

Norton-juxta-Kempsey Submitted Neighbourhood Plan Consultation

RESPONSE FORM

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Norton-juxta-Kempsey Parish Council has submitted its Neighbourhood Plan to Wychavon District Council. In accordance with Regulation 16, Wychavon District Council would like to invite comments from individuals and organisations on the submitted Neighbourhood Plan.

This consultation runs from Friday 21 May to 5pm on Friday 2 July 2021.

All comments will be made publicly available and identifiable by name and organisation (where applicable). The personal information you provide on this form will be held and processed in accordance with the requirements of Data Protection Legislation. More information on how we will hold your data can be found at:

<https://www.wychavon.gov.uk/privacy-policy>

Please fill in your details in the boxes below:

Full Name: Mr Ed Pigott

Organisation (if applicable): Barton Willmore on behalf of IM Land

Address (including postcode):

Telephone number:

Email address:

Please state which part of the Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

Policy NKJ1 Built and Natural Landscape Policy

Please use the space below to make comments on this part of the Neighbourhood Plan.

Please see accompanying Representations Letter, dated and submitted 01.07.21

Please use a separate form for each representation.

Please state whether you would like to be notified of the Council's decision on the Neighbourhood Plan proposal:

Yes

☒

No

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Please email this form to policy.plans@wychavon.gov.uk or post it to Planning Policy, Wychavon District Council, Civic Centre, Queen Elizabeth Drive, Pershore, WR10 1PT.

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Please state which part of the Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

Policy NKJ2 Trees and Hedgerows Policy

Please use the space below to make comments on this part of the Neighbourhood Plan.

Please see accompanying Representations Letter, dated and submitted 01.07.21

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Policy NKJ3 Green Infrastructure Policy

Please use the space below to make comments on this part of the Neighbourhood Plan.

Please see accompanying Representations Letter, dated and submitted 01.07.21

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Please state which part of the Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

Policy NKJ4 Local Green Space Policy, Site Ref 12: Wide Verge to the east of Wadborough Road

Please use the space below to make comments on this part of the Neighbourhood Plan.

Please see accompanying Representations Letter, dated and submitted 01.07.21

Please use a separate form for each representation.

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Please state which part of the Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

Policy NKJ5 Footways, Footpaths, Cycle Paths and Bridleways Policy

Please use the space below to make comments on this part of the Neighbourhood Plan.

Please see accompanying Representations Letter, dated and submitted 01.07.21

Please use a separate form for each representation.

Please state whether you would like to be notified of the Council's decision on the Neighbourhood Plan proposal:

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Please state which part of the Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

Policy NKJ10 Housing Development Policy

Please use the space below to make comments on this part of the Neighbourhood Plan.

Please see accompanying Representations Letter, dated and submitted 01.07.21

Please use a separate form for each representation.

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Planning Policy
Wychavon District Council
Civic Centre
Queen Elizabeth Drive
Persore
WR10 1PT

VIA EMAIL: policy.plans@wychavon.gov.uk

1st July 2021

Dear Sir/Madam,

**REPRESENTATIONS TO THE DRAFT NORTON-JUXTA-KEMPSEY NEIGHBOURHOOD PLAN
(SUBMISSION VERSION LOCAL AUTHORITY REGULATION 16 CONSULTATION)**

We write on behalf of our Client, IM Land and welcome the opportunity to respond to the submission version (Regulation 16) consultation of the draft Norton-Juxta-Kempsey Neighbourhood Plan (the 'draft Plan'). We previously responded to the pre-submission version of the draft Plan (Regulation 14) in November 2020.

We respond in respect of IM Land's land interest at Land Pound House Farm ('the Site') which falls within the Neighbourhood Plan area as per the attached plan (**Appendix 1**).

The Norton-Juxta-Kempsey Neighbourhood Plan will need to demonstrate it has met the 'Basic Conditions' as set out in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (alongside procedural compliance matters). In order to meet the Basic Conditions, the neighbourhood plan must:

- 8(2)(a): Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- 8(2)(d): Contribute to the achievement of sustainable development;
- 8(2)(e): Be in general conformity with the strategic policies of the development plan for the area (in this case, the South Worcestershire Development Plan (SWDP) (2016));
- 8(2)(f): Be compatible with and not breach European Union (EU) obligations; and
- 8(2)(g): Meet prescribed conditions and comply with prescribed matters (namely the plan not breaching the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017).

Our representations are submitted with these Basic Conditions in mind, with reference to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). We set out our response to the Neighbourhood Plan consultation in policy order below.

In summary, we consider that the Draft Neighbourhood Plan breaches the Basic Conditions and will require policy deletion and amendment as part of the independent examination, and before it can be recommended to proceed to referendum.

The following policy designation should be deleted in full:

- NJK4 Local Green Space Policy, Site Ref 12: Wide Verge to the east of Wadborough Road

The following policies should be amended through more targeted deletion or redrafting, or further evidence provided to demonstrate they meet the Basic Conditions:

- NJK1 Built and Natural Landscape Policy
- NJK2 Trees and Hedgerows Policy
- NJK3 Green Infrastructure Policy
- NKJ5 Footways, Footpaths, Cycle Paths and Bridleways Policy
- NJK10 Housing Development Policy

Natural Environment Objective

1) Policy NJK1 Built and Natural Landscape Policy

We responded in respect of this draft Policy at the Regulation 14 consultation stage, and suggested several changes to ensure the draft policy met the Basic Conditions. We note that our recommended amendments have not been taken forward within the submission version of the draft Plan. We consider the following amendments are required to ensure draft Policy meets the Basic Conditions.

Draft Policy Text

Policy NJK1 sets out a number of criteria relating to the built and natural landscape and states that development will be supported where it corresponds with these.

Criterion D refers to street naming.

Criterion E sets out that development will be supported where it:

“Does not erode the important, predominantly undeveloped gaps between the four settlements of Brockhill Village, Norton, Littleworth and Hatfield.”

Criterion F sets out that development will be supported where it:

“Respects local landscape quality ensuring that views and vistas are maintained wherever possible.”

Whilst reference is made within the supporting text (at paragraphs 6.13-6.14) to the Worcestershire County Council Landscape Character Assessment, the draft Policy has not been supported by any neighbourhood plan level landscape assessment work undertaken by a qualified consultant.

Basic Conditions 8(2)(a) and (d)

The NPPG states that a policy in a draft neighbourhood plan should be clear and unambiguous and should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence (Paragraph: 041 Reference ID: 41-041-20140306). This reflects the requirement in the NPPF (paragraph 31) for all policies to be underpinned by relevant and up-to-date evidence.

With regards to landscape, the NPPF (paragraph 170) states that planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in

a manner commensurate with their statutory status or identified quality in the development plan), and recognising the intrinsic character and beauty of the countryside, and the wider benefits. Planning policies should also ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 127).

The NPPF paragraphs 170 and 127 must be applied in a manner which is consistent with the NPPF's policy imperative to boost the supply of housing: NPPF paragraph 59. The same Chapter provides strong support for delivering housing in locations adjacent/near to villages which will "enhance or maintain the vitality of rural communities". It is therefore well-established that policies that seek to restrict development across wide areas of open countryside will not be consistent with national planning policy.

