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Report on Alvechurch Parish Neighbourhood Plan 2011-2030

An Examination undertaken for Bromsgrove District Council with the support of Alvechurch Parish on the submission version of the Plan dated 19 March 2018.

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Date of Report: Final Version 07 November 2018

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Main Findings - Executive Summary

From my examination of the Alvechurch Parish Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Alvechurch Parish Council;
- The Plan has been prepared for an area properly designated – Fig 2 of the Plan;
- The Plan specifies the period to which it is to take effect – 2011-2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Alvechurch Parish Neighbourhood Plan 2011-2030

- 1.1 Alvechurch parish occupies land between the town of Bromsgrove to the south and the city of Birmingham to the north. With the exception of the built-up area of the village of Alvechurch, the entire parish is washed over by the West Midlands Green Belt. The parish is predominantly rural in character but the M42 runs east to west across it and the A441 runs north to south down it. The parish is also served by the Redditch to Lichfield cross rail service. The village of Alvechurch is in the valley of the River Arrow.
- 1.2 Work on the Alvechurch Parish Neighbourhood Plan began in November 2011 and was followed shortly by the formation of a Neighbourhood Planning Steering Group, consisting of members of Alvechurch Parish Council and of the local community. This group has led the preparation of the Plan.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Bromsgrove District Council (the Council) with the agreement of Alvechurch Parish Council (the Parish Council).
- 1.4 I am a chartered town planner and former government Planning Inspector and have had considerable experience in examining development plans. I am an independent examiner and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the Plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified Plan is submitted to a referendum; or
 - (c) that the Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;

- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the Plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the Plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for the area, not including documents relating to excluded minerals and waste development, is the Bromsgrove District Local Plan 2011-2030 (the Local Plan), adopted in January 2017.

- 2.2 Work on the Bromsgrove District Plan Review, including a Green Belt Review, has commenced, the first stage of which consists of consultations on an Issues and Options Report. These took place during the preparation of this report. Planning Practice Guidance (PPG) Reference ID: 41-009-20160211 is clear that whilst there is no requirement for a neighbourhood plan to be in general conformity with an emerging local plan, the aim should be to minimise any conflict. However, at this juncture the Bromsgrove District Plan Review is clearly at a very early stage in its progress towards adoption.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF/‘the Framework’). The PPG offers guidance on how this policy should be implemented. A revised NPPF was published during this examination on 24 July 2018, replacing the previous 2012 NPPF. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 NPPF, which provides ‘The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019’. A footnote clarifies that for neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan to the local planning authority (LPA) under Regulation 15 of the 2012 Regulations. The Alvechurch Neighbourhood Plan was submitted to Bromsgrove District Council in March 2018. Thus, it is the policies in the previous NPPF that are applied to this examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the ‘Amended Version for Formal Submission’ draft of the Plan dated 19 March 2018;
 - Fig 2 of the Plan which identifies the area to which it, the Plan, relates;
 - the Consultation Statement, March 2018;
 - the Basic Conditions Statement, January 2018;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - The Strategic Environmental Assessment and Habitats Regulation Assessment Screening Opinion, September 2015;
 - The Sustainability Appraisal of the Alvechurch Neighbourhood Plan, March 2018;
 - Alvechurch Parish Design Statement;
 - Alvechurch Parish Neighbourhood Plan Evidence Base Summary;
 - and

- The answers by the Parish Council and the Council to questions, raised in my letter of 21 September 2018¹.

Site Visit

2.5 I made an unaccompanied site visit to the Plan area on 5 October 2018 to familiarise myself with it and visit relevant sites and areas referred to in the Plan and the submitted evidence.

Written Representations with or without Public Hearing

2.6 This examination has been dealt with by written representations. There was a request for a Hearing but I considered this to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by Alvechurch Parish Council which is a qualifying body for an area that was designated by Bromsgrove District Council on 23 January 2013.
- 3.2 It is the only neighbourhood plan for Alvechurch Parish and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2011 to 2030.

Neighbourhood Plan Preparation and Consultation

¹ View at: <http://www.bromsgrove.gov.uk/council/policy-and-strategy/planning-policies/neighbourhood-plans/alvechurch-neighbourhood-plan.aspx>

- 3.4 The Plan has taken more than five years to prepare. In that time, the local community has been consulted and kept abreast of events by way of meetings, events, posters, flyers, web sites and the Parish Magazine. Consultations have been carried out at ward level; businesses and landowners have been consulted as have the Council, the local medical centre and the local school. The parish as a whole was consulted in 2014 by way of a questionnaire, a number of community open days have been held and a further parish wide consultation exercise was carried out in 2016.
- 3.5 Statutory consultation under Regulation 14 and Regulation 16 have been carried out with the latter exercise eliciting 17 responses, all of which have been considered in the preparation of this report.
- 3.6 With these points in mind, I am satisfied that the Plan has been publicised in a manner that is likely to bring it to the attention of people who live, work or carry on business in the parish of Alvechurch; that the consultation process has met the legal requirements and that it has had due regard to the advice on plan preparation and engagement in the PPG.

Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.9 The Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Plan was screened for Strategic Environmental Assessment and for Habitats Regulations Assessment by the Council, which found that it was unnecessary to undertake these exercises. The statutory consultees (Natural England, the Environment Agency and English Heritage, as was) concur with this conclusion. Having read the Strategic Environmental Assessment Habitat Regulation Assessment Screening Determination, dated September 2015, I also support this conclusion.

Main Issues

4.2 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions (see paragraph 1.8 of this report), particularly whether it has regard to national policy and guidance; whether it is in general conformity with strategic development plan policies; and whether it contributes to sustainable development. This is done by considering two main issues:

1. General issues of compliance of the Plan, as a whole; and
2. Specific issues of compliance of the Plan policies.

General Issues of Compliance

Compliance with National and Development Plan Policy

- 4.3 The Plan's aims include meeting current and future development needs whilst embracing high quality design; developing local services facilities and amenities; maintaining an appropriate mix of local businesses; encouraging leisure, cultural and sporting activities for all; promoting integrated public transport and safer roads; maintaining and enhancing the built historic environment and the natural environment; and promoting safe, sustainable development.
- 4.4 These aims, and the policies which embody them, clearly have regard to national policies as set out in the Framework which similarly seek to deliver a wide choice of high quality homes (section 6); which requires good design (section 7); which supports a prosperous rural economy (section 3); which promotes healthy communities (section 8); which promotes sustainable transport (section 4); which seeks to conserve and enhance the natural environment and the historic environment (sections 11 and 12); and which sets out a presumption in favour of sustainable development (paragraph 14).
- 4.5 Similarly these aims and their associated policies are in general conformity with the Local Plan insofar as that document also contains policies which aim to provide suitable levels of residential development in settlements such as Alvechurch (Policy BDP2); to satisfy the social and economic needs of rural communities (Policy BDP15); to meet the communities needs for services and facilities (Policy BDP12); to promote health and well being (Policy BDP25); to ensure high quality design (Policy BDP19); to manage the historic environment (Policy BDP20); to better manage the natural environment (BDP21); and, more generally, take a

positive approach that reflects the presumption in favour of sustainable development (Policy BDP1).

- 4.6 I am satisfied, therefore, that, subject to the more detailed consideration of individual policies that will take place subsequently in this report, the Plan meets the Basic Conditions insofar as it has regard to national policies and advice and is in general conformity with the strategic policies of the Local Plan.

Contribution to Sustainable Development

- 4.7 Sustainable development has an economic, a social and an environmental dimension. There is no dispute that the Plan – with its policies dealing with Leisure, Health and Well-Being as well as with Heritage, Design and Natural Environment – contributes to the social and environmental dimensions of sustainable development. There is, however, a question as to whether it makes an appropriate contribution to the economic dimension of sustainable development, particularly in relation to housing.
- 4.8 The situation regarding housing provision in the Plan area is as follows. Alvechurch Parish, with the exception of the built-up area of Alvechurch Village itself, is washed over by the West Midlands Green Belt. The Local Plan only allocates enough land to meet identified housing needs up to 2023. Further land will need to be taken out of the Green Belt to meet longer term needs. This will be done by way of a Review of Green Belt carried out as part of a Review of the Local Plan. Work on this review has commenced. As one of the larger settlements in the area, Alvechurch Village will be expected to take a proportion of the District's housing.
- 4.9 It is certain that new housing will be needed in the Plan area eventually. When it is decided what land should be released from the Green Belt, there will be a revision of the Plan to deal with any necessary changes but until that time, housing development will be concentrated within Alvechurch Village. The Plan makes clear that the challenge is not to find a way to stop development, but rather to manage change in the best way.
- 4.10 It has been suggested by representors that the Plan should be put temporarily on hold, pending the outcome of the Local Plan Review. I do not agree; the Plan contains policies dealing with matters other than housing and I see no overriding reason why these should be delayed simply because the Plan itself will need to be reviewed in the near future.
- 4.11 It has also been variously suggested by representors that the Plan should contain policies which would allow for the development of greenfield and brownfield sites in the Green Belt; or that it should review the Green Belt boundaries within the Plan area and allocate land for new development; and/or that it should include details of the consultation exercises that

have been carried out on the suitability for development of various sites in the area.

- 4.12 However, subject to my comments on individual policies, I can find no fault with the approach taken in the Plan, indeed I see considerable merit in it. In effect, it delegates decisions on Green Belt releases and housing land allocations to the Local Plan where such matters can be considered on a District wide basis rather than on a parochial basis. The Plan specifically acknowledges that it will need to be reviewed to incorporate the results of the Local Plan Review. I am satisfied, therefore, that the Plan contributes to sustainable development and thus meets the Basic Conditions in this respect.

