

Bromsgrove District Council

Neighbourhood Planning (General) Regulations 2012 (as amended) Regulation 18 Decision Statement

Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan, 2018-2030

1. INTRODUCTION

- 1.1 Under the Town and Country Planning Act 1990, local planning authorities have a statutory duty to assist local communities in the preparation of neighbourhood development orders or plans, including the process of a plan or order being independently examined and taken to referendum.
- 1.2 This decision statement confirms that following an independent examination into the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan, the District Council accept the examiner's proposed modifications, and consequently consider the modified Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan to be able to proceed to referendum within the designated neighbourhood area.

2. BACKGROUND

- 2.1 Following an application by the Lickey & Blackwell and Cofton Hackett Parish Councils (the 'qualifying body'), a neighbourhood area for the purposes of producing a neighbourhood development plan was designated by Bromsgrove District Council on the 13th October 2014.
- 2.2 The parish councils publicised a draft neighbourhood plan for a pre-submission consultation in February 2018, in line with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.3 The Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan was then formally submitted by the Parish Council to Bromsgrove District Council in December

2018, in line with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

- 2.4 The District Council invited representations on the plan, in line with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), during a six week period from 14th February 2019 to 29th March 2019. A total of 15 representations on the plan were received during this period.
- 2.5 Mr Andrew Matheson was appointed by the District Council, with the support and agreement of the Lickey & Blackwell and Cofton Hackett Neighbourhood steering group, to undertake an independent examination into the neighbourhood plan as submitted to Bromsgrove District Council. The examination was carried out by written representations based on those received during the Council's statutory (Regulation 16) representation period.
- 2.6 The examiner's report was received by the District Council and the Parish Council on the 12th September 2019. The report concluded that subject to a series of modifications, the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan met the basic conditions and should proceed to a referendum.

3. DECISION

- 3.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) require the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.
- 3.2 Bromsgrove District Council has considered each of the recommended modifications in the examiner's report, and the reasons for these, and in conjunction with the Lickey & Blackwell and Cofton Hackett Parish Councils has decided to accept all of the proposed modifications to the draft neighbourhood development plan. A table setting out the examiner's modifications is included at Annex 1 to this decision statement.
- 3.3 The Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan will therefore be modified in accordance with the table in Annex 1, and it is the modified version of the plan that will proceed to referendum.

4. CONCLUSION

- 4.1 This decision statement confirms that Bromsgrove District Council consider the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan 2018-2030, as modified according to the proposed modifications in the examiner's report, to comply with the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as well as legal requirements in Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 4.2 It is therefore recommended that the neighbourhood plan should proceed to referendum based on the neighbourhood area of Lickey & Blackwell and Cofton Hackett Parishes, as designated by the District Council in October 2014.
- 4.3 This decision statement, and a copy of the examiner's report into the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan, can be viewed at the following locations:
- Online on the District Council's website at <https://www.bromsgrove.gov.uk/lbchnp>
 - Online on the Parish Council's websites at <https://www.lickeyandblackwellpc.org/>
 - In hard copy format (during opening hours) at Bromsgrove Library, Parkside, Bromsgrove, B61 8DA

Annex 1

Examiner's Report on the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan- Proposed Modifications

Rec .	Text	Reason
1	Remove from the front cover wording relating to the submission status of the Plan.	For clarity
2	Review the "Contents" pages once the text has been amended to accommodate the recommendations from this Report. 2.2 Add after the content listing: 'References to the NPPF within this Plan are to the 2012 version.'	For clarity and accuracy
3	Remove the section titled "Foreword" on page 3.	For clarity
4	Recheck the reproduction of the key details and the title on the map on page 4.	For clarity
5	Delete paragraph 1.1 and the second sentence of paragraph 1.5; renumber subsequent paragraphs accordingly; move the initial use of "Neighbourhood Development Plan (NDP)" from paragraph 1.1 to paragraph 1.2. 2 In the final sentence of paragraph 1.17 replace "has been" with 'was'.	For clarity
6	Replace the second and subsequent sentences of paragraph 3.1 with: 'The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) provide the primary national context.'	For clarity and accuracy

