

Lickey & Blackwell and Cofton Hackett Neighbourhood Plan (Submission Plan dated Autumn 2018)

As you are aware I have been appointed to conduct the Examination of the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan. I can see that considerable community effort has gone into developing the Plan. The structure for the Plan and its presentation are both helpful and easy to follow. However, in order that I may progress the Examination I would be grateful for the Qualifying Body's response to the initial enquiries below; the local authority may also have comments. All the responses will contribute to the progressing of the Examination.

I still have considerable work to undertake in fully assessing the submitted Plan but my purpose here is to better understand the intention behind the policy content from the authors and it is not to invite new content or policies that will not have been subjected to the public consultation process. In particular I need to be sure that the Plan policies meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17*). It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy.

In order to ensure transparency with the conduct of the Examination a copy of these queries is being sent to the Local Planning Authority with a request that the exchange of emails be published on the webpage relating to the Neighbourhood Plan alongside the representations received during the Regulation 16 public consultation.

*NB As you are aware a new National Planning Policy Framework (NPPF) was published in July 2018 but the transitional arrangements in para 214 Appendix 1 on Implementation apply and thus this Examination is unaffected by the changed NPPF; accordingly all references to the NPPF in this document (and in the final Examination Report) are to the original 2012 NPPF document, unless otherwise indicated.

The Green Belt

As is correctly noted in the Plan text, the delineation and alteration of Green Belt is a strategic policy which is a matter for the Local Plan not a Neighbourhood Plan. Several representations comment that the Neighbourhood Plan should not make presumptions about the outcome of the current Bromsgrove Green Belt Review – but then some go on to urge that presumptions be made in favour of a particular site in their ownership. Whilst it would have been possible for the Neighbourhood Plan to have allocated rural exception sites for affordable housing (NPPF para 89 and Local Plan Policy BD9) there would have been the need for good evidence of requirements. As noted above there is no obligation on the Neighbourhood Plan to allocate land for housing. However, the wording of the Neighbourhood Plan must be consistent with these positions – on the Green Belt and site allocations for housing.

More than one representation objects to the assertion in paragraph 6.16 of the Plan that “The NDP provides robust evidence for the forthcoming Green Belt Review about to be prepared by Bromsgrove District Council”. This assertion is wrong because it is not actually the case and neither would it be appropriate for the NDP to present evidence on a strategic issue such as the Green Belt. It may be reasonable for this part of the text to record the concerns of residents, as in paragraph 6.15, but it is not appropriate for a document on the verge of becoming part of the Development

Plan to assert a position on a strategic matter, as in paragraph 6.16. Do you have any comments on this line of thought?

Representations note related issues within the wording of the Plan Objectives (page 16). An overriding issue is the use of the “We” opening to each Objective; these are the Plan objectives not ones personal to any one body or group. Looking at some of the Objectives individually:

Objective 1: Even though a “where possible” has been included, Objective 1 seeks to protect the Green Belt, which is beyond the scope of a NDP. Further a representation notes that the review of the Green Belt will be looking at its compliance with the 5 purposes of the Green Belt and none of these is about protecting the rural feel of places.

Objective 2: How the Parish Councils engage with the Green Belt Review is entirely at their own discretion, but the Plan cannot be used to engage in strategic matters which are beyond the scope of a NDP.

Objective 5: I believe that the Objective inverts what the Policies are worded to achieve; is not the intention to ensure that infrastructure is provided appropriately for planned development and growth, not the other way around?

Objective 8: This seems to be a restatement of the Vision in different words?

Do you have any comments on these lines of thought?

4. Vision & Objectives

Vision (page 16)

A representation has noted the discrepancy in dates between the Vision statement and the Plan period on the front cover – presumably there has been a typographical error in the former?

6. Natural Environment

Policy NE1 Local Landscape

Whilst its nature and purpose is clear I wonder how much Policy NE1 adds to rather than potentially confuses the guidelines already contained within the Worcestershire Landscape Character Assessment Supplementary Guidance and the Lickey and Blackwell Village Design Statement; only guidelines 5, 6 & 7 appear to relate to matters specific to the Neighbourhood Area.

In guideline 1:

- The term “primary hedgerows” appears to rely on a definition provided outside of the Neighbourhood Plan rather reinforcing the concern about the interplay between the Policy and Worcestershire Guidance.
- Whilst I am not an expert, my understanding is that there are no “native” berberis and pyracantha as is suggested.
- A representation expresses concern that an “appropriate scale” for replacement trees is unexplained.