Overall Findings – General Issue of Compliance

- 4.13 For the reasons set out above I consider that the Plan has regard to national policies and advice, is in general conformity with the strategic policies in the Local Plan and contributes to sustainable development. Subject to comments made subsequently on individual policies, the Plan meets the Basic Conditions in all these respects.

Specific Issues of Compliance

- 4.14 Before considering individual policies it is relevant to note that the Plan contains a number of 'Community Actions' which seek to address various community aspirations. However, the Plan makes clear (paragraph 128), that these are non-statutory projects and are not to be treated as policies. Consequently, I make no comment on them.
- 4.15 One other general point is that in various policies reference is made to permitting development. It is not the role of a development plan policy to permit or refuse development. Such a policy will be an important factor in any decision but it will not be the sole determinant. The word 'permitted' should therefore be replaced with the word 'supported', as will be done subsequently in various proposed modifications.
- 4.16 **General Policy 1** seeks to encourage the active involvement of local people in the planning process. This is in general conformity with the Local Plan (paragraph 3.1.14) which identifies the greater involvement in planning by local communities as one of its key challenges. Similarly, one of the core principles of the Framework (paragraph 17) is to empower local people to shape their surroundings. **General Policy 1** clearly has regard to this and meets the Basic Conditions.

Housing Policies

- 4.17 The Plan contains seven housing policies, two of which (**Policy H1 and Policy H2**) seek to restrict housing development to sites within the village of Alvechurch and the smaller settlements of Hopwood and Rowney Green. As has already been discussed, it is accepted in the Plan that these policies will only prevail until the Local Plan Review has identified further housing sites, whereupon they will be reviewed as necessary. Given this background, these policies have regard to the Framework (paragraph 47) which seeks to boost significantly the supply of housing land and they are in general conformity with Local Plan Policy BDP3 which establishes that the Local Plan will be reviewed to identify more sites for housing in the District.
- 4.18 However, having established that new housing will be located within the Alvechurch Village settlement boundary, **Policy H1** goes on to set out a number of further criteria several of which are superfluous and detract from its clarity². **Policy H1c** deals with the loss of open space, community assets or employment use, all matters dealt with in other policies in the Plan. It is made clear elsewhere in the policy (**Policy H1j**) that the Plan is to be read as a whole. **Policy H1c** should, therefore be deleted. **Policy H1d** seeks to control development outside the settlement boundary while **Policy H1e** gives advice on defining a settlement boundary. Neither are needed and both should be deleted.
- 4.19 **Policy H1f** and **Policy H1g** deal with matters such as local landscape and the scale of development but again these are superfluous and compromise clarity as they are dealt with in other policies in the Plan. They should also be deleted. **Policy H1i** requires all new development to be within 15 minutes' walk of the village centre but all land within the settlement boundary falls into that category. **Policy H1i** should, therefore be deleted in the interests of achieving clarity. For the reasons set out in paragraph 4.15, the word 'permitted' should be replaced with the word 'supported'.
- 4.20 All these modifications are shown in **PM1**. With these modifications in place, **Policy H1** and **Policy H2** meet the Basic Conditions.
- 4.21 **Policy H3** deals with affordable housing on rural exception sites in Green Belt. Local Plan Policy BDP9 also deals with rural exception sites and makes clear that large settlements such as Alvechurch Village will not be acceptable locations for such sites. **Policy H3**, which of course applies to the Plan area as a whole and not just to the village, does not mention this but does make clear that the District Council would be involved in the selection of such sites. That being so, I am satisfied that **Policy H3** is in general conformity with Local Plan Policy BDP9. **Policy H3** also has regard to the Framework (paragraph 47), which stresses the need to make provision for affordable housing. For the reasons set out in

² See PPG Reference ID: 41-041-20140306.

paragraph 4.15 the word 'permitted' should be replaced with the word 'supported' as shown in **PM2**. Subject to these modifications, **Policy H3** meets the basic conditions.

- 4.22 **Policy H4** sets out housing design principles. It is in general conformity with Local Plan Policy BDP19, which seeks to provide high quality design, indeed it specifically refers to that policy. **Policy H4** also has regard to the Framework (Section 7) which requires good design. **Policy H4** is lengthy and detailed but is not to be criticised for this as it simply contains the sort of advice that would be expected in the Design Guide Supplementary Planning Document referred to in Local Plan Policy BDP19. The policy, with its use of words like 'encourage', 'where appropriate' and 'wherever possible' is not unnecessarily restrictive or prescriptive nor does it seek to stifle innovative design, where this takes account of local heritage and character.
- 4.23 For the reasons set out in paragraph 4.15 of this report the words 'shall not be permitted' in **Policy H4 5** should be replaced with the words 'will not be supported' as shown in **PM3**.
- 4.24 It is suggested that the requirement of **Policy H4 7 ii** that development respect the prevailing size, layout and access of nearby properties will not be possible because of the mix of housing proposed in Policy H6. However, as I will note when discussing **Policy H6**, that mix of housing is not set in stone. It can, therefore, coexist with the requirements of **Policy H4 7 ii**. In the interests of clarity, however, the extraneous words in **H4 7 ii** need to be deleted as shown in **PM3**.
- 4.25 It is also pointed out that the bulk of the historic core of Alvechurch consists of continuous frontages close to the highway. In that context, it is questionable as to whether it would be appropriate to require parking to be between buildings as **Policy H4 8 k** does. This is a valid point and the words 'Where appropriate' should be added to **Policy H4 8 k**, as shown in **PM3**.
- 4.26 The question has been raised as to whether **Policy H4** should refer to viability. I do not think this is necessary. As the Framework establishes (paragraph 56), good design is a key aspect of sustainability; it is, therefore, to be expected in any development. Finally, it is suggested that **Policy H4** is repetitious in places. There is some merit in this point but, in this instance, it does not affect the clarity of the policy and does not, therefore, need modification in this respect.
- 4.27 In its modified form, I am satisfied that **Policy H4** meets the Basic Conditions.

