

# **CLEEVE PRIOR NEIGHBOURHOOD PLAN 2016-2031**

Cleeve Prior Neighbourhood Plan Examination,  
A Report to Wychavon District Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

September 2017



EST. 2011

**Contents**

**1, Introduction**

**2, Basic Conditions and Development Plan Status**

**3, Background Documents and the Cleeve Prior Neighbourhood Area**

**4, Public Consultation**

**5, The Neighbourhood Plan: Introductory Section**

**6, The Neighbourhood Plan: Policies**

**7, The Neighbourhood Plan: Other Matters**

**8, Summary**

**9, Referendum**

## Introduction

### The Neighbourhood Plan

- 1 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.
- 2 This Report provides the findings of the examination into the Cleeve Prior Neighbourhood Plan (referred to as the Neighbourhood Plan).
- 3 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”* (Paragraph 183, National Planning Policy Framework)

- 4 The Neighbourhood Plan was prepared by a Working Party, established by Cleeve Prior Parish Council.
- 5 As set out in paragraph 1.2 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Cleeve Prior Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).
- 6 This Examiner's Report provides a recommendation with regards whether the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Wychavon District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Cleeve Prior Neighbourhood Area.

Role of the Independent Examiner

- 7 I was appointed by Wychavon District Council, with the consent of the Qualifying Body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 8 I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.
- 9 As the Independent Examiner, I must make one of the following recommendations:
  - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
  - that the Neighbourhood Plan, as modified, should proceed to Referendum;
  - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 10 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Cleeve Prior Neighbourhood Area to which the Plan relates.

Neighbourhood Plan Period

- 11 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly specifies that the document covers the period:

*"2016 to 2031."*

- 12 In addition, the Basic Conditions Statement submitted alongside the Neighbourhood Plan confirms, in paragraph 1.3, that:

*"The plan period of the Neighbourhood Plan is from 2016 to 2031."*

- 13 Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in respect of specifying the plan period.

- 14 The front cover of the Neighbourhood Plan also refers to the publication date of the Submission Version. This reference would not be applicable to a made version of the Neighbourhood Plan and I recommend:

- **Neighbourhood Plan front cover, delete "April 2017"**

Public Hearing

- 15 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 16 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 17 Further to consideration of the information submitted, I confirmed to Wychavon District Council that I was satisfied that the Cleeve Prior Neighbourhood Plan could be examined without the need for a Public Hearing.
- 18 In making the above decision I was mindful that the Neighbourhood Plan has emerged through robust consultation (see *Public Consultation*, later in this Report) and that people have been provided with significant and appropriate opportunities to have their say.

## **2. Basic Conditions and Development Plan Status**

### **Basic Conditions**

- 19 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>1</sup> following the Localism Act 2011. 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 neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
  - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>2</sup>
  - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>3</sup>
- 20 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

---

<sup>1</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

<sup>2</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

<sup>3</sup> The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 21 Subject to the content of this Report, I am satisfied that these three points have been met.
- 22 In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.



### European Convention on Human Rights (ECHR) Obligations

- 23 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 24 In the above regard, I note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Representations have been made to the Plan, some of which have resulted in changes and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

### European Union (EU) Obligations

- 25 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>4</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.
- 26 In this regard, national advice states:
- "Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects."*  
(Planning Practice Guidance<sup>5</sup>)
- 27 National advice then goes on to state<sup>6</sup> that the draft plan:
- "...must be assessed (screened) at an early stage of the plan's preparation..."*
- 28 This process is often referred to as a screening opinion, determination, statement or report. If the screening report identifies likely significant effects, then an environmental report must be prepared.

---

<sup>4</sup> Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance.

<sup>5</sup> Paragraph 027, *ibid*.

<sup>6</sup> Planning Practice Guidance Reference ID: 11-028-20150209.

- 29 Wychavon District Council published a Strategic Environmental Assessment Screening Report in January 2015. This finds:

*“...no significant effects arising from the draft Cleeve Prior Neighbourhood Plan and as such, (it) will not require a full SEA to be undertaken.”*

- 30 The statutory bodies, Natural England, Historic England and the Environment Agency were consulted on the Screening Report and each of them concurred with the above conclusion.
- 31 However, further to the above, following consultation in May and June 2015, significant changes were made to the Neighbourhood Plan through the introduction of a Policy supporting the development of 40-80 dwellings. This led to the decision to undertake additional screening assessments in respect of the relevant proposed new Policy of the Neighbourhood Plan (Policy CP11).
- 32 The statutory bodies above were consulted on the contents of the additional Strategic Environmental Assessment screening report and the responses were mixed. The Environment Agency considered that the Neighbourhood Plan would remain unlikely to have significant environmental effects; Historic England stated that an SEA is likely to be required and Natural England was satisfied that there would be no significant effects arising from the Neighbourhood Plan on statutory designated sites.
- 33 In response to Historic England's comments, Wychavon District Council considered the potential impact of proposed Policy CP11 of the Neighbourhood Plan on the historic environment and concluded that there would be no significant environmental effect<sup>7</sup>.
- 34 A Habitats Regulations Assessment (HRA) was also then published by Wychavon District Council, in June 2017. A HRA is required if the implementation of the Neighbourhood Plan may lead to likely significant effects on European sites.

---

<sup>7</sup> Ref: Paragraph 2.2.4.1, Cleeve Prior Neighbourhood Plan Strategic Environmental Assessment Screening Opinion – Addendum Reviewing Updated Policy CP11.

35 Whilst there are no internationally designated sites within the Neighbourhood Area, the Habitats Regulations Assessment (HRA) Screening Opinion identifies Bredon Hill Special Area of Conservation (SAC) as being 13km from the Neighbourhood Area; and Lyppard Grange and Dixton Wood SACs as being around 20km west and south west, respectively, of the Neighbourhood Area.