7	<p>Under the “Vision and Objectives” heading:</p> <p>7.1 In the “Vision” on page 16 amend the dates to read ‘2018 – 2030’.</p> <p>2 Amend Objective 1 to read: ‘The built, historical and natural environment, and important green spaces will be appropriately protected.’</p> <p>3 Amend Objective 2 to read: ‘Where possible open land will be retained between individual settlements.’</p> <p>4 Amend Objective 3 to read: ‘Nature conservation will be promoted and areas of special environmental value protected.’</p> <p>5 Amend Objective 4 to read: ‘Residential developments will be supported where they are of modest size, in scale with the character of the area.’</p> <p>7.6 Amend Objective 5 to read: ‘Infrastructure should be provided appropriately for planned development and growth and existing constraints considered and addressed within new proposals.’</p>	<p>For clarity and to meet Basic Condition 1</p>
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	<p>Amend Objective 6 to read: 'Sustainable economic and social growth will be supported and facilities for all local people will be enhanced in order that the community can take full advantage of a full social and active lifestyle.'</p> <p>Amend Objective 7 to read: 'The local economy will be supported to expand by encouraging suitable small business and employment opportunities for people of all ages.'</p> <p>Amend Objective 8 to read: 'The concept of local distinctiveness will be embraced to contribute to a sense of place and well-being for the community and future generations.'</p>	
8	Review section 5 in the light of changes to the Policies as recommended in this Report.	For clarity and accuracy
9	<p><i>Within the section headed "6. Natural Environment":</i></p> <p><i>9.1 Provide the sources for the data on Maps 2 & 3.</i></p> <p><i>9.2 In paragraphs 6.8 and 6.22 replace the use of "our" with 'the'.</i></p> <p><i>Move the source reference for the 'Lickey & Blackwell Village Design Statement' from paragraph 6.13 to 6.10.</i></p> <p><i>Amend the Appendix reference in paragraph 6.13 in the light of later recommended amendments to the Appendices.</i></p> <p><i>Delete paragraph 6.1 and amend the subsequent paragraph numbers accordingly.</i></p>	For clarity
10	<p>Within Policy NE1 Local Landscape:</p> <p>10.1 Rewrite the opening paragraph as: 'Landscaping within development proposals should demonstrate that they have taken appropriate account of the current Worcestershire Landscape Character Assessment Supplementary Guidance [footnote reference] in accordance with Bromsgrove District Plan Policy BDP21.1.'</p> <p>10.2 Rewrite the second sentence of paragraph 2 as: 'Where appropriate, the following should be considered and addressed:'</p> <p>10.3 Renumber guideline 5 as bullet point 1; delete from this bullet point "should be considered"; delete viewpoint A and renumber the subsequent viewpoints accordingly.</p> <p>10.4 Delete guideline 6.</p> <p>10.5 Renumber guideline 7 as bullet point 2.</p> <p>10.6 Introduce a bullet point 3 as follows: 'The following particular guidance is derived from the Worcestershire Landscape Character Assessment Supplementary Guidance:'</p>	For clarity and to meet Basic Condition 1

	<p>7 Renumber guideline 1 as bullet point 3.1; delete “and native berberis and pyracantha”; replace “grows to an appropriate scale” with ‘grow to a scale appropriate to the character of the area’.</p> <p>8 Renumber guideline 2 as bullet point 3.2 and guideline 3 as bullet point 3.3.</p> <p>9 Renumber guideline 4 as bullet point 3.4; amend the words “of settlements. Historic field” to ‘of settlements and historic field’.</p> <p>10 Renumber guideline 8 as bullet point 3.5, guideline 9 as bullet point 3.6 (and delete the stray inverted comma and add in its place a footnote reference for the Farmsteads Characterisation Project), and guideline 10 as bullet point 3.7.</p> <p>11 Amend the title of the adjacent Map 4 as ‘Viewpoint Locations’ and bring the entries into line with the amended listing within the Policy.</p>	
11	<p>Under the heading “Wildlife”:</p> <p>11.1 At the beginning of paragraph 6.23 replace “Areas” with ‘Sites’.</p> <p>2 In the first sentence of paragraph 6.29 replace “our” with ‘the’ and insert ‘inappropriate’ before “development”.</p> <p>3 On Map 5 on page 35 replace “Areas of Wildlife Importance” with ‘Local Wildlife Sites’; add the source reference for the map data.</p> <p>11.4 Move Policy NE2 to after paragraph 6.35.</p> <p>5 Delete paragraph 6.33 (since it duplicates paragraph 6.30) and renumber subsequent paragraphs.</p>	For clarity and accuracy
12	<p>Within Policy NE2 Protecting and Enhancing Biodiversity:</p> <p>In paragraph 1 replace “local wildlife and habitats” with ‘sites of wildlife importance’; after “should” add ‘, according to their significance,’.</p> <p>2 In paragraph 3 in the first sentence replace “Ponds are protected” with ‘Existing ponds should be retained’ and in the second sentence before “the watercourse” add ‘where possible’.</p> <p>3 In paragraph 4 after “should” add ‘, where possible,’ and replace “existing biodiversity networks and wildlife corridors” with ‘existing sites of wildlife importance’.</p>	For clarity and to meet Basic Condition 1
13	<p>Under the heading “Green Infrastructure”, in paragraph 6.42 delete “new” and “with a higher level of detail relevant to the Neighbourhood Area”.</p>	For clarity and accuracy
14	<p>Rewrite Policy NE3 Green Infrastructure as follows:</p> <p>‘Development proposals should where applicable:</p> <p>1. Ensure the protection and enhancement of the existing green</p>	For clarity and to meet Basic

