

**Drakes Broughton and Wadborough with Pirton Parish
Council**

Drakes Broughton and Wadborough with Pirton Neighbourhood Development Plan

A Report to Wychavon District Council of the Independent
Examination of the Drakes Broughton and Wadborough with
Pirton Neighbourhood Development Plan

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Contents

	Page
Overall Finding	4
Neighbourhood Planning	5
Independent Examination	5
Basic Conditions and other statutory requirements	7
Documents	10
Consultation	11
The Neighbourhood Plan taken as a whole	14
The Neighbourhood Plan policies	22
Policy DBWP1 – New housing in Drakes Broughton	
Policy DBWP2 – New housing in Wadborough	
Policy DBWP3 – New housing in Pirton and the wider countryside	
Policy DBWP4 – Housing mix and tenure	
Policy DBWP5 – Protecting and enhancing community facilities	
Policy DBWP6 - Green infrastructure	
Policy DBWP7 – Landscape character and locally important views	
Policy DBWP8 – Dark skies	
Policy DBWP9 – Local green spaces	
Policy DBWP10 – Protecting and enhancing open spaces	
Policy DBWP11 – Traffic and transport	
Policy DBWP12 – Community Infrastructure Levy and New Homes Bonus	
Policy DBWP13 – Archaeology and historic environment	
Policy DBWP14 – Supporting and enhancing local employment	
Policy DBWP15 – Supporting development of communications infrastructure	

Summary and Referendum	48
Annex: Minor corrections to the Neighbourhood Plan	49

Overall Finding

This is the report of the Independent Examination of the Drakes Broughton and Wadborough with Pirton Neighbourhood Development Plan. The plan area is the entire Drakes Broughton and Wadborough with Pirton Parish area. The Plan period is 2015 to 2030. The Neighbourhood Plan includes policies relating to the development and use of land.

The report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements to proceed to a local referendum within the Parishes.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Drakes Broughton and Wadborough with Pirton Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Drakes Broughton and Wadborough with Pirton Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Drakes Broughton and Wadborough with Pirton Neighbourhood Plan Area which was formally designated by Wychavon District Council (the District Council) on 17 March 2015. Plan preparation has been progressed through a Steering Group, consisting of Parish Councillors and local residents.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council. The District Council has submitted the Neighbourhood Plan to me for independent examination.

Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.² The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The

¹ Paragraph 183 National Planning Policy Framework 2012

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

District Council will decide what action to take in response to the recommendations in this report.

6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the District Council.
7. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The National Planning Policy Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted³.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.
9. As independent examiner, I am required to produce this report and must recommend either:

³ Paragraph 198 National Planning Policy Framework 2012

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁵

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶ The Guidance states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”

12. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

Basic conditions and other statutory requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁷ A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
- the making of the neighbourhood plan contributes to the achievement of sustainable development,

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

⁷ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
- the making of the neighbourhood 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.⁸

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan policies'.

15. In addition to the Basic Conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹⁰ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections. In reaching this conclusion I raised queries with the Parish Council regarding aspects of the submission Consultation Statement which I refer to in the section of my report titled 'Consultation'.

16. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 17 March 2015. A map of the Drakes Broughton and Wadborough with Pirton Designated Plan Area is included as Figure 1 of the Submission Draft Plan. The Title of Figure 1 should be adjusted to confirm this. I have dealt with this matter in the annex to my report. The designated neighbourhood area includes the whole of the two parishes of Drakes Broughton and Wadborough with Pirton. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood

⁸ 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

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

¹⁰ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

¹¹ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

development plan has been made for the neighbourhood area.¹² All requirements relating to the plan area have been met.

17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹³ and the Neighbourhood Plan does not include provisions about excluded development.¹⁴ I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ The front cover of the Submission Draft clearly shows the plan period to be 2015 to 2030.
19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have

¹² Section 38B (2) Planning and Compulsory Purchase Act 2004

¹³ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁴ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁵ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

particular meaning and significance to people living and working in the area.

22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.¹⁷

Documents

23. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and other requirements:

- Drakes Broughton and Wadborough with Pirton Neighbourhood Development Plan 2015 to 2030 Submission Version June 2016
- Drakes Broughton and Wadborough with Pirton Neighbourhood Development Plan Basic Conditions Statement June 2016
- Drakes Broughton and Wadborough with Pirton Neighbourhood Development Plan Consultation Statement June 2016
- Drakes Broughton and Wadborough with Pirton Neighbourhood Development Plan Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinions March 2016
- Representations received during the Regulation 16 publicity period
- South Worcestershire Development Plan adopted February 2016
- South Worcestershire Councils Strategic Policies for the Purposes of Neighbourhood Planning
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Department for Communities and Local Government Permitted development for householders' technical guidance (April 2016) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Neighbourhood Planning (General) Regulations 2012 (as amended)
[In this report referred to as the Regulations]

Consultation

24. The submitted Neighbourhood Plan is accompanied by a comprehensive Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members and other consultees and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.
25. Initial community consultation was conducted through a survey delivered to all households in Drakes Broughton in February 2014 and in Wadborough and Pirton in September 2014. A Neighbourhood Planning event designed to surface key issues in the three villages was held in March 2015. The Neighbourhood Plan Steering Group also met with children from St Barnabas School Council, which represents children from all three villages.
26. Pre-submission consultation in accordance with Regulation 14 was undertaken in a six-week period from 25 January to 8 March 2016. During this period copies of the Draft Plan were available at six locations throughout the Plan area. Publicity included use of the Parish Council website, with a link from the District Council website; publicity in the Parish magazine; emails sent to consultees including neighbouring parish councils and local businesses; and the holding of a Neighbourhood Planning meeting held on 27 January 2016. Table 1 of the Consultation Statement summarises the responses received together with Parish Council comments and any amendments to the Plan. I raised a query with the Parish Council regarding the submission of the Draft Plan to the District Council to which I received satisfactory clarification. It is evident responses resulted in adjustment of the Draft Neighbourhood Plan.
27. The revised Neighbourhood Plan was approved by the Parish Council and submitted to the District Council. The Submission Draft of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period that closed on 15 August 2016. A total of 14 representations were submitted to the District Council during the publicity period which

I have taken into consideration in preparing this report, even though they may not be referred to in whole, or in part.