36 The HRA Screening Opinion notes the distance of these sites from the Neighbourhood Area and also takes account of the fact that potential development impacts on them was considered further to a full HRA and a full Appropriate Assessment carried out as part of the preparation of the South Worcestershire Development Plan. Consequently, the HRA Screening Opinion concludes that:

*“...the Cleeve Prior Neighbourhood Plan will have no negative impact on internationally designated wildlife sites.”*

37 Further to all of the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

*“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations” (Planning Practice Guidance<sup>8</sup>).*

38 In undertaking the work that it has, Wychavon District Council has considered the Neighbourhood Plan's compatibility with European obligations. It is satisfied that neither a full Strategic Environmental Assessment, nor a full Habitats Regulations Assessment are required. Having regard to this and to all of the above, I am satisfied that the Neighbourhood Plan meets the basic conditions in respect of meeting European obligations.

---

<sup>8</sup> Planning Practice Guidance Reference ID: 11-031-20150209,

### **3. Background Documents and the Cleeve Prior Neighbourhood Area**

#### **Background Documents**

39 In undertaking this examination, I have considered various information in addition to the Cleeve Prior Neighbourhood Plan. This has included (but is not limited to) the following main documents and information:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- South Worcestershire Development Plan (2016)
- Basic Conditions Statement
- Consultation Statement
- Strategic Environmental Assessment and Habitats Regulations Assessment Screening Reports

Also:

- Representations received

40 In addition, I spent an unaccompanied day visiting the Cleeve Prior Neighbourhood Area.

Cleeve Prior Neighbourhood Area

- 41 The boundary of the Cleeve Prior Neighbourhood Area corresponds with that of Cleeve Prior Parish.
- 42 The Neighbourhood Plan itself does not contain any plans, but two loose inserts were submitted alongside it. Both loose inserts are entitled "*Cleeve Prior Neighbourhood Plan "Core Area"*" but cover two different areas - one appears to include the whole of the Neighbourhood Area, whereas the other does not. This is confusing and there is also scope for the loose inserts to become separated from the Neighbourhood Plan itself, rendering Policies difficult to understand.
- 43 Further to the above, I note that the Neighbourhood Plan does not define a "*Core Area.*" This adds to the confusing nature of the loose inserts, which purport to show the "*Core Area.*" I note that, other than one of the inserts covering a wider area and including a "*Special Wildlife Site,*" the two plans are very similar.
- 44 Taking the above into account, I recommend:
- **Provide a plan showing the boundary of the Neighbourhood Area within the Neighbourhood Plan, entitled "*Neighbourhood Area boundary*"**
  - **Provide a single plan showing relevant policy considerations within the Neighbourhood Plan (taking into account the other recommendations contained in this Report).**
- 45 Paragraph 1.2 of the Basic Conditions Statement states that Wychavon District Council formally confirmed the designation of the Cleeve Prior Neighbourhood Area in September 2012. However, this fails to accord with a statement in the Consultation Statement, submitted for examination alongside the Neighbourhood Plan, which states that:
- "An application for the designation of the Neighbourhood Area was made to Wychavon District Council on 15<sup>th</sup> January 2013 in accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area was formally designated by the District Council on 28<sup>th</sup> May 2013."*

- 46 Checking the above against Wychavon District Council's published records confirms that the information in the Consultation Statement, rather than that in the Basic Conditions Statement, is correct and satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **4. Public Consultation**

### Introduction

- 47 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 48 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

### Cleeve Prior Neighbourhood Plan Consultation

- 49 A Consultation Statement was submitted to Wychavon District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*<sup>9</sup>.
- 50 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Cleeve Prior Neighbourhood Area, having regard to Paragraph 183 of the Framework.
- 51 Cleeve Parish Council decided to establish a Neighbourhood Plan Working Party in 2012 and an Open Meeting was held in Cleeve Prior to consider related matters in November of that year.
- 52 Further to the Open Meeting, the Working Party created a Questionnaire, which was distributed with the Cleeve Prior Newsletter in April 2013. The responses, received in May 2013, resulted in the emergence of common themes.

---

<sup>9</sup>Neighbourhood Planning (General) Regulations 2012.

- 53 A dedicated Neighbourhood Plan website was established early in 2014 and two stakeholder engagement events were held at the village hall in February of the same year. These were followed by three roadshow events during March 2014, to consider issues arising. The outcome of these was reported in the April 2014 Parish Newsletter.
- 54 A Discussion Document was distributed, in May 2014, seeking residents' views on the emerging vision and policies and housing survey related work was undertaken towards the end of 2014. A draft plan was produced and an edited version was distributed for consultation, together with a questionnaire, during May and June 2015. This consultation enjoyed a 34% response rate.
- 55 During May and June 2016, the Parish Council conducted a survey regarding options for the redevelopment of the site the subject of proposed Policy CP11. The Consultation Statement reports that there was *"a clear majority in favour of its re-use for housing, preferably for a range of 40-80 dwellings."* Part 5.16 of Appendix 1 of the Consultation Statement shows that, were the site the subject of Policy CP11 to be vacated, then 60% of those that responded to the questionnaire (amounting to 41% of registered voters in the Neighbourhood Area) would be in favour of the development of 40-80 dwellings.
- 56 The Neighbourhood Plan was subsequently finalised and submitted.
- 57 As well as through the provision of information on the dedicated website, consultation was supported by the Parish Newsletter, leaflet drops and notices on boards in the village green and local pub.
- 58 The Consultation Report provides evidence to show that public consultation formed an important part of the plan-making process and that the Parish Council was proactive in encouraging community involvement as the Neighbourhood Plan emerged. Matters raised were considered and the reporting process was transparent.
- 59 Taking all of the above into account, I am satisfied that the consultation process was robust.