Recommended Policy Text Amendments

The wording of NJK1 is unduly restrictive, in its current format.

In particular, whilst the first sentence states that "**development will be supported where**" and the final sentence which sets out that "**development will not be permitted if the criteria are not met**". The two tests create a dis-connect. The policy is not positively prepared in line with the requirements of NPPF Paragraph 16. The final sentence should be deleted.

Three further deletions are necessary to comply with the Basic Conditions.

Criterion D: Street naming is the responsibility of the local authority under separate legislation. It is therefore not a material consideration at the planning decision-taking stage. This criterion should therefore be removed.

Criterion E: This should be deleted, as it breaches Basic Conditions 8(2)(a), (d) and (e).

Appropriate, sensitively designed, and suitable development can come forward within areas located between the named settlements without adverse impact upon the landscape and the character of the built-up areas. An element of separation can be retained through the use of landscaping and open space.

No evidence base has been provided to underpin this policy, including any landscape assessment work produced by a qualified landscape consultant.

This attempt to generate a settlement gap policy therefore cannot meet with the basic conditions, and is not in accordance with national policy and will frustrate (rather than contribute to) the achievement of sustainable development. Whilst the draft Plan makes reference to the emerging South Worcestershire Development Plan Review (SWDPR, November 2019) 'Proposed Significant Gaps' within the area, this Plan is not adopted; therefore the draft Plan does not meet basic condition 8(2)(e).

Criterion F: This should be deleted, as it breaches Basic Conditions 8(2)(a) and (d).

This policy currently seeks to protect views and vistas, "**wherever possible**". Whilst the supporting text makes reference to some important 'views' (at paragraphs 6.15 and 5 of the policy Reasoned Justification) no 'vistas' are identified, and the policy wording itself is 'open-ended' in terms of its broad reference to all views and vistas. In practice, this policy would be unclear and unworkable as a development control policy.

Again, there has not been any structured, qualified landscape assessment work, and therefore no evidence setting out the value of any view or vista. It is well-established that there is no 'right to a view'. National policy makes expressly clear that landscape and visual impacts must be assessed with regard to individual quality.

In summary, as presently drafted Policy NJK1 does not meet the Basic Conditions and requires amendments (as detailed above).

2) Policy NJK2 Trees and Hedgerows Policy

We responded in respect of this draft Policy at the Regulation 14 consultation stage, and suggested several changes to ensure the draft policy met the Basic Conditions. We note that not all of our recommended amendments have not been taken forward within the submission version of the draft Plan. We consider the following amendments are required to ensure draft Policy meets the Basic Conditions.

Draft Policy Text

Criterion A states that there can be no unacceptable loss of, or damage to, existing trees or hedgerows during or as a result of development. The policy text contains no reference to the value of the tree/hedgerow, or the availability of mitigation or replacement. It does not define the term 'unacceptable'.

Criterion B requires a tree survey, arboricultural implications assessment, and a tree protection plan (taking into account root protection areas).

Criteria C-F require that trees that cannot be retained to be replaced as agreed with the Local Planning Authority (with replacements being locally occurring native species). New trees at a minimum of two trees per individual dwelling; one tree for every 3 dwellings on estate-type residential developments; and one tree for every 3 car parking spaces is then required. If this is not feasible on-site then the trees should be planted at a suitable location outside the site. There is then the requirement for new trees to be maintained by the developer for a period of five years, or to a level of maturity that they will not fail, with a planning condition or legal agreement used to secure the above.

Basic Conditions 8(2)(a), (d) and (e)

We consider that there are issues with this proposed policy that will require a fundamental amendment, to ensure compliance with national planning policy and for the purposes of Basic Conditions 8(2)(a), (d) and (e).

The NPPF (paragraphs 170 and 174) provides for the protection of habitats, including trees and hedgerows including net gains. The NPPF (paragraph 175) also allows mitigation and compensation to be considered as part of the decision-making process.

Recommended Policy Text Amendments

Criterion A: This criterion breaches Basic Conditions 8(2)(a) and (d) and should be deleted.

The use of the term "unacceptable" fails to have regard to the categorisation of trees, as per the British Standard 5837:2012 which is the industry's standard guide on trees and development. The British Standard Sections 4.4 and 4.5 consider the Tree Survey process and specifically the tree categorization process (see notably Table 1).

The criterion fails to take into account that the removal of lower value trees is often considered acceptable in a range of circumstances, to make way for development and supporting infrastructure.

Even in cases of higher value trees, removal can be justified in situations where the benefits outweigh the loss.

Mitigation in the form of replacement may also make the loss of trees acceptable.

As such, this should be amended to clarify this does not apply to lower value trees, and that loss may be acceptable in certain circumstances, or where mitigation is provided.

Criterion B: This criterion breaches Basic Conditions 8(2)(a) and (d) and should be deleted.

The requirement to provide information such as a tree protection plan at submission stage is unreasonable as this information could be provided by condition¹. This requirement should be removed, or the wording amended to confirm that certain details can be provided, only if required, or at a later stage.

Criteria C-E: These criteria breach Basic Conditions 8(2)(a), (d) and (e) and should be deleted.

The requirement for the replacement and provision of new trees is not supported by any evidence, including in respect of viability or feasibility. The NPPF encourages a Net Gain in biodiversity to be achieved (Paragraphs 170 and 174) and the July 2019 consultation into mandatory Net Gain (to be brought in through the Environment Bill) sought views on a 10% Net Gain.

As such, we consider that the policy should be amended to remove the specific ratios required and reference net gain to be encouraged.

Criterion F: The reference to "maturity" is vague and unworkable, and should be deleted. The policy text should state that trees should be maintained for 5 years and replaced if they fail.

Criteria E-G: The policy requirement to provide trees offsite, if they cannot be incorporated within the scheme, and for planning conditions/legal agreements to secure this, is directly contrary to the tests for conditions/obligations as set out in the NPPF (Paragraphs 55 and 56). As a matter of principle, a development can be made acceptable without a specific number of trees provided, whether on or off site. This should therefore be deleted. Further, it is noted that the SWDP (Policies SWDP 21 and 22) does not require a specific quantum of planting and, instead, focuses on good design and protection of biodiversity/geodiversity.

In summary, as presently drafted, there is limited text within the policy which is compliant with the NPPF and standard arboricultural practice. The draft policy should either be amended as outlined above, or consideration given to whether the coverage provided by the SWDP and national policy is already sufficiently robust. This would ensure the draft Plan meets the Basic Conditions.

3) Policy NJK3 Green Infrastructure Policy

We responded in respect of this draft Policy at the Regulation 14 consultation stage, and suggested several changes to ensure the draft policy met the Basic Conditions. We note that our recommended amendments have not been taken forward within the submission version of the draft Plan. We consider the following amendments are required to ensure draft Policy meets the Basic Conditions.

Draft Policy Text

Policy NJK3 requires a green infrastructure plan to be submitted that shows how the development can protect and improve green spaces and corridors for people and nature.

