village. The Conveyance is dated 21st March 1961 and the Charitable Trust was set up by that deed. Sedgeberrow Parish Council was appointed as Custodian Trustee and Sedgeberrow Village Hall Committee of Management as the Managing Trustees. The Conveyance contains covenants that

the land is to be used as the site for a Village Hall or private dwellinghouses. Subsequently, Worcestershire County Council built a new School in the village and offered to build an enlarged hall that could be used as a Village Hall provided a contribution was made towards the extra cost. To cover the cost of an enlarged school hall, part of Glebe Meadow was sold for housing with the consent of the Charity Commission dated 30th June 1977. This school hall is now used as a Village Hall under a Joint Use Agreement with Worcestershire County Council, for a term of 60 years. A new Charity Scheme was agreed and sealed by the Charity Commission on 10th December 1984 to further regulate the Charity and enable the remainder of Glebe Meadow to be used for recreational purposes. The Glebe Meadow is not large enough to be used for a sports field, and part is currently being used as a children's play area. At no time have the Village Hall Managing Trustees been consulted about the history or intended future use of Glebe Meadow, but the Parish Council has declared the land as a 'Local Green Space'. This would restrict the land from any future development and seriously restrict it for the Charity, which was set up for the benefit of the inhabitants of the village. The Village Hall Managing Trustees are anxious to keep their options open for the Charity, to either build a new Village Hall in the future on the remainder of Glebe Meadow, or to sell a further part for housing to finance a larger recreation ground should the opportunity arise. Villagers that were originally consulted for the Neighbourhood Plan were not informed of the history of the land and had no knowledge of its original purpose. Planning approval for a Community Hub on Glebe Meadow was granted by Wychavon District Council on 30th January 2019 under reference 18/02077/FUL, but the project has not yet gone ahead." The representation of an individual refers to this matter also. In response to my request for clarification the Parish Council in joint liaison with the District Council has identified a site location plan for planning application reference 18/02077/FUL submitted in January 2019 and stated "There is no plan to utilise the expired planning permission for this scheme. The proposals within the SBNP following the extensive village consultation supersede this." Given the planning permission in question has expired this does not impede the designation of site reference GS7 as a Local Green Space.

119. A representation by Sheldon Bosley Knight on behalf of individuals objects to the designation of sites GS3, GS4 and GS11 as Local Green Space. It is stated the assessment undertaken has failed to properly assess the sites and their importance and it has not been justified that the three sites in question are demonstrably special to a local community and holds a particular local significance. Objection to the designation of sites GS3 and GS4 includes the sites: are completely screened and there is no public visibility; do not afford significant views to the wider countryside; are not demonstrated to be, or contain, heritage assets; are not tranquil; are not important to the local community in recreational or social terms being not accessible or public; are not green breaks within the settlement that are materially significant to the landscape; and whilst perimeter trees and hedgerows may provide habitat for

wildlife these could be protected under other legislation or through appropriate conditions on planning applications. It is also stated there is no planning approval for a cemetery extension onto site GS3. The representation states site GS11 like sites GS3 and GS4 is agricultural and not tranquil. With respect to the presence of a bridleway or footpath in sites GS3 and GS11 the representation refers to the Guidance where it is stated there is no need to designate linear corridors as LGS simply to protect rights of way. The representation also refers to the Guidance where it is stated blanket designation of open countryside adjacent to settlements will not be appropriate and “in particular designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.” The Parish Council has commented on this representation as follows “In regard to GS3 and whether or not there are significant views from the local area into or across the site, Figure 3 below shows views across the site (GS3) at the point of assessment in October 2020 and Figure 4 shows the recent metal sheeting that has been erected to the side of the existing agricultural building. It is unclear what purpose this new sheeting provides in terms of being reasonably necessary for the purposes of agriculture within that unit. Furthermore, the significance of the view is not the sole reason for designation as important local green space as evidenced in the Local Green Space Background Paper. Similar screening of significant views from the village has been erected along part of the boundary of GS4. Figure 5 below shows views across the site (GS4) at the point of assessment in October 2020 and Figure 6 shows the recent fencing which has been erected along part of the site boundary.” In response to my request for clarification regarding the images provided by the Parish Council in respect of site reference GS3 the Parish council in joint liaison with the District Council has confirmed the location from which the images were taken.

