

**Sedgeberrow Parish Neighbourhood Plan
Responses to Regulation 16 Consultation Draft**

Prepared for Richard Parsons

August 2022

1. Introduction

- 1.1 Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Sedgeberrow Parish Council submitted its Neighbourhood Plan to Wychavon District Council on 7 June 2022. In accordance with Regulation 16, Wychavon District Council seeks comments from individuals and organisations on the submitted Sedgeberrow Neighbourhood Plan (SPNP) from 18th July to 5th September 2022.
- 1.2 This follows consultation undertaken by Sedgeberrow Parish Council on an earlier draft of their Neighbourhood Plan between 18 September and 30 October 2021. Richard Parsons (RP) submitted/duly made representations to that consultation. These are attached at **Appendix 1**.
- 1.3 We note that the SPNP is accompanied by a Basic Conditions Statement; Consultation Statement; and SEA Report and Habitat Regulations Assessment.
- 1.4 At paragraph 29 the National Planning Policy Framework (NPPF) states that Neighbourhood Plans '*...should not promote less development than set out in the strategic policies for the area or undermine those strategic policies*'. In this case the South Worcestershire Development Plan (SWDP), adopted in 2016 and covering the period to 2030. It is noted that the SWDP is out of date in terms of the NPPF and that a review is being undertaken to roll the plan period forward to 2041.
- 1.5 These representations are made in light of the NPPF, the National Planning Practice Guidance (NPPG), the evidence published on the SPNP website and other relevant material.

2. Policy Background

- 2.1 Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) sets out 'basic conditions' that have to be met by a Neighbourhood Plan, these are that the plan will:
 - 2.1.1 Have regard to national policies and to advice contained in guidance issued by the Secretary of State;
 - 2.1.2 Contribute to the achievement of sustainable development;
 - 2.1.3 Conform with the strategic policies contained in the development plan for the area;
 - 2.1.4 Be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - 2.1.5 Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

- 2.2 The NPPF is clear at paragraph 13, that '*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.*' i.e. a greater level of development than that envisaged in the local plan can be provided through the neighbourhood plan.
- 2.3 This is confirmed at 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.*'
- 2.4 The footnote to paragraph 29 of the NPPF states that Neighbourhood Plans '*...must be in general conformity with the strategic policies contained in any development plan that covers their area*' (in this case the SWDP 2016).

Adopted SWDP - Sedgeberrow allocations 28 dwellings

- 2.5 The SWDP is over five years from its adoption date and its policies for the supply of housing such as quantum and development boundaries are out of date and little weight can be given to them. In terms of the other SWDP policies, the weight attributed them will depend on whether they accord with the NPPF.
- 2.6 **SWDP 2: Development Strategy and Settlement Hierarchy** defines Sedgeberrow within Teir 4 as a Category 2 village and one of 14 such settlements in Wychavon. Such villages have at least two key services including a shop and have access to at least daily services for employment and shopping purposes. It is, therefore, considered to be a sustainable location for development and the SWDP allocated two housing sites (SWDP60/24 and SWDP60/25) for 20 and 8 dwellings respectively, to meet the housing needs to 2030.
- 2.7 We note that the allocated sites have now been built out.
- 2.8 We note that of the 14 Category 2 villages in Wychavon that have allocations, only five had a greater proportion of the 563 dwellings allocated, than Sedgeberrow. On this basis RP welcomes the intention of the SPNP to seek a further housing allocation.
- 2.9 The level of housing needs expressed in the Household Survey is 40 dwellings and the needs of affordable housing from adjoining settlements is 14 dwellings ("Homes for You" data supplied by Wychavon Housing Department).
- 2.10 In terms of compliance with the NPPF it is considered that this policy carries significant weight.
- 2.11 **SWDP 6: Historic Environment** requires development proposals to conserve and enhance heritage assets, including their setting. The policy is explicit that it applies to designated heritage assets, archaeological remains, historic and designated landscapes and historic transportation routes.