Guideline 4 refers to “permanent pasture around the edges of existing settlements” but it is unclear and unexplained why these pastures in particular are key to avoiding the merger of settlements. A representation points out that some of these pastures might contribute a sustainable extension to an existing settlement, and this could be achieved without a threat of merging. The part of this guideline relating to historic field patterns ought also to be subject to the “where possible” caveat.

In guideline 5 it is unclear whether viewpoint A is from the top of Old Birmingham Road or whether it is views “from” everywhere else toward that point. Map 4 that is referenced here surely shows the locations referred to as “viewpoints” rather than, as the title says, “Photographic Locations”?

In guideline 6 there may be many potential interpretations of the term “impacts”. I believe that if ‘and addressed’ is added to guideline 5 after “considered” then the need for the largely repetitious guideline 6 falls away.

In guideline 9 there appears to be a stray inverted comma.

Your comments on these lines of thought are invited.

Policy NE2 Protecting and Enhancing Biodiversity

I note that “Wildlife Importance Areas” are divided into two categories: SSSIs and LWSs but on Map 5 the key, confusingly, shows the latter as “Areas of Wildlife Importance” and the Policy refers to these as “local wildlife and habitats” and later “biodiversity networks and wildlife corridors”; because of the shifting terminology it is difficult to interpret whether these all mean the same thing or not.

In paragraph 6.29 it is suggested that “it is important for our [the] NDP to protect the reservoirs and surrounding Green Belt area from development as required in the NPPF”; but as is clear from the quotation from the NPPF and representations, there is no absolute protection from all development and accordingly ‘inappropriate’ is needed immediately before “development”.

As noted in paragraph 6.30, “Distinctions should be made between the hierarchy ofdesignated sites”; therefore the ‘according to their significance’ needs to be added to the first paragraph of Policy NE2. The third paragraph of the Policy says “Ponds are protected” but it is unclear whether this means that higher level policies already protect all “ponds” or whether it is intended that Policy NE2 “protects” ponds; whichever is the case, absolute “protection” should not be implied and it is difficult to see why paragraph 1 would not include ponds. A representation notes that a “where possible” needs to be added to sentence 2 of paragraph 3.

Paragraphs 6.30 and 6.33 appear to be duplicates.

Your comments on these lines of thought are invited.

Green Infrastructure

Paragraph 6.42 says that “Policy NE3 a GI approach to new development....with a higher level of detail relevant to the Neighbourhood Area; I would question whether there is actually any additional detail provided and it is often a lack of detail that will give rise to confusion. Paragraph 1 says it relates to “New development” but most if not all of the development for which the Plan provides is on brownfield land and below the scale where these provisions would be relevant. The target audience for paragraph 2 is unclear; it reads more as a statement of fact. Paragraph 3 refers to “examples” but it is unclear why those “examples” have been chosen; this does not seem to imply a very integrated approach. Would “footpaths, bridleways, cycleways” ever not be appropriate? Paragraph 6.41 notes the Bromsgrove DC commitment to a GI network but paragraph 4 of Policy NE3 appears to expect the network to be created and sustained by developers?

Your consideration of where Policy NE3 provides additional detail for the Neighbourhood Area would be helpful.

Geology of the Lickey Hills

I note that the headline here suggests a Policy applicable to a specific, significant part of the Neighbourhood Area. Whilst the geology of the area is described, no mapped detail is included or referenced. The Policy NE4 wording however, appears to be non-area specific and it is difficult to see how the development for which the Plan provides is likely to affect or be affected by geodiversity; I note that the area referenced in the headline is already the subject of higher level protections.

Your consideration of where Policy NE4 provides additional detail for the Neighbourhood Area would be helpful.

7. Built Heritage & Design Barnt Green Conservation Area

Whilst the context for Policy BD1 is well described, the need for the Policy and the clarity of the wording are much less clear. Given that there is existing material describing the significance of the Conservation Area is Policy BD1 serving any additional purpose?

Paragraph 1 of Policy BD1, if paraphrased, says 'proposals impacting on the Conservation Area must demonstrate careful consideration of any potential impacts on the setting of the conservation area' but surely first consideration should be for the nature of their impact on the Conservation Area itself? There is no specific reference to heritage assets such as listed buildings either within or within the setting of the Barnt Green Conservation Area. The issue addressed by paragraph 1 appears to be addressed with greater clarity within the NPPF.