120. The representation of Howard Cole on behalf of a client states there is a conflict between the Housing Background Paper and the Green Spaces Background Paper in respect of assessment of Local Green Space site reference GS11. I am satisfied the background papers are consistent when their purpose is acknowledged. This representation also states “In relation to sites GS9 Sedgeberrow First School playing field and GS11 site to the rear of the school, Long Meadow, Policy SB2 does not have regard to national policies and to advice contained in guidance issued by the Secretary of State in that it seeks to allocate Local Green Space on an extensive tract of land and without early contact with landowners. Therefore, the SPNP in its Regulation 16 form does not meet the Basic Conditions”. The representation refers to paragraph 102 of the Framework and parts of paragraph 015 and 019 of the Guidance. With respect to site reference GS9 the representation states the health and wellbeing of the schoolchildren is significant however, the school is in need of expansion, which would be contrary to this designation. In response to my request for clarification regarding building works I had observed at the school site the Parish Council in joint liaison with the District Council has confirmed “the current work at the

school is a long-awaited scheme to replace mobile classrooms and does not encroach on the greenspace allocated”.

121. The representation of Howard Cole on behalf of a client also states the landowners were not contacted at an early stage regarding the proposed designation and refers to a current planning application. It is not within my role to assess any current planning application. With respect to contact with landowners I have earlier in my report identified paragraph 4.25 of the Consultation Statement which states that in October 2020 the landowners of 14 sites initially shortlisted for inclusion as areas to be designated as Local Green Space were written to. In response to my request for further clarification the Parish Council in joint liaison with the District Council confirmed all landowners of the 14 sites initially shortlisted for inclusion as areas to be designated as Local Green Space were written to and have provided me with a copy of the letter sent on 6 November 2020. Paragraph 019 reference ID: 37-019-20140306 revision date 06 03 2014 states “A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.” I am satisfied the approach adopted by the Parish Council has sufficient regard for national policy in this respect.
122. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Maps in Appendix 4 of the Neighbourhood Plan. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified.
123. Paragraph 101 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.” In my consideration of Policy SB1 I have found that the Neighbourhood Plan will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework. Whilst the representation of Howard Cole on behalf of a client states the school is in need of expansion, which would be contrary to the designation of site reference GS9 there is no evidence to indicate that the Local Green Space would not be capable of enduring beyond the plan period (as required by paragraph 101 of the Framework) if

it is designated as Local Green Space in the Neighbourhood Plan. The representation of Sedgeberrow Village Hall Committee of Management states there is the possibility of sale of a part of the land at site reference GS7 Glebe Meadow, the recreational ground for housing development to finance a larger recreation ground should the opportunity arise. This suggestion of a possible future desired alternative approach to that proposed in the Neighbourhood Plan is not sufficient to prevent the designation of site reference GS7 Glebe Meadow as a Local Green Space. In respect of each of the areas proposed for designation as Local Green Space I find the requirements set out in paragraph 101 of the Framework are met.

124. Paragraph 102 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.” I have visited the areas of land proposed for designation as LGS and find that in respect of each of the proposed Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves. Requirement a) is met in respect of all 10 sites proposed for designation.

125. With respect to requirement b) of paragraph 102 of the Framework I have considered whether the sites proposed for designation are “demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife”. Whilst Paragraph 102 of the Framework includes examples of the way land can be demonstrably special to a local community and holds a particular local significance the examples stated in paragraph 102 are not exhaustive as there can be other ways this can be demonstrated, for example if land is used for significant local events such as fetes, or is referred to in locally significant literature. I have taken into account the fact the sites proposed for designation as Local Green Space have been identified and tested through the Neighbourhood Plan preparation process. I have noted tranquillity is referred to in respect of some sites in the Green Space Background Paper and in a Regulation 16 representation but I have not taken that matter into consideration in my report as I have seen no evidence of a robust tranquillity assessment being undertaken.