- 2.12 We are concerned that the SPNP does not take into account the impact on the setting to the high status Grade II* listed Church House and archaeological impacts of the Springfield Nurseries site in breach of SWDP 6. This is despite the appraisal of the site contained in the Housing Background Paper stating that the nearest listed building is Church House, Main Street Grade II* (115 metres away along Main Street) [we would point out that the distance from Church House is less than 70 metres and its immediate setting is less than 30 metres from the Springfield Nurseries site]. In addition, the Housing Background Paper also notes that the ‘...land has archaeological potential with possible Romano/British occupation and medieval potential’.
- 2.13 In terms of compliance with the NPPF it is considered that this policy carries significant weight.
- 2.14 **SWDP 25: Landscape Character** requires, inter alia, that development proposals are appropriate to, and integrate with, the character of the landscape setting.
- 2.15 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 regarding landscape impact which found *‘Parts of the is 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 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’.*
- 2.16 In terms of compliance with the NPPF it is considered that this policy carries significant weight.
- 2.17 **SWDP 38: Green Space** identifies a range of private and public open spaces and associated community facilities on the Policy Map and three such areas are identified at Sedgeberrow. These include the Primary School, the playground at Main Street and the Recreation Ground, north of Millfield.
- 2.18 The policy protects those spaces from development unless exceptional circumstances can be demonstrated.
- 2.19 In terms of compliance with the NPPF it is considered that this policy carries significant weight.
- 2.20 **Policy SWDP 59: New Housing for Villages** allocates two housing sites for Sedgeberrow; SWDP60/24 (Land off Main Street for 20 dwellings) and SWDP/25 (Land at Winchcombe Road for 8 dwellings). Both sites have now been built out with the site at Winchcombe Road completed recently.

SWDP Review - Proposed Sedgeberrow allocations 37 dwellings

¹ T/APP/H1840/A/A09/156882/P3

- 2.21 The review of the SWDP is at an early stage, therefore, its policies and proposals carry little weight at this time. A Preferred Option (Regulation 18) consultation took place from 4 November to 16 December 2019. Production of the Regulation 19 version has been delayed and it is considered that adoption will not be achievable by October 2023, as originally envisaged.
- 2.22 The Preferred Option proposals for Sedgeberrow included the retention of the allocated site off Winchcombe Road (SWDP SWDP60/25 for 8 dwellings) and a new proposed allocation on land off Winchcombe Road (SWDP NEW 62 for 29 dwellings).
- 2.23 According to the Preferred Option Consultation Schedule of Representations – Officer Summaries published in February 2021, Sedgeberrow Parish Council, through their agent Brodie Planning Associates, objected to the allocation of SWDP NEW 62 on the basis that it was not the most sustainable site and the emerging SPNP preferred the site at Springfield Nurseries (CFS0010).
- 2.24 The summary is set out in full below:
- 2.24.1 Objection to development at SWDP NEW 62 and promotes CFS0010 in its place. The Parish Council **do not consider SWDP NEW 62 to be the most sustainable site** and are in the process of producing an NDP whereby **CFS0010 is the preferable site. The Parish Council requests that housing allocations are delivered through the NDP and not the SWDPR.** CFS0010 is a mixed greenfield/brownfield site comprising two dwellings and a number of redundant structures, including brick-built structures, glasshouses with concrete bases and areas of hardstanding. The site as a whole already benefits from a suitable access, with significant road frontage that can accommodate the required visibility splays for an access road. **The site is sustainably located within the centre of the village, less than 200 metres from the school which doubles as the village hall.** The site already has the advantage of access to utilities with water and power on the site. Developing the site for residential use would improve the outlook for local residents and replace unsightly buildings. The Parish Council consider that site CFS0010 would be a much more logical and sustainable allocation than the proposed site in the SWDPR Preferred Options. Site SWDP New 62 in the Preferred Options is a far less sustainable and suitable site. It is a wholly Greenfield site located on the edge of the settlement; **1.4 km from the school/ village hall.** The land is currently in agricultural use, part of which is classified as Grade 2 agricultural land; developing here would see the loss of very good quality agricultural land which is not supported by policies in the adopted SWDP, the SWDPR or the National Planning Policy Framework. Developing here would significantly change the form and entrance into the village and would form a hard suburban edge to this rural settlement and **fail to be in keeping with the nucleated pattern of development**

identified as being part of the landscape character of 'Principal Village Farmlands' within which Sedgeberrow lies. The assessment of the site within the Strategic Housing Employment Land Availability Assessment (SHELAA), also identifies that there may be problems with dealing with surface water should development occur on this site. It is the Parish Council's intention to produce and consult on a draft Neighbourhood Plan prior to the publication of the SWDPR in October / November 2020. This will provide certainty to the South Worcestershire Councils that a housing allocation will be delivered in the parish. **(our emphasis)**