28. Norton-juxta-Kempsey Parish Council support the adoption of the Neighbourhood Plan. Severn Stoke and Croome D’Abitot Parish Council advise minor adjustments are necessary in respect of the list of designated heritage asset in Appendix 2. I refer to this matter in the annex to my report. The Environment Agency confirm substantive further comments would only be made if the Neighbourhood Plan was seeking to allocate sites for development in Flood Zones 2 or 3. Highways England confirm no concerns relating to the Neighbourhood Plan. The Marine Management Organisation; BT; Equality Human Rights Commission; and Natural England do not have any specific comments.
29. In a Regulation 16 representation Worcestershire County Council state its observations made on 3 March 2016 have not been taken account of or recorded in the June 2016 Submission Consultation Statement. I raised a query with the Parish Council in this respect and received the following reply *“At the time of submission, the Neighbourhood Plan Steering Group and Parish Council were not aware of any representation from Worcestershire County Council during the Regulation 14 consultation. It is for this reason there is no entry in the response table in the Consultation Statement. However, as a result of your enquiry, a search has been undertaken on the email address used for responses to the Regulation 14 consultation, and the email has been located in an archive folder and not in the main inbox. It is due to this that the response from Worcestershire Council has been accidentally missed and overlooked and is not included in the Consultation Statement. Please find Worcestershire County Council response attached.”* On this basis, I am satisfied the Consultation Statement had been prepared in good faith and represented the situation as known to the Parish Council and the Steering Group at the time of preparation of the Statement.
30. I have noted Worcestershire County Council had stated in the earlier submission and repeated in the Regulation 16 representation dated 11 August 2016 that they do not object to the emerging Plan. The representations that the County Council had asked should be taken into account in their Regulation 14 submission are identical to those before me now in the Regulation 16 submission which I have taken into consideration in preparing my report. I have concluded this issue should not prevent my Independent Examination finding the

Neighbourhood Plan should proceed to referendum. I advised the County Council how I am proceeding with respect to this matter and the County Council has confirmed they are satisfied. Whilst I have concluded this issue should not prevent the Neighbourhood Plan proceeding to referendum the District Council may take an alternative view when it takes the decision on whether the Neighbourhood Plan should proceed to referendum.

31. In its representation Worcestershire County Council suggest amendments to the history and background section of the Plan, however these are not necessary to meet the Basic Conditions. The representation also states the Plan should make clear the Waste Core Strategy and the Minerals Local Plan form part of the Development Plan. The representation also states minerals should not needlessly be sterilised and waste management facilities in the area could be acceptable. I do not consider any modification of the Neighbourhood Plan is necessary in these respects. The representation also states an additional policy could be included relating to sustainable drainage, and that Policies 1 to 4 could include objectives to ensure that the sustainability of any new dwelling is considered. It is further stated community renewable energy issues, food related initiatives, and ultra-low emission vehicle matters could be addressed. It is beyond my role to recommend additional policies. The representation states important historic parks are not referred to; however, this is not necessary to meet the Basic Conditions. Where representations of the County Council or those of other parties relate to specific policies I have considered the issues raised when examining the policies in question later in my report.
32. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which –
- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) Explains how they were consulted;
 - c) Summarises the main issues and concerns raised by the persons consulted; and
 - d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.¹⁸

¹⁸ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

33. The Consultation Statement includes information understood to be complete at the time of preparation of the Statement in respect of each of the requirements set out in the Regulations. On this basis, I am satisfied the requirements have been met.

The Neighbourhood Plan taken as a whole

34. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this.

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

35. The Basic Conditions Statement states “*The submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights.*” I have given consideration to the European Convention on Human Rights and in particular to Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).¹⁹ I have seen nothing in the submission draft of the Neighbourhood Plan that indicates any breach of the Convention. The Basic Conditions Statement states “*In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.*” Although no equalities impact assessment has been undertaken the submission draft of the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

¹⁹ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

36. The objective of EU Directive 2001/42²⁰ is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of ‘plans and programmes’²¹ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²²
37. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council to submit to the District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required. The District Council issued a joint Strategic Environmental Assessment and Habitats Regulations Assessment Screening Document in March 2016. The screening assessment found that it is unlikely that significant environmental effects, in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, will occur as a result of the implementation of the Neighbourhood Plan and therefore does not need to be subject to a report prepared in accordance with the EU Directive 2001/42 on Strategic Environmental Assessment (SEA). This was confirmed through the responses from Historic England, Natural England and the Environment Agency. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.
38. The joint SEA and HRA Screening Opinions document issued by the District Council in March 2016 included a Screening Assessment to determine the need for a Habitats Regulations Assessment concluding *“the policies in the neighbourhood plan are in conformity with the policies of the South Worcestershire Development Plan which was subject to Appropriate Assessment which concluded that the policies and land allocations of the South Worcestershire Development Plan were not likely to have adverse effects on the integrity of Bredon Hills SAC or Lyppard Grange SAC. It was therefore considered that the draft Drakes Broughton and Wadborough with Pirton Neighbourhood Plan is unlikely to have a negative impact on any internationally*

²⁰ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²¹ Defined in Article 2(a) of Directive 2001/42

²² Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

designated sites and, as such, it was recommended that a full Appropriate Assessment is not required". Necessary statutory consultation has been undertaken. I conclude the requirements of the EU Habitats Regulations have been met. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

39. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

40. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- 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.

41. The Guidance²³ states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

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

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

42. I refer initially to the basic condition "*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is*

²³ National Planning Practice Guidance paragraph 031 reference ID:11-031-20150209

appropriate to make the plan". The requirement to determine whether it is appropriate that the plan is made includes the words "*having regard to*". This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁴ which requires plans to be "*consistent with national Policy*".

43. Lord Goldsmith has provided guidance²⁵ that '*have regard to*' means "*such matters should be considered.*" The Guidance assists in understanding "*appropriate*". In answer to the question "*What does having regard to national Policy mean?*" the Guidance states a neighbourhood plan "*must not constrain the delivery of important national Policy objectives.*"

44. The Basic Conditions Statement seeks to demonstrate that the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. A statement is made to explain how the Neighbourhood Plan has been drafted to have regard to paragraph 184 of the Framework. A Table is also presented in the Basic Conditions Statement setting out how the Neighbourhood Plan has regard to the twelve core planning principles set out in paragraph 17 of the Framework.

45. The Neighbourhood Plan includes a positive Vision seeking to maintain the very individual rural characteristics and overall balanced environment of the 3 villages within the Parishes for the future well-being of their residents and communities. The Vision is further supported by six objectives relating to housing, community facilities, green spaces and access to the countryside, transport provision and other local infrastructure, key environmental assets, and local employment development and the rural economy. The vision and objectives of the Neighbourhood Plan are consistent with the core planning principles of the Framework. The Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national Policy envisages for a neighbourhood plan.