Basic Conditions 8(2)(a), (d) and (e) and Recommended Policy Text Amendments

The SWDP, and emerging SWDPR, require residential development proposals of 10 dwellings or more to make provision for green space, based on the evidence base. In cases where it would be

¹ The national validation requirements, and Wychavon District Council's Local Validation List (February 2018) do not require this level of date to be submitted with an application (NPPG Paragraph: 016 Reference ID: 14-016-20140306)

impracticable or inappropriate to deliver all the open space on site, off site provision will be sought via development contributions.

We therefore consider that the policy wording should be amended to take into account that contributions may be provided and that this would satisfy the policy requirements. This would ensure the draft Plan meets the Basic Conditions.

4) Policy NJK4 Local Green Space Policy

We responded in respect of this draft Policy at the Regulation 14 consultation stage, and suggested several changes to ensure the draft policy met the Basic Conditions. We note that our recommended amendments have not been taken forward within the submission version of the draft Plan. We consider the following amendments are still required to ensure draft Policy meets the Basic Conditions.

Draft Policy Text

NJK4 seeks to designate a number of areas including Map Ref 12 (Wide Verge to the east of Wadborough Road.

Basic Conditions 8(2)(a) and (d)

Local Green Space provides one of the most restrictive designations within the NPPF, equivalent to Green Belt, and applications must surpass a high threshold. Including ordinary or commonplace areas of land is wholly at odds with the policy intention. Equally, the designation should not be used to duplicate other statutory protections, e.g. public rights of way.

Paragraph 99 of the NPPF sets out that the designation of land as Local Green Space through neighbourhood plans allows communities to identify and protect green area of particular importance to them. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

The NPPF (at paragraph 100) states a Local Green Space designation should only be used where a green space is:

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

The NPPF (at paragraph 101) provides that "Policies for managing development within a Local Green Space should be consistent with those for Green Belts."

The PPG Chapter 37, paragraphs 005-022 contains supporting guidance and is also a material consideration for the purposes of basic condition 8(2)(a). Various paragraphs such as PPG 37-007 on sustainable development, PPG 37-015 recommending against blanket designation and PPG-017 are of particular relevance.

Collectively this text makes clear that a Local Green Space is an exceptional designation and requires a very high standard of evidence. This cannot be excused by a lack of expertise or a generalised reference to the proportionate nature of neighbourhood plan evidence. A designation of a site such that it carries the same protection as Green Belt is a major step. It is therefore essential to scrutinise the evidence base closely.

The need for robust evidence is also strongly emphasised by Locality's Neighbourhood Plan Local Green Spaces Toolkit, page 7:

"Good planning requires that green infrastructure be considered in terms of its values to the local community, local environment and local economy. This can be demonstrated by providing a clear rationale and evidence for Local Green Space designations or policies.

In addition to a robust and proportionate evidence base, it is necessary to engage with local communities and stakeholders. The following sections of this document deal with evidence and community and stakeholder engagement.

Care is required to ensure that green space policies are not being misused, for example through making designations to stop development, rather than to ensure proper green space provision."

Page 24 concludes:

"Designations and policies should be based on a robust evidence base and community and stakeholder engagement. The evidence base could include an audit of green infrastructure in an area, where existing evidence is insufficient."

The policy therefore breaches the basic conditions in two respects:

First, the wording of NJK4 is not compatible with the NPPF for the purposes of paragraph 8(2)(a), see the judgment of the Court of Appeal R (Lochailort Investments) v Mendip DC [2020] EWCA Civ 1259, [29], [33]-[37], which found similar wording to be unlawful.

"Development on land designated as Local Green Space will only be permitted in exceptional circumstances where it can be clearly demonstrated that the development will not conflict with the purpose of the designation."

This wording breaches the NPPF paragraph 101 and therefore amounts to a fundamental flaw in the policy text. The proposed wording **"exceptional circumstances"** and the additional reference to **"not conflict with purpose of designation"** go beyond the NPPF wording to an impermissible extent.

Second, the designation of Map Ref 12 demonstrates a serious overreach from what the Local Green Space designation was intended to deliver.

The Green Space Background Paper (March 2021) explains that the site was originally assessed and discounted as there was insufficient evidence of its importance (paragraphs 4.27-4.29 of the Paper). The Site was then reassessed following a parish event in February 2020 (as stated at paragraph 4.35 of the Paper).

The stated basis (at paragraph 4.40 of the Paper) for the proposed designation (or re-designation after deletion) is because the site is "an important resting place between the settlements of Norton and Littleworth", and affords a "good view" of Bredon Hill to the south east as it is located on higher ground. It is said that the site is well used by walkers and acts as an important entry point to the settlement of Littleworth.

The Site in Map Ref 12 cannot be demonstrably special to the local community and does not hold a particular local significance. It is not sufficient simply to refer to a "bench", "resting place" and a "good view". This highly restrictive policy protection cannot be attached to ordinary, common-place features – whether in respect of street furniture or views.

The Site does not display any of the characteristics set out in the examples in the NPPF (paragraph 100): beauty, historic significance, recreational value (for example a playing field), tranquillity or richness of wildlife.

In particular, its location adjacent to a busy road means that it is not tranquil. The site has no historic significance, no landscape/cultural significance, nor is there any visible “richness of wildlife”². This is not a place where the local community can spend sufficient time, such that it can have “recreational value” of the kind envisaged by national policy. This can be seen from the photos of proposed designation held at **Appendix 2**.

The Green Space Background Paper does not provide sufficient evidence that the Site is well used by the public, and therefore is special to the local community, or that it holds any particular local significance.

There is no recorded example of an Local Green Space being designated for this kind of land, and multiple examples of sites being deleted simply because the designation sought to protect a view.

Local Green Space has been considered in many Examiners’ Reports. Each decision inevitably turns on its own facts, the location of each site and the different nature of the supporting evidence base. We would however emphasise the following observations from recent Examiners’ Reports, which consider the particular practical issues that arise where the basis for designation is a view, as opposed to a practical use.

In his Report on the Burbage Neighbourhood Plan (19 April 2020), pages 18-19, paragraphs [91]-[94],³ Examiner John Slater considered various sites which were said to have wildlife and ecological value and which were adjacent to public rights of way (with our emphasis added):

“91. The site at Woodgate is, I understand, the subject of a current planning application. It would not be appropriate to confer LGS status on sites with planning permission. My conclusions on this site have not been influenced by the existence of that current planning application. I have fully considered the representation of the land owner’s planning representation at the hearing who was unaware that the site was a Local Wildlife Site. I am satisfied that any flora or fauna interest of the site is recognised by its existing designation as a local wildlife site. But that, in itself does not, in my view, offers sufficient justification for designation as LGS.

92. I visited the site on two separate occasions, and I noted that there is no public access (although that is not a pre-requisite for designation) and I am not satisfied from the evidence, that the wider Burbage community (beyond those who live close to the site), would confer specific importance to this site, based on its richness of wildlife or ecological value, say compared to the value, it would attach to the adjacent areas of open grassland which appears well used by walkers and provide routes into the open countryside and Burbage Common. I am not satisfied that these areas, which fall on both sides of the public footpath, are of such significance to be deemed so demonstrably special, compared to other similar sites whose ecological importance is recognised by local wildlife site designation.