- 4.28 **Policy H5** seeks to achieve sustainable development through design. The aim of this policy is to meet the challenge of climate change and clearly has regard to Section 10 of the Framework, which has the same aim. It is also generally consistent with Policy BDP19 and BDP23 of the Local Plan, which encourage the use of sustainable construction methods and materials and the use of sustainable drainage systems.
- 4.29 **Policy H5** deals with the question of external lighting and clearly sets out what sort of lighting it seeks to discourage. The policy as a whole is not unduly prescriptive or restrictive with the use of words such as 'encourage', 'discourage' and 'should', providing an element of flexibility. That being so, I see no need to incorporate references to viability into the policy. **Policy H5** meets the Basic Conditions.
- 4.30 **Policy H6** seeks to provide a mix of housing types and sizes and at **Policy H6 3** sets out a particular mix that should be provided on developments of 10 or more dwellings. This mix lays emphasis on the provision of smaller properties with 10% having 1 bedroom, 40% having 2 bedrooms, 40% having three bedrooms and 10% having 4 bedrooms or more.
- 4.31 Representors are of the opinion that such a mix is not in general conformity with Local Plan Policy BDP7 (which deals with housing mix) and is not based on evidence. While the Local Plan acknowledges in the supporting text to Policy BDP7 that there is a *'high demand for smaller properties suitable for meeting the needs of older person households'* (Paragraph 4.65), it goes on to say that there is likely to be a *'sustained demand for family housing recognising that moderate and larger properties represent the aspiration for many households of different age-groups'*. Policy BDP7 itself acknowledges the *'need to focus on delivering 2 and 3 bedroom properties'* but goes on to say that on *'schemes of 10 or more dwellings it is accepted that a wider mix of dwelling types may be required'*.
- 4.32 I do not consider **Policy H6** to be significantly out of step with Policy BDP7. While **Policy H6** seeks to increase the proportion of smaller 1 and 2 bedroom properties over the existing low level of such properties in the Plan area, it would still allow for 50% of new properties to be of moderate and larger size houses (3 and 4 bedrooms or more) suitable for families. In other words, the policy does not simply focus on the provision of 1 and 2 bedroom properties.
- 4.33 Moreover, **Policy H6 3** is heavily caveated. It says that developers should seek to achieve the stated mix *'...unless viability, market requirements at that time or other material considerations show a robust justification for a different mix'*. **Policy H6 4** goes on to say, *'The mix will*

*be informed by the latest Strategic Housing Market Assessment and/or local documents and evidence...'. In other words, the housing mix proposed in **Policy H6 3** is not set in stone but is open to negotiation. I also note that the District Council has raised no objection to **Policy H6**, so it is reasonable to assume that it regards this policy as being in general conformity with Policy BDP7.*

- 4.34 As to the evidence, the Plan area has a higher than average proportion of larger properties and there is community support for increasing the number of smaller properties to cater for first time buyers and the elderly seeking to down size. I acknowledge that there is evidence that, whatever they may say, in practice the elderly may not wish to downsize; that people do not necessarily occupy houses that 'fit' their household size; and that with the increase in home working there will be a demand for larger housing units that provide office accommodation. Nonetheless, I consider the Plan's aspiration to provide more, smaller, accommodation is reasonable and is backed up by proportionate evidence, including the desire of local people to shape the place they live in.
- 4.35 **Policy H6** also has regard to the Framework (paragraph 50) which requires a mix of housing based on current and future demographic trends and identifies the size of housing required in particular locations. **Policy H6** meets, therefore, the Basic Conditions.
- 4.36 **Policy H7** attempts to ensure that new housing is accompanied by improved services and facilities. **Policy H7 C** refers to these being provided by way of planning obligation but does not mention the three tests set out in the Framework (paragraph 204), which have to be met before such obligations can be sought. These tests should be included in the policy as shown in **PM4**. For the reasons set out in paragraph 4.15, the word 'permitted' in **Policy H7 D** should also be replaced with the word 'supported' as shown in **PM4**. With these modifications, **Policy H7** meets the Basic Conditions.