46. Apart from those elements of Policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am

²⁴ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²⁵ The Attorney General, (Her Majesty's Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord's Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England's Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

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

47. At the heart of the 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.²⁶ The Guidance states "*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions.*"²⁷
48. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
49. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes a section and Table that seek to demonstrate the economic, social and environmental attributes of the Neighbourhood Plan and in particular how the policies contribute to sustainable development.

²⁶ Paragraph 14 National Planning Policy Framework 2012

²⁷ National Planning Practice Guidance (Ref ID:41-072-20140306)

50. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by seeking to accommodate new development and preserve and enhance public and private sector community and commercial facilities whilst seeking to safeguard aspects of the built and natural environment that are highly valued by residents of the area. In particular, I consider the Neighbourhood Plan seeks to:

- support new housing development within development boundaries;
- accommodate re-use of redundant buildings so long as they are not in need of substantial repair or rebuilding;
- achieve a mix of types and sizes of new houses including affordable provision;
- protect and enhance community facilities;
- maintain and enhance green infrastructure;
- avoid harm to landscape character and important views;
- designate Local Green Spaces;
- minimise adverse traffic impacts;
- direct development generated funds to community infrastructure;
- avoid harm to archaeology and historic assets;
- support and enhance local employment; and
- support development of communications infrastructure.

51. I note the Neighbourhood Plan includes in Section 8 'Monitoring and Review' a statement that the Neighbourhood Plan will be reviewed as part of the Development Plan review process. This commitment to review, represents good practice.

52. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

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

53. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.²⁸ “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies*”.²⁹
54. The Guidance states, “*A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.*”³⁰ In this independent examination I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has informed me that the Development Plan applying in the Drakes Broughton and Wadborough with Pirton neighbourhood area and relevant to the Neighbourhood Plan comprises the South Worcestershire Development Plan adopted February 2016. The District Council has provided me with a ‘South Worcestershire Councils Strategic Policies for the Purposes of Neighbourhood Planning’ document that sets out which policies of the Development Plan are deemed to be strategic in nature. Worcestershire County Council advise the Waste Core Strategy and Minerals Local Plan form part of the Development Plan.
55. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there, “to introduce a degree of flexibility.*”³¹ The use of ‘general’ allows for the possibility of conflict.

²⁸ Paragraph 16 National Planning Policy Framework 2012

²⁹ Paragraph 184 National Planning Policy Framework 2012

³⁰ National Planning Practice Guidance (ID: 41-04720 140306)

³¹ Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

56. The Guidance states, “*When considering whether a Policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan Policy or development proposal supports and upholds the general principle that the strategic Policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan Policy or development proposal and the strategic Policy*
- *whether the draft neighbourhood plan Policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic Policy without undermining that Policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”³²*

57. My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance. If there were to be a conflict between a Policy in a neighbourhood plan and a Policy in a local plan the conflict must be resolved in favour of the Policy contained in the last of those plans to become part of the Development Plan.³³

58. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

³² National Planning Practice Guidance (ID ref: 41-074 201 40306)

³³ Section 38(5) Planning and Compulsory Purchase Act 2004

The Neighbourhood Plan policies

59. The Neighbourhood Plan includes 15 policies:

- Policy DBWP1 – New housing in Drakes Broughton
- Policy DBWP2 – New housing in Wadborough
- Policy DBWP3 – New housing in Pirton and the wider countryside
- Policy DBWP4 – Housing mix and tenure
- Policy DBWP5 – Protecting and enhancing community facilities
- Policy DBWP6 - Green infrastructure
- Policy DBWP7 – Landscape character and locally important views
- Policy DBWP8 – Dark skies
- Policy DBWP9 – Local green spaces
- Policy DBWP10 – Protecting and enhancing open spaces
- Policy DBWP11 – Traffic and transport
- Policy DBWP12 – Community Infrastructure Levy and New Homes Bonus
- Policy DBWP13 – Archaeology and historic environment
- Policy DBWP14 – Supporting and enhancing local employment
- Policy DBWP15 – Supporting development of communications infrastructure

60. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*³⁴

³⁴ Paragraphs 184 and 185 National Planning Policy Framework 2012

61. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”
62. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.
63. “A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”³⁵
64. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn.

Policy DBWP1 – New housing in Drakes Broughton

65. This policy seeks to establish support for new housing development within the defined development boundary for Drakes Broughton. The Policy also sets out criteria against which all new housing development proposals will be assessed.
66. The term “*within Drakes Broughton*” introduces uncertainty regarding the relationship of this Policy and Policy DBWP3. The two parts of the Policy are not linked. The first sentence establishes support. The

³⁵ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

second sentence states criteria for assessment without reference to location and without implication. The net effect is that proposals for new housing development within the defined development boundary will be supported, and proposals for new housing development anywhere in the Plan area will be assessed against the criteria. A representation that questions the inclusion of criterion (b), which I consider later in this section of my report relating to Policy DBWP1 and Policy DBWP2, states *“should any future development come forward on the edge of Drakes Broughton it will likely alter the Parish’s rural landscape and this policy as currently proposed is open to interpretation”*. The Policy title suggests the intention is that the entire Policy should apply within the defined development boundary. The intention of Policy DBWP3 is to establish an approach to development proposals outside the defined development boundaries for Drakes Broughton and Wadborough. I have recommended a modification of Policy DBWP1 so that it is precise and will provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as required by paragraph 17 of the Framework.

67. The District Council states, Policy DBWP1 and Policy DBWP2 are very similar and could easily be amalgamated. Amalgamation of the Policies is not necessary to meet the Basic Conditions.
68. Criterion (a) of the Policy refers to good quality design, and criterion (g) refers to development reflecting the size, scale, design, and character of the surrounding area. Paragraph 58 of the Framework states *“Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:*
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
 - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*

- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping.”*

69. Criterion (a) of the Policy is imprecise, offering no detail for decision makers, and does not set out additional detail to national policy, nor a local approach. I recommend criterion (a) is deleted. The County Council states reference to size, scale, design and character of the surrounding area are insufficient and the key characteristics of settlements and buildings should be identified, as should consideration of how new development can respect and re-enforce patterns of settlement and landscape. Whilst I agree the approach advocated by the County Council is highly desirable I am satisfied criterion (g) does provide a practical framework for decision making, and it is beyond my role to recommend additional policy components where these are not necessary to meet the Basic Conditions.

70. Criterion (b) of the Policy refers to adverse impact “*on the Parishes rural landscape*”. I have already made reference to a representation that questions the inclusion of criterion (b). A policy approach that focuses on those special attributes and characteristics that make the rural landscape character of the area locally distinctive, or which should be particularly safeguarded would provide a practical framework for decision taking. The Policy by contrast offers no basis to assess adverse impact. The Policy is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have noted Policy DBWP7 relates in part to landscape character. I recommend a modification so that criterion (b) is deleted.