93. Equally I have concluded that the Aston Lane North side does not warrant protection as Local Green Space. At the hearing, I specifically enquired as to what the characteristics that demonstrated its significance and I was told it was due to the site’s tranquillity. However, as there is no public access to this land, it would not be the community that would enjoy its tranquil nature. There is an adjoining public right-of-way and I was able to view the site, but I could not ascribe the land a uniqueness that would justify LGS status, above other undeveloped areas in this part of the village’s fringe.

94. It must be remembered that these sites need to be at the top of the pyramid in terms of their importance to the community as a whole. I saw several other areas of open space which I would imagine would be viewed as more important areas, in terms of the contributions they make to the community’s appreciation of its green spaces.

² This is reflected in the assessment of the site via the Green Space Background Paper (Appendix 4)

³ https://www.hinckley-bosworth.gov.uk/downloads/file/6945/exminers_report_reg_18

It is respectfully submitted that this excerpt is a good summary of the approach that is required by the NPPF paragraph 100b. It is not appropriate to designate Local Green Space in respect of sites that are merely ordinary, and which are to a large extent inaccessible areas of open countryside. Mere references to a view or a resting place fall some way short of the robust evidence required.

A similar approach was taken in the Report on the Welsh Newton Neighbourhood and Llanrorthal Plan (12 June 2019) by Examiner Rosemary Kidd at page 19, paragraph 3.33: "*The Glebe field at Welsh Newton is agricultural land with no public access. It is not usually appropriate to designate such land as Local Green Space unless there is special justification.*"⁴ The same Examiner renewed this observation in her Report on the Kington Neighbourhood Plan at page 28, paragraph 3.73: "*A number of the areas include agricultural land and woodland and cannot therefore be defined as green space unless there is robust evidence to justify their inclusion using the NPPF criteria.*"⁵

Particular caution should be attached to sites where access is only via rights of way is contained in the Report on the Sutton Poyntz Neighbourhood Plan (2 October 2020), pages 17-18, paragraph 4.14 where Examiner Mary O'Rourke observed: "*Advice in the PPG is that there is no need to designate linear corridors as LGS simply to protect rights of way, which are already protected under other legislation.*"⁶

Given its location, and the lack of evidence that it is well used, we consider the proposed Local Green Space designation at Map Ref 12 should be removed. The continued inclusion of this policy wording and the site designation would amount to a breach of Basic Conditions 8(2)(a) and (d).

Traffic Impact Objective

5) Policy NKJ5 Footways, Footpaths, Cycle Paths and Bridleways Policy

We responded in respect of this draft Policy at the Regulation 14 consultation stage, and suggested an amendment was required to ensure the draft policy met the Basic Conditions. We note that our recommended amendment has not been taken forward within the submission version of the draft Plan. We consider the following amendment is required to ensure draft Policy meets the Basic Conditions.

Draft Policy Text, Basic Conditions 8(2)(a) and (d) and Recommended Policy Text Amendments

Policy NKJ5 point C states native planning should retained and where possible enhanced. This should be amended to clarify that reprovion of planting may also be appropriate in some instances in order to allow for flexibility.

This would ensure the Policy meets Basic Conditions 8(2)(a) and (d).

Housing Objective

6) Policy NJK10 Housing Development Policy

We responded in respect of this draft Policy at the Regulation 14 consultation stage, and suggested further evidence was required to ensure draft policy met the Basic Conditions and consideration given to additional housing allocations accordingly. We note that this evidence has not been published alongside the submission version of the draft Plan. We consider further evidence is required to ensure the draft Policy meets the Basic Conditions.

⁴ <https://www.herefordshire.gov.uk/downloads/file/11607/examiner-s-report>

⁵ https://www.herefordshire.gov.uk/downloads/file/18300/examiners_report.pdf

⁶ <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/west-dorset-and-weymouth-portland/neighbourhood-planning/pdfs/neighbourhood-plan/sutton-poyntz/referendum/sutton-poyntz-examiner-report-final-021019.pdf>

Draft Policy Text

In 2019, the Parish Council sought an indicative housing number from Wychavon District Council (WDC) in accordance with the NPPG requirements (Paragraph: 009 Reference ID: 41-009-20190509). WDC's adopted methodology for calculating a housing requirement for the parish up until 2030 meant that there is only a requirement for 2 dwellings until 2030 and 41 dwellings until 2040.

Policy NJK10 therefore supports new infill housing within the designated development boundaries as set out in the SWDP to meet the above requirements.

Basic Conditions 8(2)(a) and (e) and Recommended Amendments

The Parish Council have not released the WDC calculation of housing need and, in the interests of transparency, this information should be made publicly available. This is an important matter, which relates to a fundamental issue under NPPF (paragraphs 65-66) and thus Basic Condition 8(2)(a). It is noted that the calculation was provided in 2019; the continued validity of the calculation should be reviewed in light of any changed circumstances since then and made publicly available. Should a higher level of housing need be identified, the Parish Council should reconsider the need to allocate further housing within the draft Plan.

It is noted that within the SWDPR Preferred Options (November 2019) consultation document (at paragraph 2.8) it states that where requested housing requirements for Neighbourhood Areas will be provided based on the overall housing number, the draft spatial development strategy and taking account of existing allocations within the SWDPR and allocations in made or submitted neighbourhood plans. The housing numbers exclude strategic site allocations as these will be set out within the SWDPR and cannot be amended through a neighbourhood plan.

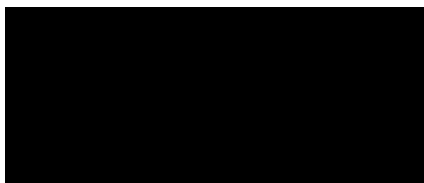
In the context of the draft Plan, given the emerging plans for Worcester Parkway (via the SWDPR) are meeting a strategic need, this should not be used as a reason to not provide further housing allocations.

As set out above, IM Land are promoting land within Norton which provides an opportunity for a sensitively designed development to be brought forward that provides much needed housing as well as other benefits such as green space. A Vision Statement showing how the Site could be brought forwards, and the benefits, is provided at **Appendix 3**.

Conclusion

We trust that these comments are helpful as part of the examination of the draft Plan. Should you require any further information or clarification of the points made, please do not hesitate to contact me.

Yours sincerely



ED PIGOTT
Associate Planner

Enc.