## **5. The Neighbourhood Plan – Introductory Section**

60 For clarity, I recommend that the first line of the title page reads:

- **“Cleeve Prior Neighbourhood Plan 2016-2031”**

61 There are superfluous words in the first paragraph of the Neighbourhood Plan and I recommend:

- **Para 1.1, first line, delete “Development” and third line, delete “the”**

62 Taking account of the above recommendations in relation to the inclusion of an appropriate plan within the Neighbourhood Plan (rather than loose insertions), I recommend:

- **Para 1.1, delete last sentence (“It consists...text.”)**

63 The examination process tests the Neighbourhood Plan against the basic conditions. Taking this and the recommendations in this Report into account, I recommend:

- **Para 1.2, delete last sentence (“The Parish...Regulations.”) and Para 5.3, delete first sentence (“Together with...above.”)**

64 As noted earlier in this Report, the plan period is from 2016-2031. To avoid confusion, I recommend:

- **Para 1.3, line 5, delete “...and beyond.”**
- **Para 4.3, first line, change to “By 2031, Cleeve Prior will...”**

65 The final paragraph in section 1 has been overtaken by events and I recommend:

- **Delete Para 1.10**

- 66 The spacing associated with paragraph 2.5 is out of kilter and I recommend:
- **Correct formatting of Para 2.5**
- 67 There are also minor formatting issues in Paragraph 4.3 and I recommend:
- **Para 4.3, before second list of bullet point, change to “4.4 This vision forms the basis...” and inset the point below “Education”**
- 68 Unlike that of the Neighbourhood Plan (see above), the plan period for the South Worcestershire Development Plan ends in 2030. Taking this into account, I recommend:
- **Para 5.1, second line, delete “, which is consistent with...Plan”**

## **6. The Neighbourhood Plan – Neighbourhood Plan Policies**

### Sustainable Development

#### **Policy CP1**

- 69 The Neighbourhood Plan's opening Policy comprises a statement that refers to "*principles of sustainable development*" set out in other planning documents.
- 70 The five guiding principles of sustainable development as set out at the beginning of the "*Achieving sustainable development*" Chapter of the National Planning Policy Framework (the Framework) are listed in paragraph 5.5 of the supporting text to the Policy. As "*principles*," these comprise fairly sweeping statements, covering wide-ranging and to some extent, subjective topics (for example, a "*living within the planet's environmental limits...ensuring a strong...just society*").
- 71 Policy CP1 states that any development that accords with the principles of sustainable development will be supported. However, no detailed information is provided to establish how "*accordance with principles*" will be measured, who by and on what basis. For example, how might a planning application for a household extension be considered against the "*promotion of good governance?*"
- 72 Policy CP1 does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework, which states:
- "Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan."*
- 73 In this respect, Policy CP1 does not have regard to national policy and does not meet the basic conditions.

- 74 However, as established by national policy, the purpose of planning is to help achieve sustainable development:

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread, running through both plan-making and decision taking.”*

(Paragraph 14, the Framework)

- 75 The overall aim of Policy CP1, as the first Policy of the Neighbourhood Plan, is to establish the fundamental importance of sustainable development in Cleeve Prior and subject to the comments above, this approach establishes a beneficial and positive framework for the Policies that follow. Taking this into account, I recommend:

- **CP1, change Policy wording to: “*Within the Neighbourhood Area there will be a presumption in favour of sustainable development.*”**

- 76 Whilst, in the same way as the Policy it replaces, this proposed wording effectively repeats existing policy, it ties in well with the supporting text that follows and as above, establishes a positive context for the Policies of the Neighbourhood Plan.

## Conservation and Heritage

### Policy CP2

- 77 In Chapter 12 of the Framework, “*Conserving and enhancing the historic environment*,” national policy recognises heritage assets as an irreplaceable resource and establishes a requirement to:

*“...conserve them in a manner appropriate to their significance.”*

- 78 Chapter 12 goes on to set out a detailed approach based on ensuring that development affecting heritage assets takes the significance of such into account. South Worcestershire Development Plan 2016 (SWDP) reflects national policy, stating that:

*“Development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance.”*

- 79 Policy CP2 states that the (Cleeve Prior) Conservation Area “*will be protected and enhanced*.” However, no indication is provided of how it will be enhanced – for example, who by, on what basis and why – and it is unclear what “*protected*” actually means in the context of the Policy.

- 80 Consequently, the Policy is ambiguous. In this regard, Planning Practice Guidance<sup>10</sup> is explicit:

*“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.*

- 81 The Policy then goes on to state that boundary features, open spaces and views “*...will be protected from development*.” This suggests that the Policy is seeking to prevent development that would have any impact whatsoever upon such things - an approach further reflected in the supporting text to the Policy.

---

<sup>10</sup> Paragraph: 042 Reference ID: 41-042-20140306

- 82 However, nowhere do national or strategic District-wide heritage policies seek to prevent any form of development. On the contrary, they support sustainable development and in so doing, they provide for appropriate change – change that conserves heritage assets in a manner appropriate to their significance.
- 83 Further to the above, contrary to Policy CP2, the “Proposals Map” referred to in Policy CP2 does not, in any case, identify “existing boundary walls and other linear features...particularly those constructed of blue lias stone.”
- 84 During my site visit I observed all manner of open spaces within the Cleeve Prior Conservation Area – large, small, attractive, indistinct, green, urban, etc. Policy CP2 simply seeks to afford all of these spaces the same “protection from development.” Such an approach fails to take into account individual circumstances and as above, such an approach does not, in any case, have regard to national heritage policy.
- 85 Furthermore, Policy CP2 goes on to refer to the protection of “significant public views...as shown on the Proposals Map.” The Proposals Map simply shows 33 arrows labelled “significant viewpoint.” It is possible to observe huge swathes of the Neighbourhood Area from these viewpoints. No detailed information is provided in respect of what in particular is significant about each individual viewpoint or what in particular will be “protected from development.” The Policy is ambiguous in this regard.
- 86 In this respect, I am mindful that views can change on a seasonal, daily or even hourly basis and that, in the absence of clear evidence, Policy CP2 does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 87 In making the recommendation below, I am mindful that, as a designated heritage asset, the Cleeve Prior Conservation Area and its setting is already protected by national and local planning policies.
- 88 I recommend:
- **Delete Policy CP2**
  - **Delete Paras 5.7 to 5.9 inclusive**

### **Policy CP3**

- 89 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:

*“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”*

- 90 Consequently, Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land.

- 91 National policy establishes that:

*“The Local Green Space designation will not be appropriate for most green areas or open space.”* (Paragraph 77)

- 92 Thus, when identifying Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

- 93 Policy CP3 seeks to designate areas of Local Green Space in Cleeve Prior. However, as set out, the identification and labelling of each Local Green Space is unclear. The designations themselves are not shown in the Neighbourhood Plan, but in a loose insert and the insert fails to clearly identify each Local Green Space. In this respect, I am also mindful that the boundary of the “Village Greens” designation is very difficult to see with the naked eye, due to the scale of the plan shown on the loose insert. I address these issues in the recommendations below.