126. I am satisfied there is sufficient evidence in the Neighbourhood Plan itself and in the Local Green Space Background Paper (paragraphs 4.12 to 4.33 and in the Appendices), supplemented where relevant by the response of the District and Parish Councils to my requests for clarification, for me to conclude each of the sites with references GS2, GS5, GS6, GS7, GS8, GS9, and GS15 proposed for designation as Local Green Space is demonstrably special to a local community and

holds a particular local significance for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife. In reaching this conclusion I have taken into consideration, in respect of site reference GS15, that allotment use is subject to variation in demand and to availability awareness raising and administrative lease related processes. I now consider in turn each of the other sites proposed for designation, namely sites with references GS3, GS4, and GS11 with respect to requirement b) of paragraph 102 of the Framework.

Site Reference GS3

127. With respect to site reference GS3 the representation of Sheldon Bosley Knight on behalf of individuals includes objection to the designation as the site is “completely screened and there is no public visibility.” The comments of the Parish Council (including images) in respect of the Regulation 16 representations indicate there have been some change in terms of visibility of, and from, parts of site reference GS3 from the time of assessment in October 2020. It is the current circumstances that are most relevant to my consideration whether or not the proposal meets the Basic Conditions. I note the site is in large part screened, from locations to which the general public have access, by buildings, fencing and established vegetation. This is relevant to those aspects of the basis for designation of site reference GS3 in respect of importance to the setting of the historic church and provision of an attractive outlook from the bridleway through the site. I consider each of these aspects in turn.
128. The St Mary the Virgin Parish Church of Sedgeberrow is a heritage asset and is listed Grade II* in the National Heritage List for England. The Glossary to the Framework defines the setting of a heritage asset as “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and the surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” Paragraph 18a-013-20140306 of the Guidance confirms the extent and importance of setting is often expressed by reference to visual considerations but the way an asset in its setting is experienced can include other senses and by understanding of the historic relationship between places and states “The significance that setting makes to the significance of the heritage asset does not depend on their being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.” Whilst the contribution of setting to the significance of a heritage asset is often expressed by reference to views, perceptual and associational attributes of setting may be important to the significance of a heritage asset. The word “experienced” in the definition of setting in the Framework is capable of extending beyond the purely visual. Visual connection is not essential and determinative. I have noted the

Judgement *Catesby Estates Ltd v Steer*, England and Wales Court of Appeal Civil Division, July 18 2018 includes “The Government recognises the potential relevance of other considerations economic, social and historical. These other considerations may include for example, ‘the historic relationship between places’”. Whilst the Green Spaces Background Paper does not explain why site reference GS3 is important to the setting of the historic church this may be the case even, if as stated in a representation, the site was completely screened.

129. When visiting site reference GS3 I have found the site is not completely screened. I note the site assessment form included in Appendix 3 of the Green Spaces Background Paper refers to views into the site from locations including the churchyard. Although limited and no more than glimpsed views, in November 2022, I was able to see into parts of site reference GS3 from the churchyard. Similarly limited glimpsed views into the site were available from bridleway 515(B) on the south-western boundary.
130. A considerable length of bridleway 515(B) is actually within site reference GS3. Direct and wider views of parts of site reference GS3 to the north-west, north-east and south-east could be seen from the point within the site where the bridleway turns from a north-west to south-east orientation to an east-north-east to west-south-west orientation. As well as being able to see other significant parts of site reference GS3 it was also possible to view the church spire from this publicly accessible point within site reference GS3. The southern part of site reference GS3 which includes the remnants of an orchard was not only visible from this same point but also from locations further west along the bridleway where hedging is incomplete, and just before the bridleway reaches the access drive to Lower Portway Farm. The church spire was visible from this latter point within site reference GS3 also.
131. I am satisfied importance of the site to the setting of the historic church adjacent to it, and importance to the provision of an attractive outlook from the bridleway through the site provides a valid basis to conclude site reference GS3 is demonstrably special to a local community and holds a particular local significance.
132. In addition to importance to the setting of the historic church and provision of an attractive outlook for people using the bridleway within the site, paragraph 4.13 of the Green Space Background Paper, which provides a brief overview of the reasons for designation, states green space reference GS3 has biodiversity benefits with well-established trees and hedges, largely on much of the site boundaries, some of which are protected by tree preservation orders (TPO's). In response to my request for clarification the Parish Council and District Council have provided a map that confirms the location of TPO's, one of which is located within site reference GS3. The site assessment form presented in Appendix 3 of the Green Space Background Paper refers to mature and native hedgerows on the site boundaries as likely to provide habitat for foraging mammals and birds. These references are non-specific