APPENDIX 1

Redline Boundary Plan

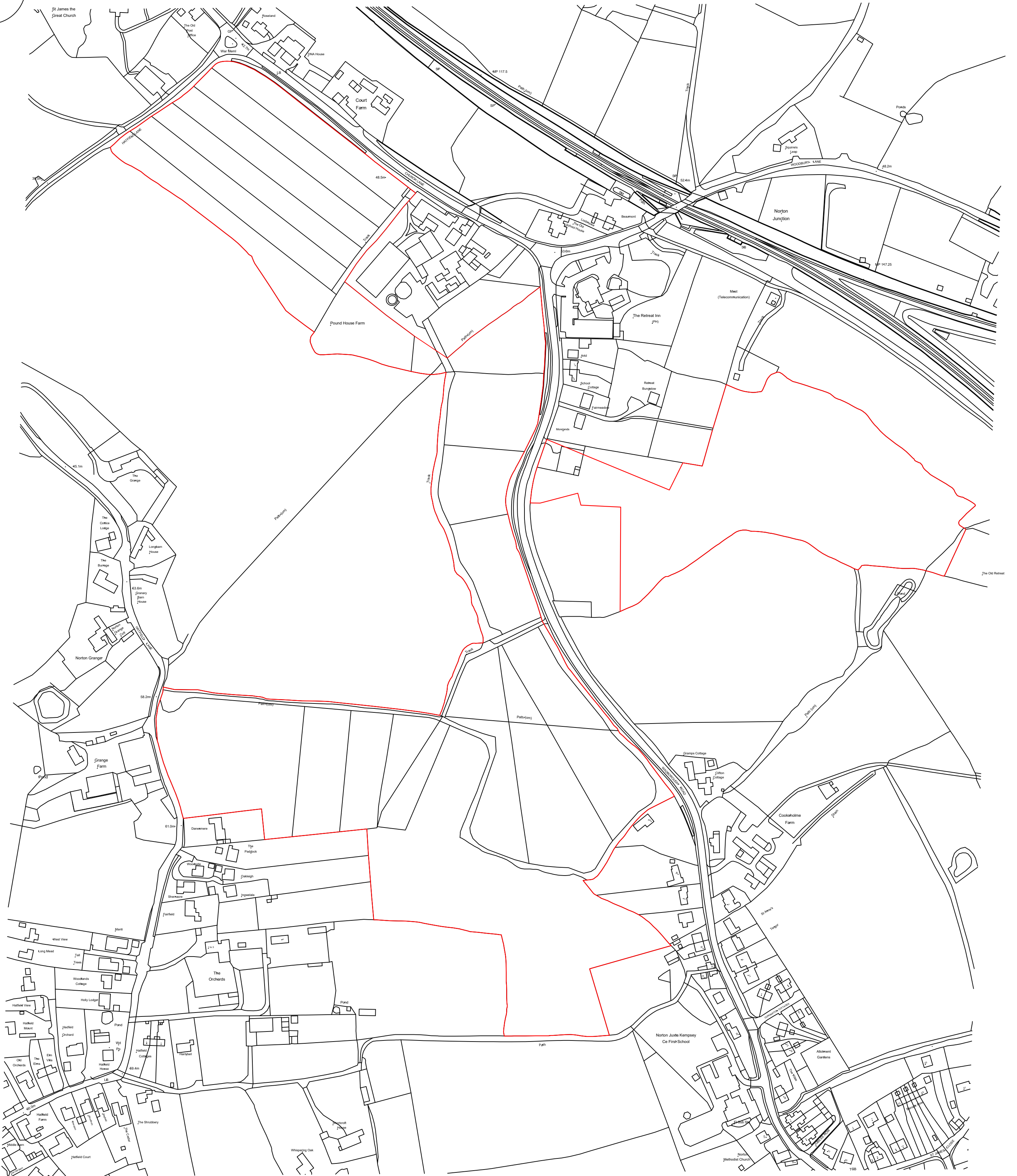
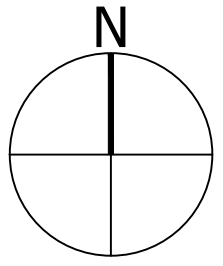
Notes
Rev A : Farmhouse & outbuildings land excluded from red line.

Revision
A

 Smith Land

[illegible]

Pound House Farm, Norton



APPENDIX 2

Appendix 2 - Norton Juxta Kempsey Site Photos (Proposed Local Green Space Designation Map Ref 12)





APPENDIX 3

Land at

Pound House Farm, Norton

Vision Statement / December 2019



Executive Summary

This Vision Statement has been prepared by Barton Willmore LLP on behalf of IM Land to support the development of land at Pound House Farm, Norton (the Site) to deliver 60-70 new open market and affordable dwellings. The Site extends to approximately 3.9 hectares and is located to the south-east of Worcester, in the village of Norton.

To support this Vision, this Statement clearly articulates the opportunities presented by the Site. In summary, it demonstrates that:

- » To meet the South Worcestershire Councils' objectively assessed housing need in full, approximately 14,000 net additional dwellings are required to come forward over the Plan Period to 2041.
- » The Site has logical, defensible boundaries – to the north east lies Church Lane, to the south is a Public Right of Way, and to the west there is a well established field boundary. Furthermore, additional soft landscape to the boundaries is proposed to ensure a smooth transition to the countryside beyond.
- » The Site is in a very sustainable location, within five minutes' walk of bus services on Wadborough Road and Church Lane. These provide regular services to Pershore and Worcester.
- » The Site is located within 11 minutes walking and 5 minutes cycling distance of Worcestershire Parkway rail station.
- » There are no identified technical or environmental constraints that would prevent the Site from coming forward for development subject to appropriate mitigation measures where necessary.
- » The Masterplan for the Site illustrates how it can deliver a responsive sustainable development that complements its setting.
- » The proposals will create a range and mix of housing types and tenures which will make a positive contribution towards the area's housing requirements; providing both open market and affordable housing as well as generating significant social and economic benefits for the local area.

The Site is deliverable, achievable and available for housing development in accordance with guidance contained within the NPPF.

The Vision

The Site presents an excellent opportunity to deliver a high quality, sustainable housing development that will help meet the identified future needs of South Worcestershire. The Vision for the Site is to develop a landscape-led development of 60-70 high quality new homes that complement the surrounding site context to create a sustainable and vibrant community. The NPPF is clear (within Paragraph 68) that small and medium sized sites can make an important contribution to meeting the housing requirement in the area. The Site represents a good opportunity to meet this requirement in a sustainable location.

Concept Masterplan



Barton Willmore

9th Floor, Bank House, Cherry Street, Birmingham B2 5AL

Tel 0121 711 5151 **Email** luke.hillson@bartonwillmore.co.uk

This artwork was printed on paper using fibre sourced from sustainable plantation wood from suppliers who practice sustainable management of forests in line with strict international standards. Pulp used in its manufacture is also Elemental Chlorine Free (ECF).

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Date 16.12.19 **Status** Final Rev 10

Author AK/DW **Checked by** LH

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Site & Local Context	12
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Introduction

Background

The Site provides a unique opportunity to release a sustainable and appropriate site that can deliver a high-quality development which will make an important contribution to addressing current and future housing requirements in South Worcestershire.

The Site comprises approximately 3.9 hectares of land, located in the village of Norton. The Site would enable a logical extension that would assist the South Worcestershire Councils (Wychavon District Council, Worcester City Council and Malvern Hills District Council) in meeting their objectively assessed housing need for the coming Plan Period.