- 94 Having regard to national policy, evidence to demonstrate how each of the Local Green Spaces proposed meet the requirements set out in the Framework is provided in the supporting text to Policy CP3. Whilst relatively large when compared to the built-up area of Cleeve Prior, I find that, further to my site visit and taking local significance into account, none of the sites, individually, appears as an especially extensive tract of land. Furthermore, all of the sites are local in character and in reasonably close proximity to the community they serve.
- 95 The areas of Local Green Space have emerged through robust consultation as being sites that are demonstrably special and hold a particular local significance to the local community. Their designation meets the basic conditions.
- 96 In the absence of detailed information, it is unclear what the reference in the second line of Policy CP3, "*protected from development,*" actually means. National policy provides clear guidance in respect of development management in areas of Local Green Space and the recommendations below have regard to this.
- 97 Policy CP3 goes on to add a reference to all development, anywhere in the Neighbourhood Area and as such, the final part of the Policy is not relevant to Local Green Space. In any case, the reference, through use of the phrase "*only be permitted,*" would run the risk of failing to provide for sustainable development, whereby the benefits of development are balanced against the impacts.
- 98 The requirements set out in this last part of Policy CP3 would not be relevant to many forms of development and in making the recommendations below, I am also mindful that the general Policy aims in respect of biodiversity are, in any case, considered in another Policy in the Neighbourhood Plan.
- 99 I recommend:
- **Policy CP3, line 2, change to "*...Space where development is ruled out other than in very special circumstances. The following areas are identified on the plans below:*"**



- **Provide new plans, immediately following the Policy, labelling each Local Green Space, such that each Local Green Space and all boundaries are clearly identifiable. To ensure clarity I note that this is likely to require the provision of more than one plan.**
- **Further to the above, to enhance clarity, number each area of Local Green Space**
- **Delete the last paragraph of Policy CP3 (“Across the...biodiversity.”)**
- **Delete Para 5.17**
- **Correct formatting of Para 5.11**

Green Infrastructure

Policy CP4

100 Amongst other things, SWDP Policy SWDP2, "*Development Strategy and Settlement Hierarchy*," designates "*Significant Gaps*." These:

*"...either serve as a buffer or visual break between rural settlements and adjacent urban areas or protect the character and setting of settlements..."*

101 The stated purpose of maintaining Significant Gaps is to:

102 *"...provide additional protection to open land that may be subject to development pressures. The designation helps to maintain a clear separation between smaller settlements and urban areas in order to retain their individual identity."*

103 The purpose of Significant Gaps is therefore clear. They comprise a District-wide, strategic designation to prevent coalescence and/or protect local character. The management of Significant Gaps is also clear, as set out in Policy SWDP2:

*"Development proposals should ensure the retention of the open character of the Significant Gaps."*

104 Policy CP4 is very different to Policy SWDP2. It seeks to designate a "*strategic gap*" which "*will be maintained*." Essentially, the Policy seeks to prevent development on a swathe of land to the south of properties along Mill Lane. In this respect, the supporting text to Policy CP4 states:

*"...this area should be protected from development..."*

105 No substantive evidence is provided to demonstrate that such an approach would provide for sustainable development. For example, whilst it is a different Policy with a different purpose, SWDP Policy SWDP4 provides for development proposals that retain the open character of Significant Gaps and in this way, allows for sustainable development. By way of contrast, Policy CP4 simply seeks to prevent development, regardless of whether or not it is sustainable. Resultantly, the Policy does not contribute to the achievement of sustainable development and does not meet the basic conditions.

106 Further to the above, I am also mindful that no detailed evidence has been provided to demonstrate that preventing any form of development on the land identified in Policy CP4 would, in any case, necessarily serve to protect the identity and character of the, undefined, "*village core*."

107 Taking all of the above into account, I recommend:

- **Delete Policy CP4**
- **Delete Paras 5.18 to 5.21, inclusive**

Biodiversity

Policy CP5

- 108 Chapter 11 of the Framework, "*Conserving and enhancing the natural environment*," requires the planning system to contribute to and enhance the natural and local environment.
- 109 The opening sentence of Policy CP5 infers that national policy protects "*local habitats and species of principal importance in England...particularly ancient hedgerows, traditional orchards and deciduous woodlands*." This is not quite the case, as rather than such a sweeping approach, national policy is more detailed and precise.
- 110 For example, national policy does not afford blanket protection to deciduous woodland. Rather, it promotes biodiversity and requires that planning permission be refused for development resulting in the loss of irreplaceable habitats, that may include ancient woodland or veteran trees, unless the need for, and benefits of, the proposal clearly outweigh the loss.
- 111 Policy CP5 goes on to provide a list of various sites and states that these are shown on the Proposals Map. The list includes a number of somewhat vague references, for example "*Froglands Lane...the surrounding area*" and only one of the sites, relating to the River Avon as it flows through the Neighbourhood Area, is shown on the Proposals Map (and even then, is not clearly labelled as the "*River Avon*" site listed in Policy CP5). The location of the other sites listed is unclear.
- 112 Furthermore, the Policy simply states that the (undefined) sites "*will be protected*." In the absence of any detailed information in the Policy or its supporting text, it is difficult to understand what this might mean. As above, national policy does not simply prevent development from taking place. Without any evidence to the contrary, I find that such an approach would fail to contribute to the achievement of sustainable development.

113 Policy CP5 suggests that it will protect sites “*in accordance with*” the Worcestershire Biodiversity Action Plan. However, the Worcestershire Biodiversity Action Plan does not provide adopted land use planning policy. Rather, it covers a multitude of dynamic matters. It gives an overview of the current status of habitats and species, and identifies threats and current areas of work. It presents targets for maintenance, restoration, expansion or creation of habitats or species and goes on to identify a list of actions that the Worcestershire Biodiversity Partnership should take to achieve these targets.