	<p>infrastructure assets;</p> <p>2. Contribute to the extension of multi-functional green infrastructure; Contribute to ecological enhancements and the management of flood risk and water quality; and</p> <p>Respect the landscape and historic character of the Neighbourhood Area.'</p>	Condition 1
15	<p><i>Under the heading "Geology of the Lickey Hills":</i></p> <p><i>15.1 Add suitable source references where applicable within the text.</i></p> <p><i>15.2 Delete Policy NE4 and paragraph 6.48.</i></p>	For clarity and to meet Basic Condition 1
16	In the first sentence of paragraph 7.1 delete "our".	For clarity
17	<p>Rewrite Policy BD1 Barnt Green Conservation Area as follows:</p> <p>'Within the part of the Conservation Area that sits within the Neighbourhood Area:</p> <p>Development proposals should reflect the scale, massing, height and form of the characteristic buildings and the detailing and materials should be chosen to be harmonious with neighbouring properties.</p> <p>Contemporary and sustainable designs will be acceptable where they are of exceptional quality and where it is demonstrated that they have appropriate regard for their context.'</p>	For correction
18	Under the heading "Promoting High Quality Design Across the Neighbourhood Area", in the first paragraph, replace "a character appraisal" with 'Character Appraisals'.	For clarity and accuracy
19	<p>Within Policy BD2 Encouraging High Quality Design:</p> <p>19.1 Reword paragraph 1 as:</p> <p>'Development proposals for new buildings and extensions should have appropriate regard for the character of the area in which they are located, as illustrated in the Character Appraisals of Lickey, Blackwell and Cofton Hackett [footnote reference].'</p> <p>2 In paragraph 2 replace "are required to respond positively" with 'should respond sympathetically'.</p> <p>19.3 In principle 1 delete the second sentence.</p> <p>19.4 Reword principle 2 as:</p> <p>'Subdivision of plots and infill development must have appropriate regard for characteristic plot densities at their location.'</p> <p>5 In the second sentence of principle 3 delete "provision of" and "wherever possible".</p> <p>5 In principle 5 replace "as described in the local character appraisals" with 'as illustrated in the Character Appraisals'; add 'where possible' between "and" and "identify". Add to principle 5 from principle 6: 'The many Victorian and Edwardian properties are a distinctive feature across all the Character Appraisals.'</p>	For clarity and to meet Basic Condition 1