This Vision Statement has been prepared by Barton Willmore LLP on behalf of IM Land to promote the Site through the South Worcestershire Development Plan Review. The document seeks to clearly articulate the

opportunity that exists from the release of the Site by providing:

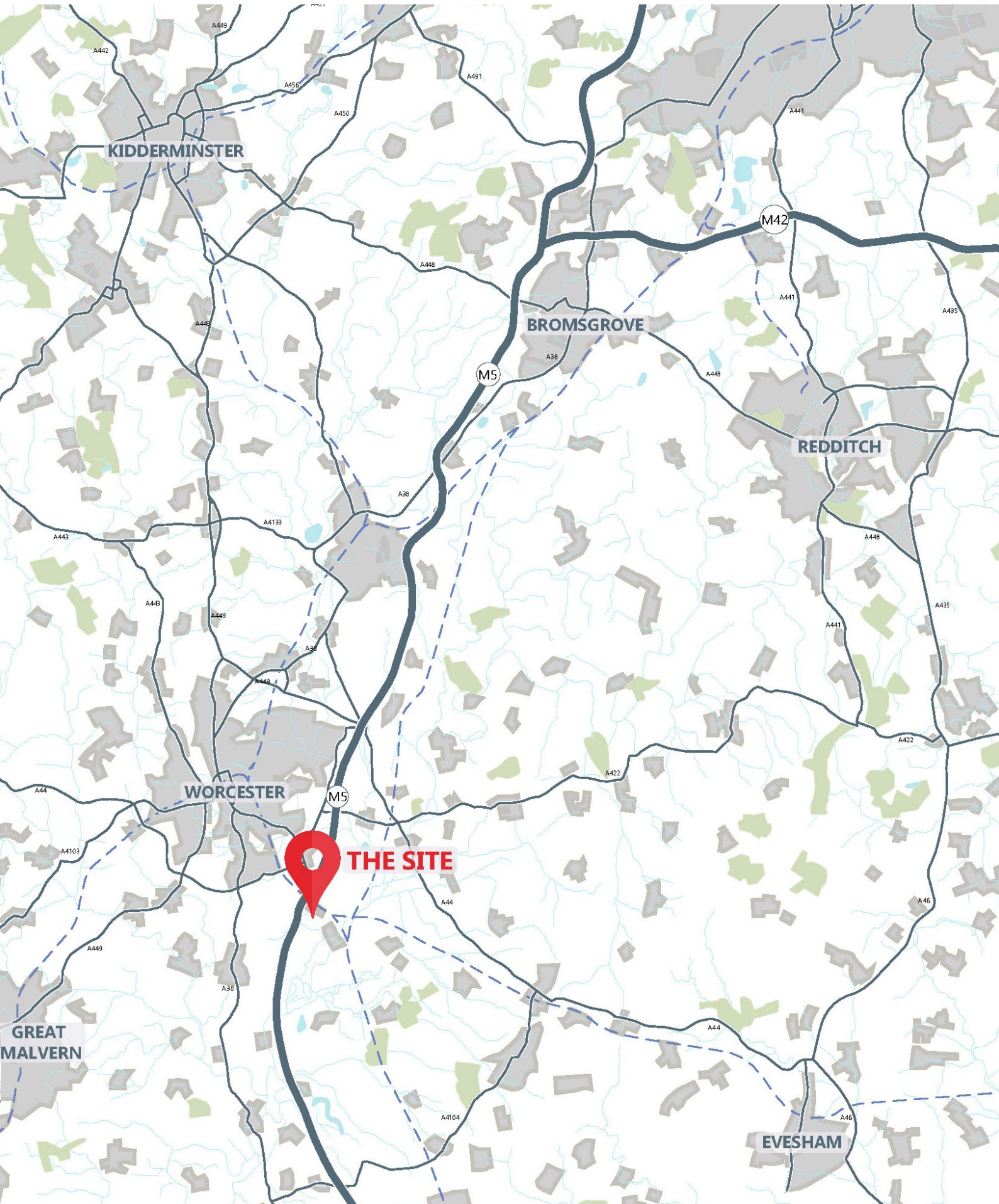
- » An analysis of the Site and its surrounding context
- » A Concept Masterplan and Vision for the Site that illustrates the opportunities available and demonstrates how the Site can respond to its surroundings
- » An analysis of the sustainability of the Site
- » A demonstration that the Site is deliverable, available and achievable in accordance with the provision of the National Planning Policy Framework (NPPF)

As will be set out throughout this document, the proposals will provide for much needed market and affordable housing to meet the need of the local community now and in the future.

Aerial Location Plan



Wider Site Location Plan



Planning Context

National Policy

The National Planning Policy Framework (NPPF) was adopted in February 2019, replacing the previous version and is a material consideration in the determination of planning applications. The NPPF also gives guidance on plan-making and how Local Planning Authorities should prepare their Development Plans.

The NPPF sets out the three dimensions of sustainable development:

- » **an economic role** – building a strong, responsive and competitive economy;
- » **a social role** – supporting strong, vibrant and healthy communities; and
- » **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment

The NPPF seeks to significantly boost the supply of homes by bringing a sufficient amount and variety of land forward.

Paragraph 16 of the NPPF states that plans should be:

- be prepared with the objective of contributing to the achievement of sustainable development;
- be prepared positively, in a way that is aspirational but deliverable;

- be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
- be accessible through the use of digital tools to assist public involvement and policy presentation; and
- serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

The NPPF further sets out that strategic policies should set out an overall strategy for the pattern, scale and quality of development and make specific provisions for housing (including affordable housing) and other facilities/services. Broad locations for development should be indicated and sufficient sites allocated to deliver the strategic priorities of the area with policies identifying a supply of specific deliverable sites for throughout the Plan Period, which should look ahead over a minimum 15-year period from adoption.

Further guidance is provided within the Planning Practice Guidance (PPG); a web-based resource to reflect and support the NPPF which was published in March 2014.

South Worcestershire Development Plan (SWDP)

The Site is located wholly within the administrative boundary of Wychavon District Council and, as such, the Development Plan consists of the South Worcester Development Plan (SWDP) adopted February 2016. The SWDP sets out the general location of development, development allocations and specifies the type and scale of development, as well as protecting what is valued about the South Worcestershire area between the Plan Period, 2006 and 2030.

The Development Strategy is based upon the following principles:

- Provide accessible, attractive employment sites and positive policies to deliver job creation opportunities.
- Provide for and facilitate the delivery of sufficient housing to meet objectively assessed needs to 2030.
- Safeguard and (wherever possible) enhance the open countryside.
- Encourage the effective use and re-use of accessible, available and environmentally acceptable brownfield land.
- Maintain the openness of the Green Belt (as shown on the Policies Map).
- Focus most development on the urban areas, where both housing needs and accessibility to lower-cost public services are greatest.

The Development Strategy within the SWDP sets out that 28,400 dwellings (net) will be provided during the Plan Period with 10,600 provided within Wychavon District.