114 Given all of the above, and in the absence of any detail, it is not clear precisely what parts of the Worcestershire Biodiversity Action Plan Policy CP5 will protect sites “*in accordance with.*” The Policy does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

115 Notwithstanding all of the above, I am mindful that Policy CP5 reflects an intention to contribute to and enhance the natural and local environment and that this has regard to Paragraph 109 of the Framework:

*“The planning system should contribute to and enhance the natural and local environment...”*

116 I am also mindful that the final part of Policy CP3, recommended for deletion earlier in this Report, sought, to some degree, to require development to take biodiversity into account. I take these factors into account in making the recommendations below.

117 The last sentence of paragraph 5.23 reads as though it comprises a Policy, which it does not and in any case, national planning policy does not require the protection of higher grade agricultural land “*wherever possible.*”

118 Taking all of the above into account, I recommend:

- **Replace the text of Policy CP5 with “*The conservation and enhancement of the Parish’s rich heritage of habitats will be supported. Development should minimise impacts on biodiversity and provide net gains in biodiversity where possible.*”**
- **Delete last sentence of Para 5.23 (“*Nevertheless...viability.*”)**

## Housing and Development Policies

### Policy CP6

- 119 Policy CP6 refers to "*the core of the village.*" As noted earlier in this Report, this is not defined in the Neighbourhood Plan and consequently, the Policy is ambiguous in this respect. The supporting text also refers to "*the development boundary of the village*" and states that this is shown on the Proposals Map, but this is not the case.
- 120 In the above regard, the SWDP does define a development boundary for Cleeve Prior. Within this boundary, Wychavon District Council has confirmed that Policy SWDP2 supports windfall housing developments, for both market and affordable housing.
- 121 Notwithstanding its ambiguity in respect of "*core of the village,*" Policy CP6 states that small scale affordable housing schemes that provide for assessed local needs will be permitted. However, use of the phrase "*will be permitted*" runs the risk of pre-determining development proposals without taking all relevant factors into account and has the potential to undermine the planning process.
- 122 In addition, it is not clear what "*small-scale housing schemes*" might comprise and consequently, this part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework. In any case, such an approach would fail to be in general conformity with Policy SWDP2, which does not impose a size limit on housing development, but rather, provides a supportive framework for development that is in keeping with local character.
- 123 As set out, Policy CP6 would also appear not to have regard to national policy, which does not require developments of ten dwellings or less to provide any affordable housing.
- 124 Taking everything into account, Policy CP6 does not meet the basic conditions and I recommend:
- **Delete Policy CP6**
- 125 NB, I consider the supporting text to both Policy CP6 and CP7 under CP7, below.

**Policy CP7**

126 As worded, Policy CP7 does not appear as a land use planning policy, but comprises a general statement. As such, it is ambiguous and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

127 I recommend:

- **Delete Policy CP7**

128 In the light of the recommendations in respect of Policies CP6 and CP7, I recommend:

- **Delete Paras 5.25 to 5.34, inclusive**

129 In making the above recommendations, I am mindful that, together, national and local planning policy provide a clear policy context for the sustainable development of housing.

Design of Housing and Development

**Policy CP8**

130 Good design is recognised by the Framework as comprising:

*“a key aspect of sustainable development...indivisible from good planning.”*  
(Paragraph 56)

131 Furthermore, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework) and Paragraph 58 of the Framework goes on to require development to:

132 *“...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation...”*

133 In addition to the above, SWDP Policy SWDP21, “Design,” requires all development to meet high standards of design quality.

134 Generally, Policy CP8 seeks to ensure that development reflects local character and in so doing, it has regard to national policy and is in general conformity with the SWDP.

135 As set out, the Policy's use of the phrase “will reflect” is not supported by substantive evidence and runs the risk of pre-determining outcomes. It also runs the risk of preventing innovation, contrary to Paragraph 63 of the Framework which states that:

*“...great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.”*

136 Such an approach could stand in the way of the achievement of sustainable development.

137 A guideline is different to a requirement. Given this, Policy CP8's introduction of requirements under the phrase “the following guidelines” lacks clarity.



- 138 “*Key public views*” are not defined and no indication is provided of how a significant reduction of a garden might be measured, nor of which gardens in the Neighbourhood Area are “*essential to the settings of existing residences.*” The Policy is ambiguous in these respects and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 139 It is not the role of the Neighbourhood Plan to impose requirements on the decision-making process and consequently, Policy CP8 cannot require the local planning authority to make reference to the Worcestershire Farmstead Assistance Guidance when determining planning applications. In this regard, I am also mindful that, by its very nature, the document referred to comprises Guidance, rather than policy requirements.
- 140 In the absence of any detailed information, it is not clear why all development proposals – for example, the replacement of a pub sign - must ensure that unknown archaeological deposits are identified and appropriately considered during development.
- 141 Taking all of the above into account, I recommend:
- **Policy CP8, change first sentence to “*The scale and design of new development should reflect the character of the village and the Conservation Area, in particular:*”**
  - **Delete fifth bullet point (“Infilling...residences”)**
  - **Delete last sentence of sixth bullet point (“Due...Guidance”)**
  - **Change last bullet point to “*Where appropriate, development should take account of...*”**

## Policy CP9

- 142 SWDP Policy SWDP27, *“Incorporating Renewable and Low Carbon Energy Into New Development,”* sets out detailed requirements in respect of the incorporation of energy from renewable or low carbon sources into development.
- 143 Rather than provide a more detailed local policy context for SWDP Policy 27, Policy CP9 states that it will *“encourage”* high standards of sustainability, without indicating how such encouragement might take place. The Policy goes on to require all buildings to be constructed *“to the highest standards of energy efficiency,”* without indicating what these might be. Further, there is no substantive evidence to demonstrate that this latter requirement would be viable or deliverable for all, or even any form of development. This fails to have regard to Paragraph 173 of the Framework, which states:
- “Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable.”*
- 144 The Policy goes on to introduce a somewhat general requirement to *“incorporate renewable energy technologies and other low energy systems”* into development. This is far less detailed than the requirements already set out in adopted District-wide planning policy and as a consequence, Policy CP9 would serve to add a degree of confusion to the development plan, were it to form part of a made Neighbourhood Plan. In this respect, Policy CP9 lacks appropriate clarity.
- 145 No indication is provided in respect of how an *“exemplar”* Sustainable Drainage System (SuDS) might differ from a Sustainable Drainage System, or of who might measure *“exemplar”* and on what basis. Consequently, this part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal.
- 146 Part of the supporting text to Policy CP9 reads as though it comprises a Policy, which it does not. Further, Policy SWDP27 is an adopted planning Policy and must be taken into account when determining development proposals. I address these two matters in the recommendations below.