and not supported by evidence to confirm a particular local significance. There is also reference to a remnant orchard on the southern part of the site adjacent to the bridleway. Orchards are referred to elsewhere in the background paper in the context of the agricultural/horticultural heritage of the area. The Glossary to the Framework defines a heritage asset as “[a] building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.” The remnants of an orchard in the southern part of site reference GS3 although representing only a part of the total area proposed for designation as Local Green Space site reference GS3 is an area or landscape that is a heritage asset. I have noted the site assessment form presented in Appendix 3 of the Green Space Background Paper also refers to the site providing an important green break separation between dwellings and the historic church. I am satisfied site reference GS3 is “demonstrably special to a local community and holds a particular local significance”. I have not taken into account the reference in the Green Space Background Paper to a likely requirement to use part of the site for future expansion of the cemetery nor the assertion relating to likely habitat for foraging mammals and birds as these factors have not been shown to be sufficiently certain.

Site reference GS4

133. Whilst reference has been made to screening of site reference GS4 by fencing in the representation by Sheldon Bosley Knight on behalf of individuals and in the comments of the Parish Council I have noted fencing only partially obscures views of the orchard from publicly accessible locations. I was able to view much of site reference GS4 from several locations along bridleway 515(B) and achieve a limited view from points on Winchcombe Road. I am satisfied the basis of designation as Local Green Space set out within paragraph 4.14 of the Green Space Background Paper is sufficient to confirm site reference GS4 meets requirement b) of paragraph 102 of the Framework in that it is “demonstrably special to a local community and holds a particular local significance”.

Site reference GS11

134. Site reference GS11, apart from a footpath access from Main Street (footpath 520(B)) which joins to footpath 521(B) along the south-eastern boundary (part of the Wychavon Way long-distance footpath), is substantially a large single-use agricultural field. The Local Green Space Background Report describes site reference GS11 as a “large sloping agricultural field currently in arable use” and states the site has an area of 7.17 hectares. The overview of reasons for designation as Local Green Space set out in paragraphs 4.26 to 4.31 of the Green Space Background Paper refers to the public right of way within the site. The Guidance states there is no need to designate Local Green Space to protect rights of way which are already protected under other legislation. The reference in the Green

Space Background Paper to a range of wildlife habitats including trees, hedgerows and a watercourse facilitating a biodiverse environment is non-specific and not supported by evidence to confirm a particular local significance. The reference to the site being part of the agricultural and cultural heritage of the area providing a rural landscape does not demonstrate a particular local significance in that it does not distinguish the field in question from other fields surrounding the village and in the wider locality within the Neighbourhood Area. The Green Space Background Paper refers to importance to the overall setting and character of the settlement and relies heavily on views as being an important consideration. Planning policy must operate in the public interest. For views to be relevant they must be seen from locations to which the general public have free and unrestricted access.