Further Guidance

Wychavon District Council also has a number of different Supplementary Planning Documents (SPDs) created through the SWDP which are material considerations in the determination of planning applications. These include:

- Developer Contributions SPD (Adopted July 2018)
- Water Management and Flooding SPD (Adopted July 2018)
- Renewable and Low Carbon Energy SPD (Adopted July 2018)
- Design Guide SPD (Adopted March 2018)
- Planning for Health SPD (Adopted September 2017)
- Malvern Hills District Shop Front Design Guide (Adopted March 2017)
- Wychavon District Shop Front Design Guide (Adopted March 2017)
- Affordable Housing SPD (Adopted October 2016)

Emerging Planning Policy

A review of the SWDP was started in late 2017 in line with recent Government guidance. The review will provide an updated Plan Period to the year 2041. The Plan will update, where necessary, the existing SWDP to shape the future of development in the area.

An Issues and Options consultation was undertaken between November – December 2018. This set out the main issues which the Review would address and how it would be advanced. With regards to housing, the consultation document set out that the Plan would likely have to make provision for approximately 14,000 new dwellings during the Plan Period. The consultation set out a range of options for delivering this required housing growth. This includes:

1. Rail Station Focused Development – locate all significant new development within two miles of an existing, enhanced or proposed rail station.
2. Continuation of the Adopted SWDP Development Strategy – locate new development throughout south Worcestershire on the periphery of the city, towns and villages linking to the existing road network.
3. Increasing Densities through Regeneration – locate new development in existing urban areas, through intensification in urban centres and regeneration of underused or vacant sites, taking advantage of active travel and sustainable transport hubs, and reducing the need to travel. This option will not be sufficient to meet all the development needs of south Worcestershire.
4. Large Urban Extension – locate new development in large urban extensions, using existing transport corridors.

The consultation document also set out a number of areas where growth may be located throughout the Plan area.

The Preferred Options Consultation has been released for comment until 16th December 2019. The consultation document seeks to provide for approximately 14,000 new homes up until 2041 as well as 294 hectares of employment allocations. This need will be allocated utilising a settlement hierarchy which seeks to direct development towards sustainable areas.

Design Guidance

Policy SWDP 4 of the Local Plan also states that development should “... have regard to the design criteria set out in *Manual for Streets*, *Worcestershire City Council’s Local Transport Plan*, and *Worcestershire County Council’s Highways Design Guidance*.”

South Worcestershire Design Guide SPD - Overarching Design Principles

The main objectives of the SPD are to ensure development:

- » Raises the standard of design
- » Creates places where people want to live and spend time
- » Incorporates sustainable design techniques
- » Delivers a diverse mix of dwelling types including affordable homes
- » Delivers adaptable buildings
- » Creates a safer environment
- » Respects the historic environment
- » Respects the natural environment
- » Ensures new development reduces and manages the risk of flooding
- » Promotes development in accessible locations
- » Incorporates measures to improve connectivity
- » Provides health and wellbeing benefits

A thorough understanding of site context is seen as essential to the delivery of successful schemes. This includes an assessment of important views into and from the site, local vernacular and key routes to and through the site.

Site & Local Context

The Site

The 3.9ha site is located to the south east of Worcester, immediately beyond the M5 within a rural environment. The site is primarily comprised of, and surrounded by, farmland.

To the north of the site is the railway line, beyond which is farmland. To the east is further farmland, and to the south and west are the settlements of Hatfield and Littleworth, and ribbon development on Hatfield Lane and Wadborough Road.

Highways and Accessibility

A number of local facilities are located within 10 minutes' walk of the site, including access to the Crucible Business Park located to the east of the site, Norton Juxta Kempsey Church of England First School, The Retreat public house and several places of worship.

There are a number of bus routes on Church Lane and Wadborough Road, which provide regular connections to Worcester city centre and Pershore. The 53 and 54 bus services provide a daily service between Worcester, Pershore and Eckington and can be accessed within 400m of the site. Given that an existing service and infrastructure exists, it is proposed that options to increase the frequency are explored.

Worcestershire Parkway Rail Station is also located within walking distance (approximately 12 minutes), located adjacent to Crucible Business Park and providing access to a range of locations including Worcester, Birmingham, Bristol and Oxford.

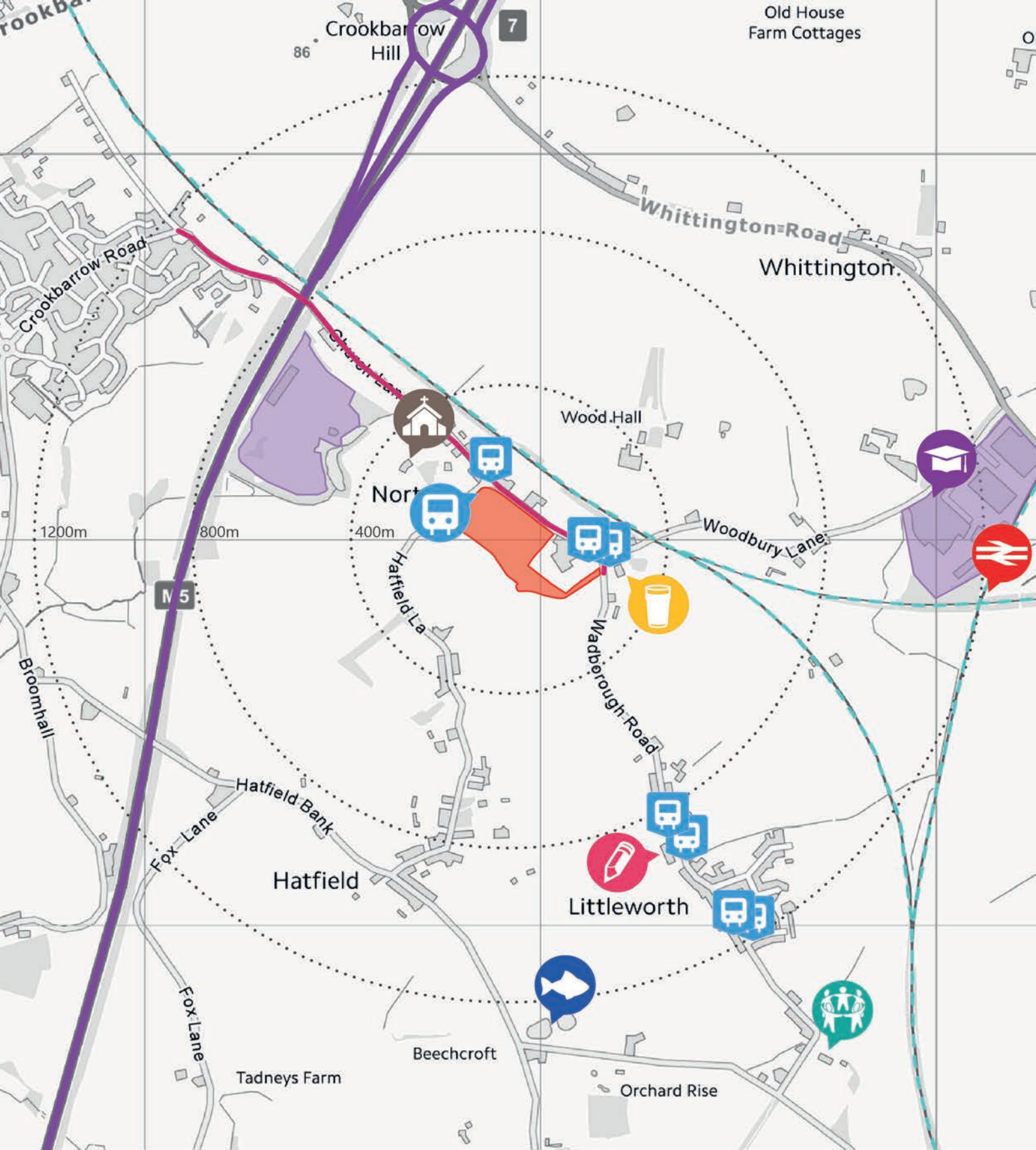
For access to the site by bicycle, NCN Route 45 is in close proximity to the site and provides direct access to Worcester from the proposed development.