2.25 It is our view that CFS 0010 is not a sustainable location - contrary to the above statement from the Parish Council for the following reasons:

2.25.1 The site has significant planning history and has been rejected at appeal on grounds of landscape impact.

2.25.2 The site does not have a suitable access being onto a bend on Main Street.

2.25.3 Springfield Nursery is identified in the Parish Council's own Housing Background Paper as having archaeological issues.

2.25.4 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.

2.25.5 Being located off Main Street, the site sits squarely at a key pinch point for traffic problems within the village. These traffic problems are 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.

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

National Planning Policy Framework

2.27 In addition to the references in paragraphs 13 and 29 regarding neighbourhood plans listed above, the primary purpose of the NPPF is to achieve sustainable development. The NPPF

also requires, at paragraph 31, the preparation of policies to be underpinned by relevant and up-to-date evidence.

- 2.28 Paragraph 102 of the NPPF also sets criteria for the designation of Local Green Space which states: 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.
- 2.29 It is our view that the SPNP has identified significant swathes of land and sought to designate them as Local Green Space, contrary to the NPPF.
- 2.30 With regard to Long Meadow, or proposed site locations 12 and 20, (see site plan at **Appendix 2**) there is also a conflict between the SPNP seeking to allocate the land as Local Green Space, and the Housing Background Paper's assessment that the land is suitable for "modest, low level, low density housing" and we strongly object to this inconsistency between evidence and proposed Policy SP2.

3. Sedgeberrow Parish Neighbourhood Plan Preparation and Content

- 3.1 Our concerns with the preparation of the Reg 14 version of the SPNP are set out in full at **Appendix 1**. In summary, we were concerned that the evidence base and timeline adopted was such that the preference expressed in 2019, Springfield Nurseries, was the only outcome, rejecting the proposed allocation of alternative sites by Wychavon Planning Department.
- 3.2 In particular, the sites 12 and 20 (also known as Long Meadow) submitted by Wolverley Homes and Wychavon Council, (identified by the Parishioners as their second most popular site, bringing significant benefit to the school, without the traffic and landscaping problems associated with Springfield Nurseries), should have been assessed in an equivalent manner instead of being omitted from this process.
- 3.3 In addition to its popularity amongst parishioners, it is our view that excluding Long Meadow from the short-listed option sites was contrary to the objective of identifying the most sustainable location for housing.
- 3.4 We are disappointed therefore that the Regulation 16 SPNP has not materially addressed the previous comments.

Housing Site Allocation

- 3.5 Despite the significant concerns raised at Regulation 14 stage, the SPNP proposes a single allocation for up to 24 dwellings, land for a community building, and green infrastructure at Policy SB1.
- 3.6 The SPNP at paragraph 5.7.13 notes that an appeal on the site was dismissed and refers to that proposal having access from Barn Lane. No mention is made that the Inspector considered landscape impact of the proposals as the primary reason for dismissing the appeal. In paragraph 7 of his decision letter the Inspector states '*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 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.*'
- 3.7 We believe that the relevant parts of that appeal decision are not altered by changes to policy or other mitigating circumstances and the Springfield Nurseries site is contrary to SWDP 25.
- 3.8 We note that the SEA when assessing Policy SB1 notes the potential for negative and positive effects on the landscape and recommends that an LVIA be undertaken as sought by the Cotswold National Landscape Board.
- 3.9 We are most concerned that both Policy SB1 and the SEA prejudge the findings of that LVIA to be an overall minor positive effect on landscape and visual impacts. This concern is amplified by the fact that this is the only housing allocation and it under supplies the quantum identified in the SWDP review. Given this it is considered that the LVIA should be part of the evidence base for the SPNP.
- 3.10 We note that site boundary has been amended to avoid the inclusion of 95 and 99 Main Street which were previously to be demolished in order to provide suitable access and visibility splays. Whilst the retention of these two homes is welcomed, we are very concerned that safe and suitable access to site SB1 cannot be achieved, given the location of the access on a bend on Main Street. As set out at 3.8 above, given that this is the only housing allocation and it under supplies the quantum identified in the SWDP review, it is considered that access details as part of a thorough highways audit, should be part of the evidence base for the SPNP.
- 3.11 We also note that the written justification for Policy SB1 acknowledges that the proposal is not in compliance with Policy SWDP5 in that only 50% of the required Green Infrastructure is provided. The stated reason for this is the provision of land for a future community building and associated parking (rather than the provision of such a community building and parking). Whilst the SPNP refers to aspiration to bid for funding and the potential of CIL contributions to secure such a valuable community asset, there is no certainty that such a facility will be delivered.