71. Criterion (c) of the Policy refers to adverse impact on designated and non-designated heritage assets. The County Council states the policy should recognise the balanced judgement approach of the Framework to effect on non-designated heritage assets. The Framework sets out a comprehensive policy approach to the assessment of proposals affecting designated and non-designated heritage assets. The Policy

does not sufficiently have regard for national policy and I therefore recommend a modification to delete criterion (c).

72. Criterion (e) refers to significant loss of useable garden space for proposed properties. A proposed property cannot lose garden space. I have recommended a modification in this respect so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

73. Criterion (f) includes the term “*appropriately located*”. This term is imprecise. It is unclear which areas of Drakes Broughton would not offer a location so that “*users and residents could access local facilities and services*”. The Criterion does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification to delete criterion (f).

74. A representation quotes Paragraphs 69 and 47 of the Framework and states, “*It is considered that the plan will constrain the ability to boost housing by designating my client’s site for Local Green Space, given the site is firmly within the built fabric of Drakes Broughton - which is a category 2 village. Therefore, the plan will be directly constraining the ability to deliver much needed housing in a sustainable location. By allocating land in the manner proposed, this will be directly conflicting with Basic Condition a. By designating our client’s land as Green Space, land which would ordinarily be considered to be sustainably located- means the plan would directly conflict with basic condition d. Our client’s site is available and deliverable and is sustainably located towards the centre of the village. Our client’s site could readily accommodate circa 10 dwellings, and we feel certain that an agreement can be reached, even at this late stage with regards to the restructuring of the village hall, which is also within my client’s control.*” Policy DBWP1 seeks to establish support for new housing development within the defined development boundary. The representation does not raise an objection to Policy DBWP1 in this respect. The representation puts forward the proposition that the constraint on the ability of the Plan to boost housing is linked to the proposed designation of the site in question as Local Green Space. I have therefore considered this representation when I consider Policy DBWP9. I have also considered this representation when examining

Policy DBWP3 that applies to new housing on sites, including that referred to, outside the development boundary for Drakes Broughton.

75. Another representation states the development boundary *“portrays a tightly drawn boundary that will act to contain the physical growth of the settlement and does not allow for flexibility or contingency required by national policy and guidance to ensure that the Plan is capable of reacting to changing market conditions”*. The representation also states Policy DBWP3 does not allow any significant degree of flexibility should the housing needs for the settlement increase through the expected Local Plan review and advocates a criteria-based approach consistent with the requirements of paragraphs 14 and 49 of the Framework and Policy SWDP1 to ensure that the Plan remains effective over its lifetime. The representation proposes *“that sustainable development proposals that are located adjacent to the existing settlement will be supported provided that the adverse impacts do not significantly and demonstrably outweigh the benefits of development.”* The representation also requests existing commitments should be included within the settlement boundary to give an accurate depiction on development proposals that will eventually be built out and form part of the settlement.

76. Making reference to the 2016 updates to the Guidance a representation recommends the Neighbourhood Plan should include additional flexibility through consideration of the need for housing reserve sites. The Guidance was revised on 11 February 2016.³⁶ The introduction of the statement that Neighbourhood Plans should consider providing indicative delivery timetables, and allocating reserve sites was in the context of ensuring that emerging evidence of housing need is addressed where the Neighbourhood Plan is prepared in advance of an emerging Local Plan. Those circumstances do not apply in the case of the Drakes Broughton with Wadborough and Pirton Neighbourhood Plan. The representation also refers to the update of the Guidance on 19 May 2016 with reference to Plan review timetables. I note the Neighbourhood Plan states an intention that the Plan will be reviewed *“as part of the development plan review process”*. This would present the opportunity for a co-ordinated approach across Development Plan documents.

77. The representation does not object to the support that Policy DBWP1 seeks to establish in respect to proposals for new housing

³⁶ National Planning Practice Guidance Paragraph:009 Reference ID: 41-009-20160211

development within the defined development boundary for Drakes Broughton. What the representation does propose is that sustainable proposals outside and adjacent to the development boundary should conditionally be supported. As Policy DBWP3 seeks to establish a policy regime outside the development boundary I revisit this representation when considering that Policy later in my report. With respect to the element of the representation that requests existing commitments should be included within the development boundary it is beyond my role to recommend that specific areas of additional land are to be the subject of a Policy. I have noted Map 1 of the Neighbourhood Plan, that defines the development boundary of Drakes Broughton, does also identify four substantial areas of land outside the development boundary as commitments. These four areas, that are all adjacent to the designated development boundary appear to cover a substantial area of land that if fully developed would boost significantly housing supply in the settlement. Paragraph 8.13 of the Neighbourhood Plan indicates these sites could accommodate up to 271 dwellings. This level of supply considerably exceeds the level of allocation for Drakes Broughton (as a Category 2 village) included in Policy SWDP59 of the South Worcestershire Development Plan, which is 129 dwellings. Both of these figures exclude dwellings to be developed within development boundaries and on rural exception sites. It is beyond my role to recommend a modification so that the areas described as commitments are included within the development boundary however I have recommended a modification of Policy DBWR3 to clarify that Policy does not apply to the areas of land identified as commitments on Map1.

78. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the South Worcestershire Development Plan adopted February 2016. The Policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes and requiring good design. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 1:
In Policy DBWP1**

- **replace the opening paragraph with “Proposals for new housing development within the development boundary for Drakes Broughton, defined on Map 1, will be supported where they meet the following criteria:”**

- delete criteria (a) and (b) and (c) and (f)
- in criterion (e) delete “for both existing and proposed new properties”

Policy DBWP2 – New housing in Wadborough

79. This policy seeks to establish new housing development will only be supported within the defined development boundary for Wadborough. The Policy also sets out criteria against which all new housing development proposals will be assessed.
80. Inclusion of the word “*only*” in the Policy introduces uncertainty as to the meaning of the term “*within Wadborough*”, and uncertainty regarding the relationship of this Policy with Policy DBWP3. The two parts of the Policy are not linked. The first sentence establishes support. The second sentence states criteria for assessment without reference to location and without implication. The net effect is that proposals for new housing development within the defined development boundary will be supported, and proposals for new housing development anywhere in the Plan area will be assessed against the criteria. The Policy title suggests the intention is that the entire Policy should apply within the defined development boundary. I understand the intention of Policy DBWP3 is to establish an approach to development proposals outside the defined development boundaries for Drakes Broughton and Wadborough. I have proposed a modification of Policy DBWP2 so that it is precise and will provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as required by paragraph 17 of the Framework.
81. The District Council states this Policy and Policy DBWP1 are very similar and could easily be amalgamated. Amalgamation of the Policies is not necessary to meet the Basic Conditions.
82. Criterion (a) of the Policy refers to good quality design and build, and Criterion (h) refers to development reflecting the size, scale, design, and character of the surrounding area. The reference to “*build*” is inappropriate as the quality of build will be unknown at the time of determination of a planning application. I have, earlier in my report, when considering Policy DBWP1, quoted the text of Paragraph 58 of the Framework regarding the development of neighbourhood plan policies that set out the quality of development that will be expected for