Policies for Heritage, Design and the Natural Environment

- 4.37 **Policy HDNE 1** deals with Built Heritage and Local Character. This policy is in general conformity with Local Plan Policy BDP20. If the policy is to have due regard to the Framework (paragraphs 126 to 141). it should make a clear distinction between designated and non-designated heritage assets. In the interests of clarity, Appendix B to the Evidence Base Summary should be re-organised so that all the buildings and structures identified as Non-Designated Heritage Assets are set out in a separate list under that name. These modifications are shown in **PM5**.

- 4.38 Paragraph 126 of the Framework makes clear, amongst other things, that in framing policies the desirability of sustaining and enhancing the significance of heritage assets must be balanced against the desirability of new development making a positive contribution to local character and distinctiveness. **Policy HDNE 1** does this by balancing the requirement to preserve and enhance heritage assets against the encouragement it gives, at point 3, to proposals that would contribute to the long term management of such assets. Moreover, at point 5, **Policy HDNE 1** sets out how development could contribute to local character and distinctiveness.
- 4.39 In the interests of clarity, an incorrect reference in **Policy HDNE 1 2** should be corrected and the words '*non-definitive*' deleted. The supporting text to the policy (paragraphs 4.162 and 4.163) is the most suitable place to explain both that the Parish Council are seeking the inclusion of buildings on a Local Heritage List and the implications of this in policy terms. **Policy HDNE 1 4** should, therefore, be deleted. The Parish Council has confirmed that there are 46 Listed Buildings and structures in the Plan area; the incorrect references to 49 such buildings and structures in paragraph 4.143 should be corrected. The List entitled Historic England 2016 National Heritage List for Alvechurch in Appendix B of the Evidence Base Summary should be revised to include all of these buildings and structures. All of these modifications are shown in **PM5**.
- 4.40 In its modified form **Policy HDNE 1** is in general conformity with Local Plan Policy BDP20. As discussed above, it also has regard to the Framework. **Policy HDNE 1**, therefore, meets the Basic Conditions.
- 4.41 **Policy HDNE 2** seeks to promote and enhance local distinctiveness. The Parish Council has confirmed that this relates to the rural character of the area rather than built heritage issues such as are dealt with in Policy HDNE 1 or design issues such as are dealt with in Policy H4 and HDNE 3. That being so all references to built heritage issues contained in **Policy HDNE 2** should be deleted as shown in **PM6** as these are dealt with in Policy HDNE1.
- 4.42 In its modified form **Policy HDNE 2** is in general conformity with Local Plan Policies BDP21 and BDP24 which seek to better manage the natural environment and deliver high quality green infrastructure. This policy also has regard to the Framework (section 11) which is concerned with conserving and enhancing the natural environment. **Policy HDNE 2** meets the Basic Conditions.
- 4.43 **Policy HDNE 3** seeks to make the Alvechurch Design Statement an integral part of the Plan. This document performs many of the functions of a Design Guide. **Policy HDNE 3** is, therefore, in general conformity

with Local Plan Policy BDP19 which refers to preparing a Design Guide Supplementary Planning Document and has regard to the Framework (paragraph 17), one of the core principles of which is to secure high quality design. **Policy HDNE 3** meets the Basic Conditions.

- 4.44 **Policy HDNE 4** deals with protecting landscape and open views. The first paragraph of the policy applies to the whole Plan area and seeks to protect high value agricultural land, important views, landmarks and local points of interest. Such an approach is generally consistent with those Local Plan policies (Policy BDP21 and Policy BDP24), which seek to better manage the natural environment and deliver high quality green infrastructure and has regard to the Framework (section 11) insofar as this seeks to conserve and enhance the environment.
- 4.45 **Policy HDNE 4** also identifies a list of views which local people have determined are valued but goes on to say, *'This is not an exhaustive list: there will be other views of equal importance which should be protected where possible'*. PPG (see footnote 2 above) states that 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. The section of **Policy HDNE 4** quoted above could not be applied consistently and with confidence as these other views are not identified. This aspect of **Policy HDNE 4** should, therefore, be deleted as shown in **PM7**.
- 4.46 As to the views that are identified, these have been selected by local people and having visited them it is easy to see why they are valued by the local community, even though they are not covered by any landscape designation. This of course, involves subjective judgements but there is an element of subjectivity in any such judgement including those made in formal landscape assessments.
- 4.47 The point is made that two of these views, View E and View G, contain land which is being promoted for housing. A formal landscape assessment of each of these areas has been commissioned and carried out and in each case an identical conclusion has been reached, namely that the proposed development *'..would be sympathetic to the topography of the site and sensitively designed to integrate with the surrounding existing environment and the wider landscape'*. It is not for me to comment on these conclusions, other than to say that if they are well founded the proposed developments would not be precluded by **Policy HDNE 4**. This policy does not seek to sterilise land in the Plan area. Rather it says that new development should *'preferably'* be located on land of lesser environmental value and that, amongst other things, it should respect and seek to protect important views.