135. The reference in the site assessment form, to the site being seen in views of the settlement from further afield, is not explained in terms of its relevance to the criteria for Local Green Space designation. The references to those views, and to views out to the surrounding highpoints of the Cotswold escarpment, are not supported by sufficient evidence. I have noted Paragraph 4.28 of the Green Space Background Paper refers to the site having a sense of containment. I have walked the footpath 521(B) along and inside the south-eastern boundary of the site and noted that, due to the topography of the site, publicly accessible views from within site reference GS11 are almost entirely of the field itself, edged by immediately surrounding residential properties. Whilst there are glimpse views from a number of external locations the principal location, apart from footpath 521(B) for views into the site from publicly accessible locations is Cheltenham Road. From the more elevated parts of that highway a part of site reference GS11 is seen against the backdrop of the main part of the village, including the church spire, within distant views to the south and south-west. Those views are largely dominated by the field itself. These publicly accessible views are not an attribute of site reference GS11 but an attribute of Cheltenham Road and its footway looking across part of site reference GS11. Where paragraph 102 of the Framework refers to the example of beauty of a site it is specifically referring to “its beauty”. Site reference GS11 has not been shown to be beautiful in its own right, and not shown to hold particular local significance. It is an agricultural field not dissimilar in appearance to many others within the Neighbourhood Area. The reference to “holds a particular local significance” in paragraph 102 of the Framework is to the green space itself. It is not appropriate to designate the whole of a large agricultural field as Local Green Space on the basis of views across part of that land, not seen from the site itself, but seen from adjoining locations. The basis for designation of Local Green Space must relate to attributes of the site itself and not to the fact it provides airspace for part of a view between other locations. The implications of acceptance of an alternative interpretation are significant. I conclude site reference GS11 has not been shown to hold a particular local significance and therefore in accordance with paragraph 102 of the Framework the Local Green Space designation should not be used. For designation of a site as

Local Green Space to proceed all of the requirements of paragraph 102 of the Framework must be met. As I have found site reference GS11 does not meet requirement b) I have not considered that site any further. I have recommended site reference GS11 should be deleted from Policy SB2. Many Neighbourhood Plans include policies that seek to protect identified locally important views and vistas from inappropriate development that would significantly harm those views and vistas. The early review of the Neighbourhood Plan referred to in Section 6 of the plan would present an opportunity to consider inclusion of a policy relating to views and vistas, which could include identified views from Cheltenham Road.

136. Requirement c) of paragraph 102 of the Framework is that the Local Green Space designation should only be used where the green space is local in character and is not an extensive tract of land. The only Regulation 16 representations referring to this matter, by Howard Cole on behalf of a client and by Sheldon Bosley Knight on behalf of individuals, related to site reference GS11 which I have recommended should be deleted from Policy SB2 as it does not meet requirement b) of paragraph 102 of the Framework. On this basis it is not necessary for me to consider whether site reference GS11 meets requirement c) of paragraph 102 of the Framework, nor is it necessary for me to consider whether site reference GS11 in combination with adjoining site references GS8, GS9, and GS15 are local in character and not an extensive tract of land. The deletion of site reference GS11 from the policy leaves site references GS8, GS9, and GS15 as not sharing boundaries with other areas proposed for designation as Local Green Space. I find that those latter three sites and site references GS2, GS3, GS4, GS5, GS6, GS7 are local in character and that each of them is not an extensive tract of land.
137. I find that the areas proposed as Local Green Space, with the exception of site reference GS11 are suitable for designation and have regard for paragraphs 101 and 102 of the Framework concerned with the identification and designation of Local Green Space. I have recommended a modification to Policy SB2 so that the policy has sufficient regard for paragraph 103 of the Framework.
138. The policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
139. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 2:

In Policy SB2

- **replace the word “individual” with “the” and terminate the text before the list of sites after “Space”**
- **delete “Map ref GS11. Site to the rear of school, Long Meadow”**
- **replace the final sentence with “The determination of development proposals within a Local Green Space will be consistent with national policies for Green Belt.”**

Delete references to site GS11 in supporting text; from the photographs immediately above the policy; and delete that site from the final map and its headings in Appendix 3. Replace references to 10 sites in supporting text, and in the reasoned justification, with references to 9 sites.