147 I note that the general intent of Policy CP9 appears to be to support sustainable design, having regard to Chapter 10 of the Framework, *"Meeting the challenge of climate change, flooding and coastal change."* Taking this and the above into account, I recommend:

- **Policy CP9, change text to read *"The construction of new dwellings to high standards of sustainability and the incorporation of Sustainable Drainage Systems (SuDS) in new developments will be supported."***
- **Para 5.37, line 7, change to *"...Regulations. These standards therefore apply to Cleeve Prior."***
- **Para 5.37, line 8, delete sentence *"Installation of...Proposals Map."***

148 The recommendations above would result in the deletion of a number of Policies. Given this, in the interests of clarity and precision, I recommend:

- **Insert new title above Policy CP9 *"Sustainable Design"***

## Employment Policies

### Policy CP10

149 Paragraph 19 of the Framework establishes that the planning system should support economic growth and Chapter 3 of the Framework, “*Supporting a prosperous economy,*” in Paragraph 28, goes on to require neighbourhood plans to:

*“...support the sustainable growth and expansion of all types of business and enterprise in rural areas...promote the development and diversification of agriculture and other land-based rural businesses...support sustainable rural tourist and visitor facilities...”*

150 In addition, SWDP Policy SWDP12, “*Employment in Rural Areas,*” supports the expansion of existing employment sites in rural areas, as well as the diversification of farm businesses.

151 Policy CP10 is supportive of economic growth in the Neighbourhood Area and in this respect, it meets the basic conditions. However, as set out, the Policy would support new business and employment uses anywhere in the Neighbourhood Area, subject only to impacts on amenity, parking, servicing and whether or not development would be “*of a scale and type appropriate to the rural setting of Cleeve Prior and its Conservation Area.*”

152 In respect of this latter point, no detail is provided in respect of what scale and type of development would, or would not, be appropriate. The Policy therefore lacks clarity in this regard, leading to it failing to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework. In the absence of clear guidance, the Policy could result in support for inappropriate forms of development in the countryside.

153 To some considerable degree, existing national and local planning policy affords rural areas protection from new development by focusing economic development on existing employment sites and through the diversification of existing agriculture and land based businesses. In so doing, existing policy provides for rural development in the countryside and indicates the type of employment development that may be appropriate to the rural setting of Cleeve Prior. I am mindful of this in making the recommendations below.

- 154 No indication is provided of what a “*significant adverse impact*” on amenity might comprise; or of what “*necessary parking and servicing arrangements are.*” Policy CP10 is ambiguous in this regard and does not meet the basic conditions.
- 155 Parts of Paragraphs 5.39 and 5.40 read as though they comprise Policies, which they do not.
- 156 Taking all of the above into account, I recommend:
- **Policy CP10, change Policy wording to “*The expansion and/or diversification of existing businesses will be supported subject to development respecting local character, residential amenity and highway safety.*”**
  - **Para 5.39, delete last two sentences (“Equestrian...setting”)**
  - **Para 5.40, delete last two sentences (“It is recognised...elderly”)**

**Paragraphs 5.42 to 5.48**

157 The above paragraphs consider matters relating to Communications, Education, Infrastructure and County Matters and do not contain any Policies. However, some of the wording contained within these paragraphs is written as though it comprises a Policy requirement of the Neighbourhood Plan, which it does not. I recommend:

- **Para 5.43, line 9, change to “...initiative. *The Parish Council* supports...”**
- **Para 5.47, line 8, change to “...justified. *Policy WCS 17 of the Waste Core Strategy requires provision for the...*”**

Gypsy and Traveller Site

**Policy CP11**

158 National planning policy, in Chapter 6 of the Framework, *“Delivering a wide choice of high quality homes,”* seeks to:

*“...boost significantly the supply of housing.”*

159 Given this, alongside its presumption in favour of sustainable development, national policy provides a strongly supportive framework for the delivery of new homes in England. At the same time, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.<sup>11</sup> Cleeve Prior is located in Wychavon District, which is covered by the up to date plan for South Worcestershire.

160 The South Worcestershire Development Plan (SWDP), which was adopted in 2016, makes provision for the development of 28,400 new homes during the period 2006-2030. As part of this, Policy SWDP2 (*“Development Strategy and Settlement Hierarchy”*) does not allocate any housing land in Cleeve Prior, but does identify the village as a *“Category 3”* settlement, where infill development within the defined development boundary is acceptable in principle.

161 Policy CP11 proposes the allocation of the Gypsy and Traveller Site to the west of Evesham Road for residential development site for between 40 – 80 dwellings.

162 The Gypsy and Traveller Site is located outside Cleeve Prior's village boundary (as defined in the SWDP) and is separated from the village by open fields, which themselves are recognised by the Neighbourhood Plan as providing *“a clear separation between the edge of the village and the current gypsy and traveller site.”*<sup>12</sup>

163 Consequently, the Gypsy and Traveller Site, which is not currently allocated for residential development, falls outside the area where residential development is supported by the adopted development plan.

---

<sup>11</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act (1990).

<sup>12</sup> 5.21, Cleeve Prior Neighbourhood Plan (Submission Version).

- 164 Whilst there is no requirement for a neighbourhood plan to seek to allocate land for residential development, many neighbourhood plan-makers choose to do so. This can be for a wide range of reasons.
- 165 For example, the allocation of land can provide a local community with degree of certainty and control over development; it can fill a policy vacuum when there is no up to date District-wide plan in place; or it may be that the local community has identified specific benefits that a new housing allocation might bring.
- 166 In Cleeve Prior, plan-makers consider that its re-development for 40 – 80 houses will bring benefits to the Neighbourhood Area.
- 167 The Gypsy and Traveller site is contentious in the Neighbourhood Area, due largely to it being associated with incidents of crime and anti-social behaviour, as well as having an “*unsightly*” appearance.
- 168 Information submitted in support of Policy CP11 states that the redevelopment of the site for housing will result in the improvement of the appearance of the site and address matters relating to crime and anti-social behaviour.
- 169 Further supporting material, including representations to consultation, point out that the site has a low level of occupancy and “*could reasonably be viewed as brownfield;*” that new housing could be “*of future benefit to the viability*” of the primary school; and that there are occupiers of the site that “*have sites to relocate to outside Wychavon*” should the site be developed.
- 170 Policy CP11 therefore seeks to allocate the Gypsy and Traveller site for housing largely as a means of addressing issues relating to appearance and occupancy.
- 171 The Neighbourhood Plan suggests that the Gypsy and Traveller Site is “*technically in the open countryside.*” In this regard, the word “*technically*” is superfluous. The Gypsy and Traveller Site is located well outside Cleeve Prior’s settlement boundary. It is located within the open countryside.