- 4.48 In its modified form, **Policy HDNE 4** meets the Basic Conditions.
- 4.49 **Policy HDNE 5** seeks to encourage access to the countryside. This is in general conformity with Local Plan Policies BDP24 and BDP25, which seek to deliver high quality green infrastructure and promote health and well-being. The policy also has regard to the Framework (section 8), which is similarly concerned with promoting healthy communities. **Policy HDNE 5** meets the Basic Conditions.
- 4.50 **Policy HDNE 6** seeks to protect and enhance the natural environment. This policy has regard to the Framework (section 11), which seeks to attain the same end and is in general conformity with Local Plan Policies BDP21 and BDP24 which seek the better management of the natural environment and the delivery of high quality green infrastructure. **Policy HDNE 6** meets the Basic Conditions.

Policies for Leisure, Health and Well-Being

- 4.51 **Policies LHW 1, LHW 3** and **LHW 4** deal respectively with healthy environments and health care facilities, with improvements to and the protection of open spaces and with improving sport leisure and recreation facilities. All these policies refer, directly or indirectly, to mitigation measures being secured by planning obligations. However, as modified Policy H7 makes clear, such obligations will only be sought where, amongst other things, they are necessary to make development acceptable in planning terms. That being so, there is no necessity for these policies to refer specifically to viability.
- 4.52 For the reasons set out in paragraph 4.15 the word 'permitted' should be replaced with the word 'supported' in **Policy LHW 1 4** and **Policy LHW 3**, as shown in **PM8**.
- 4.53 **Policies LHW 1, LHW 3** and **LHW 4** are generally consistent and have regard to Local Plan Policy BDP25 and the Framework (section 8), each of which seek to foster health and well being. These policies meet the Basic Conditions.
- 4.54 **Policy LHW 2** designates four Local Green Spaces. The policy gives the figure number of the plan on which these are shown. However, this is incorrect. In the interests of accuracy this error should be corrected as shown in **PM9**.
- 4.55 Having visited these sites, I am satisfied that all are reasonably close to the community they serve, that they are local in character and that they are not extensive tracts of land. I have no reason to doubt that they are

special to the local community and of particular local significance. That being so, **Policy LHW 2** has regard to the Framework (paragraphs 76 to 78) which set out the criteria for designating Local Green Spaces and is generally consistent with Local Plan Policy BDP 1 which acknowledges the role that such spaces play in the planning process. I therefore consider that the sites identified in the policy should be considered as Local Green Space. For the reasons set out in paragraph 4.15, the word 'permitted' should be replaced with the word 'supported' as shown in **PM9**. With this modification, **Policy LHW 2** meets the Basic Conditions.

Policies for Business, Shops and Services

- 4.56 **Policies BSS 1, BSS 2, BSS 3 and BSS 4** seek variously to protect and encourage business, shops and services in the Plan area. These policies have regard to the Framework insofar as it seeks to support a prosperous rural economy. They are also in general conformity with Local Plan Policies which seek to promote sustainable economic development in rural areas (Local Plan Policy BDP 13), to maintain and promote existing employment provision (Local Plan Policy BDP 14), to satisfy the social and economic needs of rural communities (Local Plan Policy BDP 15) and to support Local Centres (Local Plan Policy BDP 18).
- 4.57 For the reasons set out in paragraph 4.15 above, the word 'permitted' should be replaced with the word 'supported' in **Policy BSS 2** and **Policy BSS 4** as shown in **PM10**. With these changes in place, **Policies BSS 1, BSS 2, BSS 3 and BSS 4** meet the Basic Conditions.
- 4.58 **Policy BSS 5** seeks to ensure that new development will deliver high performance and improved communications infrastructure. The policy includes the provision that for major residential developments a 'Connectivity Statement' be prepared, which demonstrates how this aim will be achieved. This is a reasonable requirement for such major schemes as it will encourage home working in general conformity with Local Plan Policy BDP 15, and has regard to the Framework (paragraph 42), which recognises that high quality communication infrastructure is essential for sustainable economic growth. **Policy BSS 5** meets the Basic Conditions.
- 4.59 **Policy BSS 6** deals with matters of design in Alvechurch Village centre. This policy has regard to the Framework (section 7) and the Local Plan (Policy BDP 19) each of which seek good design. **Policy BSS 6** meets the Basic Conditions.
- 4.60 **Policy BSS 7** deals with development at Bordesley Hall, a former country house in Green Belt now used as a local employment site. The supporting text to this (paragraphs 4.319 and 4.326) limits new build to the

brownfield part of the site, which is defined as the hall and its outbuildings. However, this is not in general conformity with Local Plan Policy BDP4.4d which allows for '*proportionate extensions to non-residential buildings*' Local Plan Policy 14.4 and 14.5 make similar points. This aspect of the supporting text should, therefore, be deleted as shown in **PM11**. In the interests of clarity paragraph 4.319 and 4.326 should also be reworded as shown in **PM11**.