In the reasoned justification add reference site GS3 to the list of sites that have public rights of way crossing them.

Policy SB3 – Flood Prevention and Water Management

140. This policy seeks to establish flood prevention and water management principles to apply to development proposals.
141. Severn Trent state support of this policy, “particularly comments regarding avoiding surface water connections into the foul/combined sewer and promotion of water efficiency measures. We encourage you to go further on the water efficiency side of the policy by including the following policy wording: New developments should demonstrate that they are water efficient, incorporating water efficiency and re-use measures and that the estimated consumption of wholesome water per dwelling is calculated in accordance with the methodology in the water efficiency calculator, not exceeding 110 litres/person/day.” This representation also includes suggested supporting text. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: “From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”. The representation of Severn Trent does not necessitate any modification of Policy SB3 to meet the Basic Conditions.
142. In a representation the District Council question whether criterion a) should specify which development types are required to submit a Water Management Statement as the policy currently written is overly prescriptive. I agree that the

requirement of criterion a) would represent a burdensome obligation not reasonably related in scale and kind in respect of, for example, a house extension. I have recommended a modification so that the requirement is limited to proposals for development of new buildings. I have recommended this modification so that the policy has sufficient regard for national policy.

143. The Environment Agency states “Flood Risk: Based on our Flood Map for Planning, we see that part of the Neighbourhood Plan area is within Flood Zones 2 and 3, particularly those arising from the river Isbourne. We note that section 5.9 ‘Flood Prevention and Water Management Policy’ and policy ‘SB3’ within aim to reduce the chances of increased flooding in the area arising from new development. Whilst we would not comment upon pluvial (surface water) flooding matters, we would comment upon any planning application that is within Flood Zone 2 and/or Flood Zone 3 on the Flood Map for Planning. Water Quality/Water Resources: The Environmental Bill (2020) policy statement states that the new bill aspires to secure long term, resilient water and wastewater services, making for a greener and more resilient country for the next generation within its 25-year environmental plan. Key elements to help reform the 25-year plan including trying to reform waterbodies to as close to their natural state. With reference to the Water Framework Directive (WFD) we would expect Wychavon District Council to continue to help address WFD failures through its role as planner, issuing ordinary watercourse consents and as land manager. All watercourses in the Plan area (and UK) are duty bound to reach Good Ecological Status or Potential (GES/GEP) by 2027. It is essential that WFD is fully integrated into the Local Plan process and that all future development helps to address the issues that currently prevent the watercourse from achieving GES/GEP. Similarly, at the NP level, we welcome reference to the need to protect, enhance and minimise the impact upon the water environment and the assessment questions associated with this (SA No 5 and 6).” This representation does not necessitate any modification of Policy SB3 to meet the Basic Conditions.

144. As recommended to be modified the policy is in general conformity with the strategic policies included in the South Worcestershire Development Plan adopted 25 February 2016 and relevant to the Neighbourhood Plan, in particular strategic Policies SWDP28 and SWDP29. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

145. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework, in particular paragraphs 159 to 169, and the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy SB3 in part a) replace “new development” with “development proposals for new buildings”

Conclusion and Referendum

I have recommended three modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- 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.

I recommend to Wychavon District Council that the Sedgeberrow Neighbourhood Development Plan for the plan period up to 2035 should, subject to the modifications I have put forward, be submitted to referendum.

I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Wychavon District Council as a Neighbourhood Area on 29 November 2019.

Annex: Minor Corrections to the Neighbourhood Plan

I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.

The District Council propose Para 1.7.3 of the Neighbourhood Plan should be updated to reflect the latest revised SWDP Review timetable,

The dates of the Screening Opinion consultation referred to in Paragraph 6.3 of the Basic Conditions Statement should be corrected.

I recommend these modifications are made.

Recommended modification 4:

Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.

Chris Collison
Planning and Management Ltd
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18 November 2022
REPORT END