172 The SWDP Policy SWDP2 states that:

*“The open countryside is defined as land beyond any development boundary. In the open countryside, development will be strictly controlled and will be limited to dwellings for rural workers, employment development in rural areas, rural exception sites, buildings for agriculture and forestry, replacement dwellings and development specifically permitted by other SDWP policies.”*

173 The development of up to 80 dwellings in the open countryside would be in direct conflict with Policy SWDP2. Consequently, the proposed allocation in Policy CP11 is not in general conformity with Policy SWDP2. The Policy does not meet the basic conditions.

174 In support of Policy CP11, the supporting text states that *“the site does not belong visually to the countryside.”* Whilst this does not necessarily address the Policy's direct conflict with Policy SWDP2, plan-makers consider it a material factor.

175 During my site visit, I observed the Gypsy and Traveller Site to be some considerable distance from Cleeve Prior and to be well separated from it, by fields and hedgerows. Indeed, the presence of trees and hedgerows combines with distance to afford the Gypsy and Traveller Site a distinct sense of rural isolation.

176 On the opposite side of the B4085 road to the Gypsy and Traveller site are very large and predominantly open fields. The fields are flat and provide for sweeping views across swathes of open countryside.

177 Travelling along the road from the Gypsy and Traveller Site to Cleeve Prior in a north/north-east direction, one travels for a considerable distance along tree and hedgerow-line roads with views and glimpses through to fields beyond. Travelling south from the Gypsy and Traveller Site, one passes agricultural land on both sides of the road, visible through trees and hedgerows, and then past farm buildings until six pairs of garden fronted semi detached dwellings are reached. These appear as a distinctive row of dwellings in a rural area, surrounded by open countryside.

178 The Gypsy and Traveller Site itself is surrounded by countryside to the north, east and south. To the west is an area of woodland, beyond which is the River Avon, with open countryside beyond. Public footpaths to the north and west of the Gypsy and Traveller Site provide for views and glimpses into and across it, with the presence of trees forming barriers to distant views.

- 179 Whilst there is evidence of unkempt land within it, much of the character of the Gypsy and Traveller Site is derived from the presence of open space, very low density, low rise development and trees. Consequently, whilst there are a number of areas that might be described as “*unsightly*,” the very low density of development across the site as a whole combines with its partly open, green and spacious characteristics, so as to lead the Gypsy and Traveller Site not to appear strikingly out of character with its distinctly rural environs.
- 180 By way of contrast, and in the absence of substantive evidence to the contrary, it would seem likely that a development of up to 80 dwellings in the open countryside would have a significant impact on the green, open and spacious qualities of the area.
- 181 In the above regard, in identifying core planning principles, national policy establishes the importance of:
- “...recognising the intrinsic character and beauty of the countryside...”*  
(Paragraph 17, the Framework)
- 182 This is achieved in Policy SWDP2, through its application of strict controls to development in the countryside. As above, Policy CP11 is not in general conformity with Policy SWDP2.
- 183 Policy CP11 aims to address the negative aspects of the Gypsy and Traveller Site. However, there is no substantive evidence to demonstrate that the redevelopment of the Gypsy and Traveller Site to provide up to 80 dwellings in the open countryside is the only, or even the most appropriate way, to enhance its appearance.
- 184 In this respect, I am mindful that nowhere does national or local strategic planning policy suggest that the replacement of Gypsy and Traveller Sites in the open countryside with large scale housing schemes comprises an appropriate way to enhance local character.
- 185 Notwithstanding this, it is not clear how a large scale housing scheme in the open countryside would, in any case, necessarily enhance local character. Rather, taking the above into account and in the absence of any substantive evidence to the contrary, I am mindful that such a development would be likely to have a significant impact on the inherent qualities of the countryside, notably its green, open, spacious and rural attributes – its “*intrinsic character*.”

186 As noted above, the Gypsy and Traveller Site is physically isolated from Cleeve Prior village and is located within, and is surrounded by, open countryside. The development of up to 80 dwellings in this location would comprise a large residential housing estate in the open countryside. This would result in the inevitable erosion of the area's attributes noted above.

187 In this regard, the supporting text to SWDP Policy2 states that:

*"The high quality of the open countryside is an important planning attribute of the area."*

188 It goes on to establish:

*"Sites beyond development boundaries generally are less sustainable as access to local services and employment opportunities tends to be poorer and therefore it is appropriate that development in the open countryside is restricted..."*

189 In the above regard, a scheme of up to 80 dwellings in the open countryside (and I am mindful that the prospective developer's agent considers that the provision of 64 market dwellings comprises a minimum number to provide for viability, with affordable housing being additional to this) could be expected to have an impact on patterns of movement. As a development in the open countryside, it appears likely that occupiers would be reliant upon private cars for employment, access to services and for day-to-day activities. There is no evidence to the contrary. In establishing a settlement hierarchy and restricting development in the countryside, Policy SWDP2 seeks to avoid large scale residential development on less sustainable locations.

190 In this respect there also appears to be some conflict between provision for a major residential development in the open countryside and the Parish Council's aspiration, as expressed in Annex 1 to the Neighbourhood Plan, *"to reduce the use of the private car."*

191 As set out earlier, the Gypsy and Traveller Site is associated with crime and anti-social behaviour. Plan-makers consider that removing all of the people from the Gypsy and Traveller Site and redeveloping it for up to 80 dwellings will resolve issues related to crime and anti-social behaviour.