- 4.61 **Policy BSS 7** also states (at point 3) that the change of use of Bordesley Hall for general purpose housing will not be supported. This is inconsistent with Policy BSS3 which states that the loss of business in the parish will be resisted unless it can be demonstrated that the existing use is no longer viable. Nor is it in general conformity with Local Plan Policy BDP 14, which makes a similar point. This aspect of **Policy BSS 7** should, therefore, be modified as shown in **PM12**. With these modifications, **Policy BSS 7** meets the Basic Conditions.

Transport

- 4.62 **Policies GAT 1, GAT 2 and GAT 3** variously seek to promote sustainable travel, to reduce the need for the use of private vehicles, to provide adequate parking and to improve road safety and traffic management. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. **Policy GAT3 4** should be modified to reflect this requirement as shown in **PM13**.
- 4.63 For the reasons set out in paragraph 4.15 the word 'permitted' should be deleted from **Policy GAT 1** and **Policy GAT 2** and replaced with the word 'supported', as shown in **PM14**. With these modifications, the policies all meet the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

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The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 The Parish Council are to be congratulated for taking on what can be a time consuming and burdensome task. It has firmly grasped that the parish of Alvechurch will see more development in the future, it has arrived at a sensible approach to deciding how sites for additional development will be selected and it has devised a comprehensive range of policies to shape that development.

Bob Yuille

Examiner

Appendix: Modifications

Proposed modification number (PM)	Reference	Modification
PM1	Policy H1	<p><i>Proposals for new housing development will need to show consideration to the Alvechurch Parish Design Statement and the Alvechurch Historic Environment Resource Assessment and will be supported in principal if they meet the following criteria;</i></p> <ul style="list-style-type: none"> <i>a. It is located within the designated Alvechurch Village settlement boundary.</i> <i>b. The redevelopment of brownfield land will be prioritised</i> <i>c. It would not lead to the loss of open space, community asset or employment uses, which are desirable to maintain</i> <i>d. Development should not extend existing ribbon development and should contain the spread of the Village, by promoting infilling up to its natural physical boundaries</i> <i>e. Criteria for defining development boundaries: boundaries should follow clearly defined physical features such as: walls, fences, hedgerows, roads, streams, and water courses in general. However, some development boundaries may follow along the rear of built development rather than physical features to prevent inappropriate back land development, for instances where dwellings have large back gardens</i> <i>f. Proposals that preserve those elements of the setting and that make a positive contribution to or better reveal the significance of the local landscape, natural environment or heritage assets</i>

		<p>should be treated favourably.</p> <p>g. The scale, height and form of the proposed development will fit unobtrusively with existing buildings and spacing between buildings would respect the character of the street scene</p> <p>h. It would not adversely impact on the existing residential amenity of adjoining occupiers</p> <p>i. To meet sustainable criteria new development where possible should be located within 15 minutes and no more than a 20 minutes' comfortable walk of the Village centre at a comfortable pace. (see map on page 27, Fig 14, Map of Sustainable modes of transport walking distances)</p> <p>j. The Neighbourhood Plan should be used as a whole.</p> <p>Revise bullet letters following deletions.</p> <p><i>Apart from Alvechurch Village itself, the neighbourhood area is designated as Green Belt. Inappropriate development will not be permitted supported in the Green Belt unless very special circumstances can be demonstrated (as set out in the NPPF, paragraphs 87 to 89).</i></p>
PM2	Policy H3	<p><i>Proposals that cannot easily access local services and public transport will not be permitted supported unless sufficient infrastructure can be provided to make the scheme sustainable.</i></p> <p><i>Open market housing will only be permitted supported where such development.</i></p>
PM3	Policy H4	<p><i>H4 5 Development that fails to take the opportunities available for enhancing the local character and quality of the area and the way it functions shall will</i></p>

		<p><i>not be permitted supported.</i></p> <p><i>H4 7 II. They respect prevailing size, layout and access of existing nearby properties and development pattern that is in keeping with the Alvechurch rural locality, following good design principles; (refer to paragraph three(C) above APDS</i></p> <p><i>H4 8 k. Where appropriate Pprovide parking spaces located in between houses (rather than in front) so that vehicles do not dominate the street scene.</i></p>
PM4	Policy H7	<p><i>H7 C. Where significant impacts are identified, Mmeasures to mitigate the adverse impact of the development will be provided and /or secured by planning obligations where remedying these impacts is necessary to make development acceptable in planning terms; where the remedy is directly related to the development and where it is fairly and reasonably related in scale and kind to the development. Such obligations should also be in accordance with Policy BDP 6, Infrastructure Provision.</i></p> <p><i>H7 D Development that would have an unacceptable impact will not be permitted supported.</i></p>
PM5	Policy HDNE 1	<p><i>All development proposals for Alvechurch Parish (including alterations, extensions as well as a change of use) should continue to maintain, conserve and enhance the designated built heritage assets of the parish and their settings. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset.</i></p>