an area. Criterion (a) of the Policy is imprecise, offering no detail for decision makers, and does not set out additional detail to national policy, nor a local approach. I recommend criterion (a) is deleted. The County Council states reference to size, scale, design and character of the surrounding area are insufficient and the key characteristics of settlements and buildings should be identified, as should consideration of how new development can respect and re-enforce patterns of settlement and landscape. Whilst I agree the approach advocated by the County Council is highly desirable I am satisfied criterion (h) does provide a practical framework for decision making, and it is beyond my role to recommend additional policy components.

83. Criterion (b) of the Policy refers to adverse impact on the rural landscape of the hamlet. The term “rural landscape of the hamlet” is imprecise as the spatial area concerned is not defined. I have already made reference to a representation that questions the inclusion of criterion (b). A policy approach that focuses on those special attributes and characteristics that make the rural landscape character of the area locally distinctive, or which should be particularly safeguarded would provide a practical framework for decision taking. The Policy by contrast offers no basis to assess adverse impact. The Policy is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have noted Policy DBWP7 relates in part to landscape character. I recommended a modification so that criterion (b) is deleted.

84. Criterion (c) of the Policy refers to adverse impact on designated and non-designated heritage assets. The County Council states the policy should recognise the balanced judgement approach of the Framework to effect on non-designated heritage assets. The Framework sets out a comprehensive policy approach to the assessment of proposals affecting designated and non-designated heritage assets. The Policy does not sufficiently have regard for national policy and I therefore recommend a modification to delete criterion (c).

85. Criterion (e) refers to significant loss of useable garden space for proposed properties. A proposed property cannot lose garden space. I have recommended a modification in this respect so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

86. Criterion (f) relates specifically to proposals for replacement dwellings. It is inappropriate for other types of housing development proposals to be assessed against this criterion. I have recommended an appropriate modification in this respect. The criterion would provide better guidance for decision makers if it included a maximum percentage increase of floorspace or footprint. However, it is not my role to recommend additional elements of policy.
87. Criterion (g) includes the term “*appropriately located*”. This term is imprecise. It is unclear which areas of Wadborough would not offer a location so that “*users and residents could access local facilities and services*”. The Criterion does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification to delete criterion (g).
88. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the South Worcestershire Development Plan adopted February 2016. The Policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes and requiring good design. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 2:

In Policy DBWP2

- **replace the opening paragraph with “Proposals for new housing development within the development boundary for Wadborough, defined on Map 2, will be supported where they meet the following criteria:”**
- **delete criteria (a) and (b) and (c) and (f) and (g)**
- **in Criterion (e) delete “for both existing and proposed new properties”**
- **insert as a final free-standing sentence “Proposals for replacement dwellings should not be significantly and disproportionately larger than the dwellings they replace.”**

Policy DBWP3 – New housing in Pirton and the wider countryside

89. This policy seeks to establish that proposed new housing development in Pirton and the open countryside will only be supported in stated circumstances.
90. The Policy title refers to “*wider countryside*” and the Policy refers to “*open countryside*”. The intended spatial application of the Policy is in any case imprecise. I have recommended a modification to rectify this deficiency by clarifying the Policy is to apply to all areas outside the development boundaries for Drakes Broughton and Wadborough defined on Maps 1 and 2 respectively.
91. Use of the word “*and*” in (e) indicates a proposal must meet all of the stated circumstance to be supported. This would not be possible. I have recommended a modification to clarify only one of the stated circumstances has to be met for a proposal to be supported.
92. Referring to the development boundary for Drakes Broughton a representation states the boundary “*portrays a tightly drawn boundary that will act to contain the physical growth of the settlement and does not allow for flexibility or contingency required by national policy and guidance to ensure that the Plan is capable of reacting to changing market conditions*”. The representation also states Policy DBWP3 does not allow any significant degree of flexibility should the housing needs for the settlement increase through the expected Local Plan review and advocates a criteria-based approach consistent with the requirements of paragraphs 14 and 49 of the Framework and Policy SWDP1 to ensure that the Plan remains effective over its lifetime. The representation proposes “*that sustainable development proposals that are located adjacent to the existing settlement will be supported provided that the adverse impacts do not significantly and demonstrably outweigh the benefits of development.*” The representation also requests existing commitments should be included within the settlement boundary to give an accurate depiction on development proposals that will eventually be built out and form part of the settlement. The four areas of land identified on Map 1 as commitments are all adjacent to but outside the designated development boundary appear to me to cover a substantial area of land that if fully developed would boost significantly housing supply in the settlement. Paragraph 8.13 of the Neighbourhood Plan indicates these sites could accommodate up to 271 dwellings. This level of supply considerably exceeds the level of allocation for Drakes Broughton (as a Category 2 village) included in Policy SWDP59 of the

South Worcestershire Development Plan which is 129 dwellings. Both of these figures exclude dwellings to be developed within development boundaries and on rural exception sites. These commitments represent a significant degree of flexibility in the Neighbourhood Plan should housing needs increase during the Plan period. I have recommended a modification to clarify Policy DBWP3 does not apply to the areas shown as commitments on Map1.

93. I have, earlier in my report referred to a representation that relates to a strip of green field adjacent to Walcot Lane and the Playing Fields that states *“Our client’s site is available and deliverable and is sustainably located towards the centre of the village. Our client’s site could readily accommodate circa 10 dwellings.”* The benefits or disbenefits of sites proposed for development outside the development boundary are not matters for my consideration.
94. The Framework states new isolated homes in the countryside should be avoided *“unless there are special circumstances such as:*
- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
 - *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
 - *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
 - *the exceptional quality or innovative nature of the design of the dwelling. Such a design should: – be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; – reflect the highest standards in architecture; – significantly enhance its immediate setting; and – be sensitive to the defining characteristics of the local area.”* The Policy is appropriate having regard to national policy although there is a need to include recognition of the special circumstances relating to proposals of exceptional quality or innovative nature of design. I have recommended a modification in this respect.