- 192 However, whilst crime and concerns of crime related to the use of land are legitimate considerations for planning purposes, I am mindful that no substantive evidence has been submitted to demonstrate that the development of up to 80 dwellings in the open countryside, contrary to Policy SWDP2, is the only, or the most appropriate way to tackle crime and anti-social behaviour.
- 193 Further to the above, whilst good design can help to reduce opportunities for crime to take place it does not necessarily prevent crime. No substantive evidence has been presented to demonstrate that the development of up to 80 dwellings in the open countryside would necessarily prevent crime and anti-social behaviour taking place in the future.
- 194 In support of its approach, the supporting text to Policy CP11 refers to the Government publication, Planning Policy for Travellers Sites<sup>13</sup>. This document addresses tensions between settled and traveller communities in plan-making and requires local planning authorities to have regard to the protection of local amenity and the local environment. However, nowhere does Planning Policy for Travellers Sites state that tensions and issues should be addressed by replacing Gypsy and Travellers Sites in the open countryside with major residential development.
- 195 Whilst I note that there have been representations from the local community in support of Policy CP11, there have also been representations in opposition.
- 196 In expressing its support for the Policy, the Executive Board of Wychavon District Council considers that it has "*strong local support.*" In this regard, further to a local questionnaire, as referred to earlier in this Report, the Appendices to the Consultation Statement state that 41% of registered voters in the Neighbourhood Area (60% of responses to the relevant questionnaire) would be in favour of redevelopment for 40-80 dwellings, if the Gypsy and Traveller Site was vacated. Whilst this does not represent the view of the community as a whole, it does amount to strong local support.

---

<sup>13</sup> Planning Policy for Traveller Sites, Department of Communities and Local Government (August 2015).

197 In the above regard, I am conscious that, as established by Paragraph 184 of the Framework, neighbourhood planning:

*"...provides a powerful set of tools for local people to ensure that they get the right types of development for their community."*

198 However, in so doing, Paragraph 184 goes on to state that:

*"Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan."*

199 Thus, whilst it may be reasonable to conclude that there is "*strong local support*" for the redevelopment of the Gypsy and Traveller Site, the proposals set out in Policy CP11 conflict with national policy.

200 The Executive Board of Wychavon District Council suggests that "*the context of (Policy CP11) be given additional weight*" as part of the examination. However, as set out at the beginning of this Report, the purpose of neighbourhood plan examination is to consider the Neighbourhood Plan against the basic conditions, rather than to apportion weight, as might occur, for example, at a planning appeal.

201 For the reasons set out above, Policy CP11 is not in general conformity with South Worcestershire Development Plan Policy SWDP2. As a consequence, it does not meet the basic conditions. Were it to remain in the Cleeve Prior Neighbourhood Plan, then the Neighbourhood Plan would not meet the basic conditions and it could not, as a matter of law, progress to Referendum, or ultimately, be made.

202 In making the recommendations below, I note that no substantive evidence has been submitted to demonstrate that the proposed development is necessary in order to sustain the viability of the local primary school. Whilst I also acknowledge that Paragraph 111 of the Framework encourages the effective use of land by re-using previously developed land, there is no substantive evidence before me to demonstrate that the development of up to 80 dwellings in the open countryside, contrary to SWDP Policy SWDP2, would contribute to the achievement of sustainable development.

203 Further to the above, SWDP Policy SWDP15, "*Meeting Affordable Housing Needs,*" requires the provision of 40% affordable housing on brownfield sites of more than 15 dwellings. As set out, Policy CP11 does not require any affordable housing and is not, therefore, in general conformity with Policy SWDP15.

204 Policy CP11 does not meet the basic conditions. I recommend:

- **Delete Policy CP11**
- **Delete Paras 5.51 to 5.75**
- **Delete last sentence of Para 6.2 ("As indicated...**
- **Para 3.6, last line, change to "...a specific *Community Action* has been included in Chapter 5"**
- **Para 5.45, delete last sentence "It is...school."**

205 In making the recommendations above, I am mindful that the Gypsy and Traveller Site in Cleeve Prior is contentious and that the Parish Council is keen to address the negative issues associated with it. In the light of this, I also recommend:

- **Replace Policy CP11 with a Community Action "*Gypsy and Traveller Site. The Parish Council will seek to work with third parties with the aim of addressing matters relating to the appearance of the Gypsy and Traveller Site; and matters relating to crime and anti-social behaviour associated with the Gypsy and Traveller Site.*"**
- **Add footnote to Community Action, "*For more information on Community Actions, please see following link: <https://www.local.gov.uk/our-support/guidance-and-resources/community-action/community-action-overview/what-community-action>*"**
- **Retain Paras 5.49 and 5.50**

## **7. The Neighbourhood Plan: Other Matters**

206 The Neighbourhood Plan period runs to 2031. I recommend:

- **Para 6.1, line 3, change to "...to the year 2031. It is..."**
- **Delete last sentence of Para 6.2 ("As indicated...**

207 The recommendations made in this Report will have a subsequent impact on Policy and page numbering.

208 The recommendations also require the addition of new plans within the Neighbourhood Plan.

209 I recommend:

- **Update the Policy and page numbering, and include new plans as appropriate, taking account of the recommendations contained in this Report**

210 I also note that the Neighbourhood Plan does not have a Contents page. This, in itself, does not mean that it fails to meet the basic conditions, but in making the changes recommended in this Report, it would be helpful for the reader if a Contents page were to be added to the beginning of the Neighbourhood Plan.

## **8. Summary**

211 Having regard to all of the above, a number of modifications are recommended in order to enable the Neighbourhood Plan to meet the basic conditions.

212 Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

213 Taking the above into account, I find that the Cleeve Prior Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.



## 9. Referendum

214 I recommend to Wychavon District Council that, subject to the modifications proposed, **the Cleeve Prior Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

- 215 I am required to consider whether the Referendum Area should be extended beyond the Cleeve Prior Neighbourhood Area.
- 216 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 217 Consequently, I recommend that the Plan should proceed to a Referendum based on the Cleeve Prior Neighbourhood Area approved by Wychavon District Council and confirmed by public notice on 28<sup>th</sup> May 2013.

**Nigel McGurk, September 2017**  
**Erimax – Land, Planning and Communities**