	Appendix B	<p>HDNE1 2. The Neighbourhood Plan identifies the buildings and structures in the not definitive list in Appendix CB as local heritage assets for the purpose of supporting BDP20 of the Local Plan.</p> <p>4. In parallel with this policy, the Parish Council proposes that these buildings and structures are considered by Bromsgrove District Council for inclusion in the Local Heritage List. However whether they are included on a Local Authority list or not is not necessary for the application of this policy.</p> <p>Appendix B to the Evidence Base Summary should be re-organised so that all the buildings and structures identified as Non-Designated Heritage Assets are set out in a separate list under that name.</p>
PM6	Policy HDNE 2	<p>a. New development within, or adjacent to, or directly affecting the Conservation Area, a heritage asset, building or feature of historic interest, or an area of public open space, should be sensitively designed to conserve and enhance the setting, form, character and sense of place.</p> <p>—b. The demolition of buildings or features that are identified as Local Heritage Assets will not be supported. (See Community Action 3)</p> <p>—c. The protection and safeguarding of historic boundaries and historic hedges, especially around the Bishop’s Palace and Deer Park areas.</p>
PM7	Policy HDNE 4	<p>Some of the views considered to be important are listed below. This is not an exhaustive list; there will be other views of equal importance that should be protected where possible:</p>
PM8	Policies LHW 1 and LHW 3	<p>LHW 1 4. Development that would have an unacceptable impact on health and wellbeing within the Neighbourhood Area will not be</p>

		<p><u>permitted supported.</u></p> <p><i>LHW 3 Development that would result in any loss of the open space or would cause harm to the character, setting, appearance, general quality or accessibility will not be <u>permitted supported</u> unless the community will gain equivalent benefit from open space improvements or the provision of replacement open space.</i></p>
PM9	Policy LHW 2	<p><i>In accordance with NPPF paragraphs 76 and 77, green spaces as identified on page 69 map Fig 36 <u>Figures 37 and 38</u> are designated as Local Green Spaces. The identified Local Green Spaces are:</i></p> <p><i>Development that would harm the openness or special character of a Local Green Space, or its significance and value to the local community, will not be <u>permitted supported</u> unless there are very special circumstances, which outweigh the harm to the Local Green Space.</i></p>
PM10	Policy BSS 2 Policy BSS 4	<p><i>BSS 2 1. Within the shopping area of Alvechurch (as defined on the adopted BDP Policies Map), proposals for the change of use or redevelopment of existing ground floor shopping facilities to non-A1 uses will be <u>permitted supported</u> where:</i></p> <p><i>BSS 4 2 The change of use beyond the original purpose of non-permanent and insubstantial buildings such as sheds, out houses, chicken houses, glasshouses or isolated stables will not be <u>permitted supported</u>. The removal of such buildings and the return to open use of the land on which they were located will be supported.</i></p>
PM11	Paragraphs 4.319 and	<p>4.319 The Neighbourhood Plan accepts that aAny new build on the brownfield site (that is the hall and its outbuildings) should be</p>

	4.326	<p>with not have an unacceptable “minimal impact” on the amenities of the identified nearby residents or other facilities.</p> <p>4.326 We have acknowledged that the users of the self-styled business park at Bordesley Hall are reducing in number. So we can see that change of business uses and/ or changes to the existing buildings and/ or their removal and subsequent new build may be among the future new business- focussed scenarios for this location. We assert that any such change of use or new build must be confined to the existing site area being brownfield within what is currently a strict Green Belt setting</p>
PM12	Policy BSS 7	<i>Policy BSS 7 3 The change of use of Bordesley Hall for general housing purposes, when tested against the sustainability principles underlying this neighbourhood Plan, will not be supported unless it can be demonstrated that the existing use is no longer viable.</i>
PM13	Policy GAT 3	<i>Policy GAT 3 4 Development proposals likely to have a significant effect severe residual impact on road safety, or which is likely to exacerbate and/or congestion on the highway network will not be granted supported unless such impacts can be adequately mitigated. Where development is likely to lead to increases in traffic flows or congestion, developers must take proportionate steps to mitigate any impact.</i>
PM14	Policy GAT 1	<i>Policy GAT 1 1. Proposals for development should identify the realistic levels of traffic they are likely to generate and must assess the potential impact on the local community. Development that would give rise to unacceptable traffic conditions will not be permitted</i>

	Policy GAT 2	<p><u>supported.</u></p> <p><i>Policy GAT 2 3. Development at these sites will only be permitted<u>supported</u> when it can be clearly demonstrated there is no longer a need for the parking facility, or equivalent public parking space is provided elsewhere within comfortable walking distance of the Alvechurch Village essential services and in easy access for people with disabilities.</i></p>
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