95. Circumstance (b) would provide better guidance for decision makers if it included a maximum percentage increase of floorspace or footprint. Similarly, Circumstance (c) would provide better guidance to decision makers if it included more detail as to what would constitute substantial repair. However, these circumstances do provide a basis for decision taking and it is not my role to recommend additional elements of policy.

96. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the South Worcestershire Development Plan adopted February 2016. The Policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 3:
In Policy DBWP3**

- **replace the opening paragraph with “Proposals for housing development outside the development boundaries for Drakes Broughton and Wadborough, defined on Maps 1 and 2 respectively, and additional to the commitments identified on Map 1, will only be supported where they meet one of the following circumstances:”**
- **delete “and” in (e) and insert “or” after each circumstance**
- **add “(g) They are of exceptional quality being truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance their immediate setting; and are sensitive to the defining characteristics of the local area.”**

Policy DBWP4 – Housing mix and tenure

97. This policy seeks to establish a requirement for a mix of types and sizes of housing in residential developments of 5 or more units. The policy also seeks to achieve inclusive communities where types of housing are interspersed. The policy also seeks to establish affordable housing requirements.

98. The District Council state this Policy merely repeats SWDP14 and SWDP15; and that the policy requires updating following a Court of Appeal judgement; and that the policy does not cover brownfield sites of 15 or more dwellings. The final part of the Policy states sites that include starter homes, accommodation for the elderly and sheltered accommodation will be supported. This approach is inconsistent with Policies DBWP1, DBWP2 and DBWP3 that seek to impose spatial limitations on new housing development. The requirements for

affordable housing included in criteria (a) to (d) do not provide an additional level of detail and/or a distinct local approach to that set out in the strategic Policy SWDP15. I recommend a modification so that the final part of the Policy is deleted.

99. The use of the terms “*for example*” and “*where possible*” introduce uncertainty. The term “*informed by*” would not necessarily require a proposal to reflect the data on housing need. I have recommended appropriate modifications so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as required by paragraph 17 of the Framework.

100. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the South Worcestershire Development Plan adopted February 2016. The Policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 4:

In Policy DBWP4

- **delete “The mix will be informed by” and insert “Proposals should demonstrate the mix reflects”**
- **delete “,for example,” and insert “in”**
- **delete “where possible”**
- **after “inclusive communities” delete the remainder of the policy**

Policy DBWP5 – Protecting and enhancing community facilities

101. This policy seeks to support enhancement of ten named community facilities and limit their loss to other uses to specified circumstances.

102. The County Council note the reference to St Barnabas CE First and Middle School and confirm an intention to work with the school to ensure appropriate education provision for the area.

103. The opening sentence introduces uncertainty by inclusion of the term “*where possible*” and includes the imprecise term “*protected*”. I

have recommended an appropriate modification so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as required by paragraph 17 of the Framework.

104. The Policy does not have sufficient regard for viability as required by the Framework and, being limited to enhancement or improvement of buildings, is unduly restrictive with respect to any proposal to replace a community facility either on-site or on an alternative suitable site. I have recommended an appropriate modification in this respect.

105. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the South Worcestershire Development Plan adopted February 2016. The Policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 5:

In Policy DBWP5

- **move the final sentence to replace the opening sentence and replace “these” with “the following”**
- **continue the second sentence with “or that community use is no longer viable following suitable marketing for no less than 12 months, or the community facility is being replaced to no less a standard of amenity and convenience”**

Policy DBWP6 - Green infrastructure

106. This policy seeks to ensure green infrastructure is maintained and enhanced.

107. The District Council states features referred to should be mapped. I have recommended a modification of the Policy that avoids a need to map features as these can change over the Plan period.

108. Part (a) of the Policy requires various features of Green Infrastructure to be maintained and enhanced for their recreational and ecological value. This requirement relating to maintenance and enhancement is not linked to development proposals and therefore cannot provide a framework for decision making on planning

applications. It is beyond the role of a neighbourhood plan to introduce policies for the maintenance and enhancement of land. The Policy refers to fields, watercourses and water features, woodland and grassland which may well be linked agricultural or other land-based rural businesses. The requirement that these elements of green infrastructure should be maintained and enhanced for their recreational and ecological value does not have sufficient regard for the elements of the Framework relating to the promotion of a strong rural economy and the intention that neighbourhood plans should promote the development and diversification of agricultural and other land-based rural businesses. I recommend a modification to rectify these deficiencies so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as required by paragraph 17 of the Framework.

109. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the South Worcestershire Development Plan adopted February 2016. As recommended to be modified the Policy has regard to the components of the Framework concerned with supporting a prosperous rural economy; promoting sustainable transport; meeting the challenge of climate change and flooding; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 6:

In Policy DBWP6 replace parts (a) and (b) with “To be supported development proposals must demonstrate how they maintain the recreational and ecological value of the network of paths, fields, watercourses and water features, woodland, grassland and other green infrastructure features; and have taken opportunities to restore existing green infrastructure, and create new connections, links, or features that enhance the network”

Policy DBWP7 – Landscape character and locally important views

110. The Policy title and introductory words suggest this policy seeks to establish landscape design principles.
111. Principle (b) includes reference to noise and odour issues that development proposals should give careful consideration to, but

without implication. References to light and light pollution overlap with Policy DBWP8 to the extent the two Policies do not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as required by paragraph 17 of the Framework. There is no justification to support the inclusion of light related issues in any policy. The Guidance states *“Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”*. I recommend a modification to delete principle (b).

112. A representation states *“development can often be located in areas without eroding the loss of openness, landscape character or views considered to be important to the local community. In such circumstances development proposals, can be appropriately designed to take into consideration the wider landscape features of a surrounding area”*. Principle (a) refers to *“any significant wider landscape views”* without providing any guidance to parties preparing proposals, or to decision makers, as to what would make a wider landscape view significant. I have recommended an appropriate modification in this respect.
113. Principle (d) states that any development will be required to take into consideration any adverse impacts on locally important views through landscape appraisals and impact studies. Referring to Map 4 the County Council states view 4 should refer to Picton Tower and not Picton Castle. A representation *“raises concern with this policy due to the lack of evidence to demonstrate why these views are of particular importance to the local community. Policy DBWP7 as proposed provides no clarity on how the Council will interpret this policy in a consistent manner through the development management process. Opinions on landscape are highly subjective, therefore without further clarity about how these views are considered special to the local community, this policy is likely to lead to inconsistencies in the decision-making process”*. The District Council question whether there is evidence to support the policy approach to Locally Important Views. The Neighbourhood Plan does not set out justification or reasoning why these views are of particular importance to the local communities and the basis of selection. The Guidance states *“Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”*. I have

also noted a number of the views identified as locally important are indicated on the relevant maps to be seen from locations that are private land. This is not acceptable. Planning policy related to locally important views must be concerned with maintaining and enhancing public interests. If views are to be protected these must be from locations that are freely accessible to the general public. I recommend a modification to delete principle (d) and the note that follows it in the Policy.