	<p>In principle 6 delete the first sentence and from the third sentence delete “consider the character appraisal undertaken by the Neighbourhood Development Plan steering group) and clearly”.</p> <p>In principle 7 delete the third sentence commencing “New buildings should ...”; separate out the last sentence as principle 8.</p> <p>19.9 Add a principle 9 as follows: ‘Large residential developments should incorporate age- and dementia-friendly features such as circular pathways in parks and open spaces, appropriate surfaces and street furniture and facilities for rest stops and social interaction.’</p>	
20	<p>Under the heading “Garden and Backland Development”: 20.1 Replace the heading with ‘Residential Development in Gardens’.</p> <p>In paragraph 7.26, in the first sentence of insert ‘Policy’ between “in” and “H1” and delete “(page 54)”, “rear” and “(“backland development” or “unwanted garden grabbing”)”; delete the second sentence.</p> <p>In paragraph 7.28 delete the second sentence (and the related footnote); at the end of the third sentence add “; paragraph 8.198 says “One of the most important considerations for determining applications on garden land will be the retention of the existing character of residential areas. Development which significantly increases the proportion of ground coverage by buildings, or the scale of proposed buildings, is likely to be out of keeping with its surroundings and therefore is likely to be unacceptable and will be refused.””</p>	For clarity and accuracy
21	<p>Within Policy BD3 Garden and Backland Development: 21.1 Replace the title with ‘Residential Development in Gardens’.</p> <p>21.2 Reword Policy BD3 as: ‘Development proposals on garden land will only be appropriate if they are in keeping with their surroundings and retain the existing character of the residential area at their location. Factors that must therefore be considered and addressed include openness, mature trees, hedges and shrubbery, townscape and density of the built form. The amenity and privacy of residential neighbours are also key considerations.’</p>	For clarity and correction and to meet Basic Condition 1
22	<p>Under the heading “New Housing Development”: 22.1 Reword the first sentence of paragraph 8.3 as: ‘Once the Green Belt Review is completed further sites will be allocated to contribute approximately 2,300 dwellings towards the 7,000 targets required by the District Council.’</p> <p>In paragraph 8.8, in the second sentence replace “our” with ‘the’; delete the third and fourth sentences. In footnote 17 replace “please remember that this document is evidence for plan preparation and” with ‘it’; delete the comma after “itself”.</p> <p>In paragraph 8.9, in the first sentence replace “our area” with ‘the Neighbourhood Area’; delete the third and fourth sentences.</p>	For clarity and accuracy

	22.4 In paragraph 8.10, in the first sentence replace “will not” with ‘does not’.	
23	<p>Within Policy H1 New Housing within Existing Settlements:</p> <p>23.1 Reword the opening sentence as: ‘Development proposals within existing settlements and built up areas will be supported in line with Bromsgrove District Plan BDP2.1 provided that:’</p> <p>23.2 In criterion 1 replace “meets the criteria set out in our” with ‘addresses related’.</p> <p>23.3 In criterion 3 replace “odour” with ‘privacy’.</p> <p>23.4 Delete criterion 4.</p>	For clarity and to meet Basic Condition 1
24	In paragraph 8.20 replace “our” with ‘the’ and in paragraph 8.21 delete “in our area,”.	For clarity
25	<p>Reword Policy H2 Housing Mix as: “The mix of housing within residential development proposals should be informed by the most recent evidence and should have regard for current, local housing requirements including the needs of older and younger households.”</p>	For clarity and to meet Basic Condition 1
26	Before paragraph 8.23 add the heading ‘Energy Efficiency’.	For clarity
27	Within Policy H3 Energy Efficiency replace “All new housing should” with ‘Development proposals for new housing are encouraged to’.	For clarity and to meet Basic Condition 1
28	<p>Under heading “Transport and Parking”:</p> <p>28.1 In paragraph 9.3 replace “our parishes” with ‘this area’.</p> <p>28.2 In paragraph 9.5 replace “our” with ‘the’ in four places.</p> <p>28.3 In paragraph 9.6 replace “our” with ‘the’ in three places and delete the second sentence.</p> <p>28.4 Add a source reference to Maps 8 & 9.</p> <p>28.5 Ensure that the Policies follow their preamble text.</p>	For clarity
29	<p>Within Policy INF1 Supporting Walking and Cycling and Improvements to Local Transport Infrastructure:</p> <p>29.1 Reword paragraph 2 as: ‘Development proposals should show regard for the Worcestershire Streetscape Design Guide [footnote] and, where appropriate, should ensure links to safe and accessible walking and cycling routes, and to public transport, within a safe speed road environment.’</p> <p>29.2 Reword paragraph 3 as:</p>	For clarity and to meet Basic Condition 1