- 3.12 In addition, we are aware that there is an archaeological issue with this site in that the Worcestershire HER shows a non-designated asset across the site (WSM28761) which is a possible Roman Road. This would be in direct conflict with SWDP 6.
- 3.13 Finally, it is of concern that that 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.
- 3.14 In summary, we do not consider that Policy SB1 is supported by sufficient evidence and for the reasons above 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.

Local Green Space

- 3.15 As set out above Paragraph 102 of the NPPF sets criteria for the designation of Local Green Space which states: 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. In addition, the NPPG is clear that '*...blanket designation of open countryside adjacent to settlements will not be appropriate. 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.*' [Paragraph: 015 Reference ID: 37-015-20140306; Revision date: 06 03 2014]
- 3.16 Furthermore, at Paragraph: 019 Reference ID: 37-019-20140306, (Revision date: 06 03 2014) the NPPG also states that '*...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.*'
- 3.17 These comments relate to the assessment and identification in Policy SB2 of the sites GS9 Sedgeberrow First School playing field and GS1 1 site to the rear of the school, Long Meadow.
- 3.18 In terms of the assessment of site GS9, under the consideration of whether the space is demonstrably special to the local community, it is the importance to the health and well-being of the school children that is significant. However, the school is in need of expansion, which would be **contrary to this designation**.
- 3.19 The assessment of site GS1 1 concludes that it is not an extensive tract of land. This is despite the Housing Background Paper assessment of the western half of the same site stating that '*The site is vast in scale...*'. In the context of Sedgeberrow this is clearly a large tract of land

and therefore unsuitable to be designated as LGS and is a clear example of the 'back door' way to achieve what would amount to Green Belt. Such an approach does not compare with the undersupply of Green infrastructure in Policy SB1.

- 3.20 In addition, we are aware that the landowners were not contacted at an early stage regarding the proposed designation and have put this on record, together with their objection to the proposed Local Green Space designation and support for the current planning application.

4. Considerations and Conclusions

- 4.1 **It is clear that the SPNP in its Regulation 16 form does not meet the Basic Conditions for the following reasons;**
- 4.1.1 **The SPNP does not consider the sustainability issues of development contrary to the principles of national policy** by favouring a development location that does not meet sustainable development definitions;
 - 4.1.2 **It does not have regard to national policies to provide sufficient housing** in that it does not seek to meet the housing needs identified in its own survey or the affordable needs of adjoining settlements which requires addressing in the short term;
 - 4.1.3 **The SPNP 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;
 - 4.1.4 **The SPNP does not contribute to the achievement of sustainable development** in that it seeks to allocate a site for housing without necessary technical assessments;
 - 4.1.5 **The SPNP does not have regard to national policies** in that the SEA makes assumptions that are either not justified or contrary to other evidence;
 - 4.1.6 **Nor does it conform with the strategic policies contained in the development plan for the area** in that it proposes an allocation contrary to Policy SWDP 6 which protects historic transportation routes, SWDP25 which requires Green Infrastructure at 40% and SWDP 35 which protects landscape setting; and
 - 4.1.7 **It 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 provided by Wychavon Housing Department.**
- 4.2 In addition, the plan ignores the role of the school at the heart of the community and pays no regard to assisting its sustainable growth.