114. The County Council states the Policy could be strengthened with additional content relating to appropriate disposal of excavated materials and integration of bin stores and recycling facilities. Making reference specifically to houses the representation states the settlement and landscape setting of all buildings not just listed buildings can help guide new development. It is beyond my role to recommend additional areas of policy.

115. The County Council representation also states principle (c) does not reflect the approach of the Framework to non-designated heritage assets. I have recommended an appropriate modification in this respect.

116. The Policy includes provision relating to hedges. The Hedgerows Regulations 1997 establish a balanced regime to protect hedgerows in specified locations but exclude any hedgerow which is within, or borders, a domestic garden. It is appropriate for the Neighbourhood Plan to seek to introduce an additional regime of protection to apply in the context of development proposals.

117. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the South Worcestershire Development Plan adopted February 2016. The Policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 7:
In Policy DBWP7**

- **in (a) after “should not” delete the remainder of the principle and insert “adversely affect the landscape setting”**

- delete principles (b) and (d) and the final sentence of the Policy
- in (c) delete “conserve, restore and enhance” and insert “demonstrate a balanced judgement having regard to the scale of any harm or loss and the significance of”

Policy DBWP8 – Dark skies

118. This policy seeks to protect views of night time skies.
119. A representation queries whether there is any background evidence to support the Policy and questions whether the issue was raised during consultation. The Guidance states “*Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan*”. The Neighbourhood Plan does not include justification for this Policy. I recommend the Policy is deleted.

Recommended modification 8: Delete Policy DBWP8

Policy DBWP9 – Local green spaces

120. This policy seeks to designate eight Local Green Spaces where “*development for non-open land uses will only be supported in very special circumstances: when the harm to the local green space and any other harm are clearly outweighed by other material circumstances.*”
121. The Policy seeks to introduce wording that is different to that set out in the Framework. I have recommended a modification so that the Policy is consistent with the national definition.
122. The Framework states “*Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or*

reviewed, and be capable of enduring beyond the end of the plan period.”

123. I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The Guidance states *“Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.”* The intended designations are consistent with the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework. I consider the submission draft Neighbourhood Plan makes provision for sufficient land to meet development needs.

124. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.*

I find the intended Local Green Space designations relate to green spaces that are in reasonably close proximity to the community they serve; and the green areas are local in character and not an extensive tract of land.

125. A representation *“questions the benefit to Drakes Broughton’s amenity, character or appearance will arise from designation of a ‘strip’ of green field adjacent to Walcot Lane and the Playing fields. It is stated should the strip be designated it could quickly become overgrown scrubland with no value or benefit to the village. There will be no consented access to the site, and instead it may quickly become a magnet for antisocial behaviour. In short the area will appear as an awkward area of land, that will be inaccessible to the public, and will*

be sandwiched between houses to the east and playing fields to the west.” The representation also states the site, which is located towards the centre of the village, is available and deliverable and could accommodate approximately 10 dwellings. It is considered that the plan will constrain the ability to boost housing and is contrary to the achievement of sustainable development, and it is also suggested *“an agreement can be reached, with regards to the restructuring of the village hall, which is also within my client’s control”*.

126. The submission draft Neighbourhood Plan includes a statement headed *“Local in character and demonstrably special?”* in respect of each of the sites proposed for designation as Local Green Space. The statement in respect of area 2 states *“This area is one of the last strips of green space remaining that add to the rural nature of the outskirts of the village. Provides a buffer between the playing fields and the proposed new development.”* There is no explanation of the term *“one of”* nor in this context any explanation of selection processes. The statement does not confirm that the green area is demonstrably special to a local community and holds a particular local significance. Although the statements are very brief, those relating to other sites offer sufficient evidence for me to conclude the areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance.

127. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the South Worcestershire Development Plan adopted February 2016. The Policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 9:

In Policy DBWP9

- **replace the first two sentences with “The following areas, identified on Maps 1 and 5, are designated as Local Green Spaces in which new development is ruled out other than in very special circumstances:”**
- **delete site 2 Strip of green field adjacent to Walcot Lane and Playing Fields**

Policy DBWP10 – Protecting and enhancing open spaces

128. This Policy seeks to establish that loss of 3 open spaces will only be supported where equivalent or better provision is proposed, or it can be clearly demonstrated that the open space performs no useful function. The Policy also seeks to establish support for enhancement of the open spaces concerned.
129. A representation proposes an artificial playing surface adaptable for football and other sport activities such as basketball, netball, and hockey together with floodlighting within the Drakes Broughton. It is not within my role to recommend additional elements of policy.
130. A representation states point 11 of the Policy should be removed as the area shown on the Proposals Map at Appendix 1 may not reflect an indicative masterplan that accompanied a planning application, and in any case planning of the site is not finalised. It is also stated it is not appropriate to create an open space designation not recognised in national policy.
131. The District Council states the Policy needs to be made clearer so a distinction can be made between policy criteria and ‘other open spaces’. The representation also questions whether the ‘other open spaces’ are assessed, what purpose they serve, and whether there is statutory backing.
132. It is not clear how agricultural land and a woodland could be found to have “*no useful function*”. The term “*appropriate use*” is imprecise. The Framework has introduced the ability to designate Local Green Space and sets out clear guidance when such designation would be appropriate. It is not within the remit of a Neighbourhood Plan to introduce a new category of local green space. Indeed, to do so would not have sufficient regard for national policy. The Policy is seeking to introduce a category of open space designation that is not identified in the Framework. This approach does not have sufficient regard for national policy. I recommend a modification so that the Policy is deleted.

Recommended modification 10: Delete Policy DBWP10

Policy DBWP11 – Traffic and transport

133. This policy seeks to establish criteria that ensure new development will include measures to minimise traffic impact. The

Policy also seeks to establish support for proposals to improve parking on Walcot Lane and outside the shops, and to improve bus access outside the school.

134. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the South Worcestershire Development Plan adopted February 2016. The Policy has regard to the components of the Framework concerned with promoting sustainable transport, and promoting healthy communities. This policy meets the basic conditions.