	'Residential and commercial development should include or enable electric vehicle charging.'	
30	Delete Policy INF2 and paragraph 9.13; amend the subsequent Policy and paragraph numbering accordingly.	For clarity
31	Under the heading "Communication Technologies" add a new paragraph 9.19 (and renumber the existing 9.19) as follows: 'Bromsgrove District Plan Policy BDP1.4 says that "In considering all proposals for development in Bromsgrove District regard will be had to [inter alia] ... The provision of communication technology infrastructure to allow for future technological enhancements e.g. fibre optic ducting."'	For clarity
32	Within Policy INF3 Communication Technologies 32.1 Renumber the Policy as INF2. 32.2 Reword the opening sentence as: 'New mobile telecommunication infrastructure will be supported provided that:'. 32.3 Reword the second and third sentences of paragraph 2 as: 'Wherever possible and appropriate development proposals should provide for connections to superfast broadband (fibre optic); as a minimum suitable ducting should be provided to allow for future technological enhancements.'	For clarity and to meet Basic Condition 1
33	Under the heading "Community Facilities" combine the Policy preambles to Policies CF1 & CF2 and delete Policy CF1; in paragraph 10.14 replace "CF2" with 'CF1' and add a second sentence: 'The Parish Councils will work with Worcestershire County Council on highway and traffic management issues arising from proposals.'	For clarity
34	Within Policy CF2 Protecting Existing Open Space and Recreational Facilities and Supporting Investment in New Facilities: 34.1 Renumber as Policy CF1 and retitle as 'Protecting Community Facilities and Supporting Investment in New Facilities'. 34.2 Word the new Policy CF1 as: 'Existing community, recreation and public open space facilities, as shown on Maps 9 & 10, should be retained unless: (i) It can be demonstrated that an existing facility is no longer economically viable; or (ii) An equivalent or better replacement facility is provided either on the site or in an equally or more accessible location. Development proposals to enhance and improve an existing facility will be supported provided that: (1) The siting, scale and design are appropriate to the location and respect the character of the surrounding area, including any historic and natural assets; and (2) [take in 2 from Policy CF2] (3) [take in 3 from Policy CF2]'	For clarity and to meet Basic Condition 1

	34.3 Correct Map 11 to indicate a location for Barnt Green Sailing and Fishing Club within the Neighbourhood Area.	
35	<p>Under the heading “Local Green Spaces”:</p> <p>35.1 Amend the boundary of the “Grounds of St Catherine’s Church” LGS to omit the Church buildings and amend the boundary of the “St Catherine’s Road Playing Field” LGS to omit the car park to the south of the space.</p> <p>35.2 On Map 12 ensure that the “Myhill Field Play Area” LGS is included and add a note the effect that ‘LGS boundaries can be identified with clarity by enlarging the online map to street level’.</p>	For clarity and accuracy
36	Within Policy CF3 Local Green Spaces reword the third line as ‘The eight designated Local Green Spaces are:’.	For clarity and to meet Basic Condition 1
37	Under the heading “Supporting Appropriate Local Enterprise”, in paragraph 11.2, replace “The NDP believes that our neighbourhood should be a good place to do business and that encouraging” with ‘Encouraging’.	For clarity
38	<p>Within Policy B1 Supporting Appropriate Local Enterprise:</p> <p>38.1 Reword the opening sentence as: ‘Development of new, small-scale employment and service related business facilities will be supported within the existing built-up areas that are part of the large settlement of Barnt Green (where that lies within the Neighbourhood Area) and within the small settlements of Blackwell Blackwell and Cofton Hackett (as set out in Bromsgrove District Plan Policy BDP2 Settlement Hierarchy) provided that:’.</p> <p>38.2 Delete criterion 4.</p>	For clarity and to meet Basic Condition 1
39	<p>Within Policy B2 Supporting Home Working:</p> <p>39.1 Reword the opening paragraph as: ‘Where a planning consent is required, alterations and extensions to accommodate home working will be supported in principle when:</p> <ol style="list-style-type: none"> 1. With an existing dwelling, the extension is subordinate to the original building; or 2. An existing building is being brought back into use; and 3. Regard is demonstrated, as appropriate, for the amenity of neighbours, built heritage, the natural environment, landscape character and Green Belt Policy.’ <p>39.2 Delete paragraph 3.</p>	For clarity and to meet Basic Condition 1
40	<p>Replace the section “12. Next Steps” with a new section titled ‘Monitoring and Review’ as follows: ‘The Parish Councils will monitor the impact and effectiveness of the Neighbourhood Plan and, as necessary, will review the content with a minimum interval of every five years. A particular point for review</p>	For clarity

	might arise once Bromsgrove District Council has adopted the new Local Plan that will replace the present District Plan.'	
41	Delete Appendix I.	For clarity
42	Renumber Appendix II as Appendix I and provide web addresses for on-line copies of the leaflets.	For clarity