Ecology

The Site is of limited ecological value at present and is not covered by any statutory designations. The closest designation is the Cooksholme Meadows Site of Special Scientific Interest (SSSI) located approximately 250m east of the Site. There are no other nationally designated sites within 2km.

There are no internationally designated sites within 5km of the Site and no other nationally designated sites within 2km.

Cooksholme Meadows SSSI lies within a triangle of land bordered by active rail lines. There is no public access to the Site and no obvious ecological connectivity between these meadows and the Site.



- | | | | | | |
|--|------------------|---|---|---|---------------------|
|  | Site Boundary |  | Parish Church of St. James the Great |  | Norton Parish Hall |
|  | Commercial Sites |  | The Retreat, Public House |  | Eastfield Fisheries |
|  | Railway Lines |  | Closest Bus Stop to Site |  | Norton College |
|  | M5 |  | Norton-Juxta-Kempsey Church of England First School |  | Worcester Parkway |

Wider Site Context Plan

Opportunities & Constraints

Opportunities

- » There are connections to bus routes on Church Lane and Wadborough Road with bus stops within 100m of the site which will encourage the use of sustainable transport.
- » The site is entirely within Flood Zone 1, and therefore is not liable to flooding and suitable for residential development.
- » The site accommodates an established network of soft landscape, hedgerows, trees and green spaces that the development proposal will be able to utilise and respond to.
- » All of the boundaries have existing planting which filters views of the site.
- » The site topography can be used to inform potential SuDS.
- » There is an opportunity to create good walking and cycle links to bus stops and Public Rights of Way
- » There are good walking/cycle links to Worcestershire Parkway rail station.
- » There is potential to provide a net gain for biodiversity through the creation of habitats within the areas of POS and provision of bird and bat boxes.

Constraints

- » There are a number of heritage assets which may be impacted by the Site. The Church of St James is Grade II* listed and Norton Grange, Pound House Farmhouse and Cooksholme Farmhouse are Grade II Listed. These assets have been assessed as part of the masterplanning process and a sensitive design incorporating suitable buffering can ensure that the setting of these assets is respected.



Guiding Development Principles

Concept

The accompanying Concept Masterplan shows how the site could be developed. As the project evolves, various stakeholders, including the Local Planning Authority, will be engaged. Further technical analysis will also be undertaken to ensure a deliverable and high quality scheme is created.

Guiding Principles

The Concept Masterplan illustrates the key guiding design principles for the site:

- » A development of an appropriate scale to respond to the context of the existing village which can be phased to avoid any issues with social cohesion
- » Development parcels nestled within high quality landscape and public open space
- » Primary and secondary movement routes ensure connectivity throughout the development and access to adjacent development and facilities
- » Retention and enhancement of existing soft landscape features where possible to enhance biodiversity and maintain green infrastructure within the site
- » Public open space to the site boundaries creates a soft buffer to farmland beyond and an appropriate landscape edge to the development, which forms a strong, defensible landscape boundary.
- » Buffer planting and set back development in the south of the site as a sensitive design response to the listed building.
- » A pedestrian and cycle route through the site to connect to the Public Right of Way and local facilities including the public house.

Land Use Budget

Gross Site Area	3.9ha
Net Developable Area	2.0ha
SUDS	0.2ha
Public Open Space	1.7ha
2.0ha at 30-35 dwellings per hectare = 60 - 70 dwellings (approx.)	



Land Use Budget

	Site Boundary (3.9ha)
	Development Area
	Public Open Space
	Infrastructure
	SUDs



Concept Masterplan

LEGEND

	Site Boundary (3.9ha)		Attenuation
	Primary Access		Pumping Station
	Secondary Access		Pedestrian Footpath
	Residential Development Area		Existing and Proposed Vegetation
	Public Open Space		

NUMERICAL KEY

- 1** Grade II* Listed Building
- 2** Grade II Listed Building

Development Benefits



Approximately 60 - 70 new homes, which can be delivered by a SME builder, designed to meet localised need for market and affordable dwellings



Where possible existing trees will be retained within public open space to soften the visual appearance of the scheme and enable development to blend positively into its countryside setting



Responsive design that reflects local distinctiveness and sits comfortably within the current vernacular context of the site



A permeable site that is designed to encourage active travel, supporting and utilising existing walk and cycle links to key destinations



A sustainable development responding to the tenets of the NPPF



New public open space providing amenity to the new residents and existing neighbouring communities



A strong new defensible landscape boundary



Increased connectivity to local facilities

Deliverability

Available

IM Land is committed to the early delivery of the scheme to help meet the need and demand for new homes within South Worcestershire.

To support the South Worcestershire Development Plan Review with its housing land and delivery requirements as required under the NPPF and Planning Policy Guidance, IM Land will undertake in the future early marketing of the site to select a development partner.

To demonstrate our commitment to delivery we would also consider a reduced timeframe for the planning permission from the standard 4 years to 24 months as a demonstration of our commitment to early delivery.

Suitable

The Site is suitable for housing development because it:

- » Offers a suitable location for development and can be developed immediately following allocation
- » Is enclosed by defensible boundaries ensuring development of the Site does not encroach into the surrounding countryside and can endure beyond
- » Can utilise existing infrastructure surrounding the Site; with no utilities, drainage or infrastructure constraints preventing the Site from coming forward for development
- » Has no identified environmental constraints that would prevent the Site from coming forward for residential development

- » Can deliver satisfactory vehicular access into the Site
- » Will deliver new areas of public open space for use by existing and new residents of the community
- » Is highly sustainable with easy access to public transport links

Achievable

The delivery of approximately 60-70 new dwellings would make a positive contribution towards meeting the housing needs of South Worcestershire for the Plan Period to 2041. An assessment of the Site constraints have been undertaken which illustrates that the delivery of the Site is achievable and deliverable, and a professional team of technical experts has been appointed to underpin this assessment and support the delivery of the Site moving forward. Where any potential constraints are identified, IM Land has considered the necessary mitigation measures and required investment in order to overcome any barriers.

IM Land has reviewed the economic viability of the proposals in terms of land value, attractiveness of the locality, level of potential market demand and projected rate of sales in the local area. These considerations have been analysed against cost factors associated with the Site, including site preparation costs and site constraints. IM Land can therefore confirm that the Site is economically viable and therefore achievable in accordance with the NPPF.