Policy DBWP12 – Community Infrastructure Levy and New Homes Bonus

135. This policy seeks to establish that development will be required to support proposals for community facilities and infrastructure. The Policy sets out the priorities for use of any community funds received by the Parish Council arising from new development.
136. The County Council suggests the Policy offers an opportunity to include some recognition of fuel poverty, energy efficiency and emissions issues. It is beyond my role to recommend additional policy components. There is no requirement for a Neighbourhood Plan to include a policy relating to the suggested issues in order to meet the Basic Conditions.
137. The District Council states, New Homes Bonus is “*not subject to planning and could be withdrawn*”. I consider the Policy will be more likely to remain effective throughout the Plan period if it does not refer to specific community infrastructure funding mechanisms as these are subject to change. I have recommended an appropriate modification so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as required by paragraph 17 of the Framework.
138. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the South Worcestershire Development Plan

adopted February 2016. The Policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 11:

In Policy DBWP12 delete “Community Infrastructure Levy and New Homes Bonus” and insert “the neighbourhood funding element of community resources arising from development”. The Policy title should be adjusted to be “Community Resources arising from Development”

Policy DBWP13 – Archaeology and historic environment

139. This policy seeks to establish an approach to protection of archaeology and other heritage assets.
140. The County Council states the policy should recognise the balanced judgement approach of the Framework to effect on non-designated heritage assets. The Framework sets out a clear policy approach to conserving and enhancing the historic environment. This includes provision for consulting historic environment records, the approach to be adopted in assessing harm to designated assets and taking into account effect on the significance of non-designated assets, and recording of heritage assets to be lost. Policies SWDP6 and SWDP24 of the South Worcestershire Development Plan add further detail to the approach set out in the Framework. I consider parts (b) and (c) of the Policy do not add any distinct level of detail or local approach.
141. Part (a) of the Policy does represent a local approach however the means of implementation is unclear. Part (a) is internally inconsistent referring to known assets and records but also to lack of evidence not being taken as proof of absence. The second sentence of part (a) is worded as an explanation rather than as a policy. I have recommended an appropriate modification so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as required by paragraph 17 of the Framework.
142. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic

policies contained in the South Worcestershire Development Plan adopted February 2016. As recommended to be modified the Policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 12:

In Policy DBWP13

- after “All new development” delete “must” and insert “proposals must demonstrate how they”
- after “environment records” delete the remainder of part (a)
- delete part (b) and part (c)

Policy DBWP14 – Supporting and enhancing local employment

143. This policy seeks to establish conditional support for proposals to expand or improve existing business premises. The policy also seeks to establish conditions to be met if proposals to redevelop or change employment uses to other uses are to be supported.

144. A representation states condition (h) should refer to development boundary and not settlement boundary. Inconsistent use of terminology across the Plan policies fails to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as required by paragraph 17 of the Framework. I have recommended a modification in this respect. I have also recommended deletion of conditions (e) and (f) as these are imprecise and do not provide a practical framework for decision taking.

145. Two representations state the marketing requirement in condition (g) of two years is excessive and that 12 months, in line with the strategic policy, is considered more appropriate. Policy SWDP8 relates to premises of over 1,000 square metres net floorspace. Justification for extension of a marketing requirement to all employment premises is provided in the Neighbourhood Plan by a description of the local businesses. The Framework states planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Given the absence of any justification of a two-year marketing requirement I have recommended an appropriate

modification so that the Policy reflects the strategic policy in this respect.

146. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. As recommended to be modified the Policy is in general conformity with the strategic policies contained in the South Worcestershire Development Plan adopted February 2016. The Policy has regard to the components of the Framework concerned with building a strong, competitive economy; supporting a prosperous rural economy; and promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 13:

In Policy DBWP14

- in condition (g) delete “two years” and insert “12 months”
- in condition (h) delete “settlement” and insert “development”

Policy DBWP15 – Supporting development of communications infrastructure

147. This policy seeks to establish support for the development of new high speed broadband infrastructure and encourage provision for high speed broadband in all new residential and commercial developments.
148. The Policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Policy is in general conformity with the strategic policies contained in the South Worcestershire Development Plan adopted February 2016. The Policy has regard to the components of the Framework concerned with supporting high quality communications infrastructure. This policy meets the basic conditions.

Summary and Referendum

149. I have recommended 13 modifications to the Submission Draft Plan. I have also made a recommendation for modification of the Neighbourhood Plan in the Annex below.

150. I am satisfied that the Neighbourhood Plan³⁷:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the Basic Conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; 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.³⁸

I recommend to Wychavon District Council that the Drakes Broughton and Wadborough with Pirton Neighbourhood Development Plan for the plan period up to 2030 should, subject

³⁷ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

³⁸ 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

to the modifications I have put forward, be submitted to referendum.

151. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.³⁹ I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the District Council as a Neighbourhood Area on 17 March 2015.

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴⁰

Severn Stoke and Croome D’Abitot Parish Council advise Flower Garden Cottage referred to on page 50 of the Submission Plan is located in their Parish, and that Croome Court and Pirton Park referred to on page 51 have their addresses reversed.

Worcestershire County Council states view 4 on Map 4 should refer to Picton Tower and not Picton Castle.

Wychavon District Council has made representations repeating some from representations made in March 2016 additional to those that I have referred to in my report. Some of those additional representations are not necessary to meet the Basic Conditions but require correction as errors. I list these below referring to the relevant paragraph number or Figure.

Para 1.4 – Neighbourhood Area designated on 17 March 2015

Figure 1 – Retitle designated Neighbourhood Area

Para 2.2 – Add to the end of the paragraph “as well as the policies in the SWDP and National Planning Policy”.

Figure 2 – Requires an update in line with the current position.

Para 3.3 – Insert “Council” to the end of the paragraph.

Para’s 6.5 - 6.7 – SWDP adopted February 2016 wholly replaced the WDLP.

Para 6.7 – Drakes Broughton is identified in the SWDP as a category 2 village meaning it has at least two key services including a shop and

³⁹ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁴⁰ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

access to at least one daily service for employment (as assessed in the Village Facilities and Rural Transport Study 2012).

Para 6.8 – DBWPNP is no longer a draft.

Para 8.10 – Review affordable housing link to car ownership rates.

Para 8.14 – Remove reference to WDLP

Para 8.25 – Cycle routes should be referenced NCN 45 and NCN 442.

Para 8.38 – Reword first sentence to reflect NPPF

Para 8.47 – Also reference SWDP24.

Para 8.35 - Worcestershire County Council Landscape Character Assessment (August 2012) also 4 identified character areas.

Other representations were made by the District Council but I do not consider any adjustment of the Neighbourhood Plan is necessary in respect of those as they are not necessary to meet the Basic Conditions and do not relate to errors.

A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

**Recommended modification 14:
Identified corrections should be made and modification of general text will be necessary to achieve consistency with the modified policies**

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22 November 2016
REPORT ENDS