Paragraph 2 requires that the prospective developer "describe" the significance of any heritage asset, but that description and comparative assessment is provided for each designated heritage asset by its official listing. The issue addressed by paragraph 2 appears to be addressed with greater clarity within the NPPF.

Paragraph 3 refers to Character Appraisal areas, by which I presume is meant the three areas of Shepley, Fiery Hill and Cherry Wood, though I don't believe these have previously been termed 'Character Areas'. Whilst such detail is specific to the Barnt Green Conservation Area the Policy expectation can only be applied by reference to the source Character Appraisal material and I wonder therefore whether Policy BD1 adds any detail to policy material already being implemented.

Your consideration of where Policy BD1 provides additional detail for the Neighbourhood Area would be helpful.

Promoting High Quality Design across the Neighbourhood.

Paragraph 7.19 notes that the character appraisal for the Blackwell, Lickey and Cofton Hackett settlements is available as a "background document"; however the wording of several paragraphs of Policy BD2 binds developers to "take into consideration" the appraisals. Despite the prominence afforded to the appraisals the website shows a link to an "unfinished joint Character Appraisal for Lickey and Blackwell and Cofton Hackett"; the status of the character appraisal(s) and the use of multiple references therefore need clarification. A representation questions the accuracy of the reference within the Character Appraisal to land at Cofton Lake Road since the private ownership of parts of the land is not acknowledged.

Policy BD2 does appear to have regard for the NPPF expectation (para 59) that Plans should "avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to

neighbouring buildings and the local area more generally". However the wording of the Policy does have shortcomings (beyond the character appraisal issue noted above):

- Principle 1 inappropriately seeks to bind Bromsgrove DC to a particular approach in their review of the Green Belt.
- In Principle 2 "significant and unacceptable increases" is open to a wide interpretation. The NPPF says (para 58), whilst acknowledging that policies "should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics", policies should "optimise the potential of the site to accommodate development". It may therefore be sufficient for reliance to be placed on an assessment of the "character of the surrounding area".
- In Principle 3 I am unclear why regard should be had for the WCC Parking Standards "where possible"?
- In Principle 5 I am uncertain that every development at whatever scale will be able to "identify and include opportunities for positive change"; I think that this is a "where possible".
- In Principle 6 it is unclear why the opening reference to the character appraisals is insufficient and why the "Victorian and Edwardian properties" have been singled out for mention, particularly since this sits uneasily with Principle 7 which says that "proposals need not imitate earlier architectural periods or styles".
- In Principle 7 it is said that "New buildings should follow a consistent design approach"; I presume this is meant to relate to 'each development' rather than 'every development' but even then it is difficult to see a justification for this requirement when the "character of the surrounding area" is unlikely to demonstrate such a characteristic.

Your comments on these lines of thought are invited.

Garden and Backland Development

It is unclear why the issue of "Backland development" justifies its own Policy when it is the type of issue that might adequately be addressed within the "settlement principles" which are the subject of Policy BD2. This concern is rather reinforced by the confused nature of Policy BD3:

- Paragraph 1 says that the Policy is concerned about the loss of "mature trees, hedges and shrubbery" but paragraph 3 requires that "buildings should be sited and designed to protect existing mature trees and hedgerows on the site". It is also unclear at what point the loss of a back garden amounts to a "substantial increase in the density of built form".
- Paragraph 2 appears to extend to all "private gardens" not just rear gardens; there is also a lack of clarity as to how a developer could "support the need for higher density development" other than to show that there is an acknowledged housing requirement for the Neighbourhood Area and Policy H1 supports the provision of additional housing within existing settlements.
- The protection of "the residential amenity and privacy of neighbouring occupiers" referenced in paragraph 3 only apparently becomes an issue after "such development schemes are considered acceptable."
- A representation notes that the Policy could be self-defeating since it will frustrate the delivery of a sufficient quantum of housing thus making the need for the release of Green Belt land the more likely.

Do you have any comments on this line of thought?

8. Housing

New Housing Development

A Neighbourhood Plan, particularly one on the verge of becoming part of the Development Plan, should not be used as a campaigning document. Accordingly the references to the Parish Council activities around the Green Belt Review, as included in paragraphs 8.8 and 8.9, should therefore be omitted.

I note that Policy H1 is titled “New Housing within Existing Settlements” but the Policy wording provides also for “Development of previously developed land in the Green Belt”. The NPPF (section 9) does not provide for unconstrained development in the Green Belt even of previously developed land; accordingly I believe that Policy H1 should keep within the range described in the title.

Looking at other aspects of the Policy:

- Is criteria 2 appropriate if all the sites are within existing settlements?
- Within criteria 3 I am puzzled as to why “odour” should be a factor for residential development.
- Is criteria 4 relevant if all the sites are within existing settlements?

Your comments on these lines of thought are invited.

Local Housing Needs

The first paragraph of Policy H2 uses the future tense whereas ‘is encouraged’ would seem more appropriate.

The evidence from which the approach of paragraph 2 is drawn is all quite old – 2010 and 2011. A representation points out that smaller dwellings are vacated as families grow and move into larger family dwellings. I think the best that Policy H2 can do is to require developers to evidence regard for current, local housing requirements and the needs of older and younger households in particular.

Do you have any comments on this line of thought?

Energy Efficiency

Whilst I can see that Policy H3 is based on some evidence of need, unfortunately a Written Ministerial Statement of March 2015 said: “From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”. Accordingly whilst the Policy might ‘encourage’ an approach it cannot make it an obligation.

Your comments on this line of thought are invited.

9. Infrastructure

Transport and Parking

I note that within paragraph 9.6 there is a repetition of the sentence regarding the popularity of cycling.

Within Policy INF1 paragraph 2 it is unclear what “measures” to be provided might imply; an obligation re traffic speeds that extends to the whole Plan area is both unreasonable and unrealistic. As a representation notes, the obligation regarding electric charging points might more

appropriately be expressed as an infrastructure requirement. The representation from the County Council notes that all developments must meet the requirements of the Council's Streetscape Design Guide, which could be referenced here or within Policy BD2.

The very specific requirements of Policy INF2 are not peculiar to the Neighbourhood Area and largely relate to larger scale developments incorporating open space for which the Plan does not provide. I would have thought it would be sufficient to include this matter briefly within Policy BD2 with a suitable reference for the detail.

Within Policy INF3 there is no purpose in saying that telecoms infrastructure will be "actively" encouraged since such an obligation cannot be put on the officers of Bromsgrove DC. The expectation that "any new development" will have a superfast broadband connection cannot realistically extend to small infill developments; the expectation may be more realistic for larger developments.

Your comments on these lines of thought are invited.

10. Community Facilities

On the face of it, it would avoid repetition and duplication if Policies CF1 and CF2 were merged; the fourth criterion of Policy CF1 is not a land use issue and therefore ought to be omitted from both Policies. In relation to Policy CF2 I note that Barnt Green Sailing and Fishing Club is located outside the Neighbourhood Area and therefore this should not be included within either Policy.

Do you have any comments on my lines of thought here?

Local Green Spaces

It would seem, prior to viewing their scale and locations, the sites proposed for designation as Local Green Spaces are appropriate. However, Planning Practice Guidance notes, "If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space" (Paragraph: 011 Reference ID 37-011-20140306). Your comments are invited on whether the proposed Local Green Spaces are already sufficiently protected. I would also comment that my Report is going to recommend that the Spaces are identified on larger scale maps so that there can be no ambiguity about the boundaries of the designated areas.

11 Commercial and Business Interests

For clarity I feel that the first part of Policy B1 ought to start with the stipulation that it applies to certain parts of the Neighbourhood Area only, rather than leave it to criterion 4 for this to be revealed.

In Policy B2 the opening words before the colon do not match with the wording of criterion 2. It is unclear whether Policy B2 is to apply across the Neighbourhood Area but paragraph 90 of the NPPF is potentially more restrictive on the reuse of buildings in the green Belt.

Your comments on these lines of thought are invited.

12 Next Steps

The wording here has been overtaken by events but this section might usefully commit to keeping the impact of the Plan monitored and Plan reviews at least every 5 years. Would you agree? Representations note that a commitment to review the Plan following the adoption of the new Bromsgrove Local Plan would be appropriate.

Appendices

National Planning Policy Context

Now that the Plan has completed all its formal consultations, these quotations have served their purpose (and are now out of date). Would you agree?

Lickey and Blackwell Tree Leaflets

These leaflets help to add some further insight into the character of the area but it would be useful to know from where they might be obtained or downloaded.