

## **Welford-on-Avon Neighbourhood Plan**

### **SDC Comments on draft NDP**

#### **Foreword (p.4)**

Following the 3<sup>rd</sup> paragraph, would it be worth citing the planning application details in order that it proves the statement and provides information which people could use to make their own investigations, should they wish?

Will the 4<sup>th</sup> and 5<sup>th</sup> paragraphs be removed from the final version?

#### **Basic Conditions (p.8)**

Quote in full (and 2 missing):

- Have appropriate regard to national policies and advice contained in guidance issued by the Secretary of State
- Be in general conformity with the strategic policies of the Development Plan for the area
- Contribute to the achievement of sustainable development
- Does not breach, and is otherwise compatible with, EU obligations
- Not have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)
- Meet prescribed conditions in relation to the Plan comply with prescribed matters in connection with the Plan

#### **EU Obligations (p.8)**

Quote the EU directives in full:

- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).
- Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).
- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (often referred to as the Habitats Directive).

## **Welford Plan objectives (p.12)**

No.8 – Should it read as follows?

“A multi-purpose community meeting place and sports facilities will have been created to support recreational and sporting activities for all age groups”

No.9 – I would question the final sentence – how will new development minimise commuting and traffic movements?

Why are objectives 8-12 considered to be outside the parameters of the Neighbourhood Plan? This is discussed in more detail later...

## **Figure 3 (p.13)**

Why is this plan here? There is no explanatory text to provide the reader with any context. I consider the inclusion of plans to be good practice, but they need to be in the correct place with annotation and explanation in order to make sense.

Why are there no other plans included in the Plan? Other designations that could be successfully shown spatially include:

- Conservation Area Boundary/Listed Buildings
- Allotments/playing fields or pitches/open spaces
- SSSI's
- Important views in and out of the village (see policy HE1)

## **Policy HE1 (p.15)**

Before the 5 views listed at the top of the page, add a line:  
'The following views are to be protected:'

Q: Are these all definitely public views? – you can't look to protect views from private vantage points.

I consider the inclusion of a map indicating the view directions would be very helpful to allow the reader to understand spatially what this policy is referring to.

## **Justification**

Whilst you have listed the documents to which the policy is linked, I am not convinced it is acceptable to just list the documents in bullet point form. I consider relevant evidence within each document should be 'drawn out' and evidenced fully to help explain the justification for the policy (this is a general point for the entire Plan)

## **Policy HE2 (p.15)**

I consider the green spaces for protection should be shown spatially on a proposals map, as not all readers of the document will know where all the sites are located in and around the village. Therefore:

Policy to read: "The following green areas are of particular importance to the local community and will be protected by designating them as Local Green Spaces through the Neighbourhood Development Plan, as shown on the enclosed proposals map"

Include proposals map with appropriate annotation.

Q: Does point 5 (verges in the Conservation Area) meet the criteria in paragraph 77 of the NPPF? I'm not sure... Given that highway verges are not of a scale which would allow development and are highly unlikely to ever be developed, I do not consider it necessary to protect these areas as green spaces and I consider they should be removed from the policy.

I consider an additional paragraph should be considered/added to the policy, along the lines of the example set out below, which helps provide some explanation as to what the policy is trying to achieve, along the lines of:

"Proposals for any development on these areas of land will be resisted other than in exceptional circumstances, for example....., and no alternative feasible site is available"

The paragraph below the Policy stated that Local Green Spaces are afforded the same level of protection as Green Belt. Where is this quoted? I think the origins of this apparent 'equal status' need defining and including.

## **Policy HE3 (p.16)**

Amend the wording of the policy as indicated in italics, below:

"Development adjacent to any *designated* Local Green Spaces will only be *supported* if it does not encroach or in any way detract from *the character or setting* of these spaces.

## **Policy HE4 (p.17)**

The policy as written considers the Conservation Area, but does not look at protecting listed buildings. It also looks to consider impact

on views and vistas into and around the Conservation Area. I consider this could all be dealt with under the heading of 'impact on the character and setting of heritage assets'. Therefore, I consider an appropriately worded policy could be as follows:

"All new development within or adjacent to the village Conservation Area and/or within the setting of a listed building will be expected to conserve or enhance the positive attributes of the heritage asset. Development will not be supported where it is considered to have a detrimental impact on the character or setting of the heritage asset".

Should the sentence below the policy read as follows?

"The criteria for *assessing* development potentially affecting a heritage asset are:"

The list of criteria would then need to also include listed buildings...

Criteria b) List policies fully (i.e. "...Policy HLU3 *of the NDP* and *Policy CS.9 of the Core Strategy*")

### **Justification (p.17)**

Bullet point 3 – 'paragraphs' rather than 'clauses'  
Bullet point 4 - 'Policies' rather than 'Clauses'. Additionally, remove reference to Policy CS.10 (Green Belt) which is not applicable

### **Policy HE5 (p.17)**

Policy negatively worded. Re-word policy as follows:

"Development which would result in the reduction of the existing gap between Welford-on-Avon and Weston-on-Avon will not be supported".

### **Justification (p.17)**

Bullet point 1 – is section 11 of the NPPF relevant? Is section 6 more appropriate?  
Additional bullet point – Policy CS.5 of Core Strategy?

### **Policy HE6 (p.18)**

The policy as written appears to advocate development of large brownfield sites (outside the village) but not support development of smaller brownfield sites.

Q: Is this the right way round?

Additionally, if you are quoting categories within another policy relating to a separate working document, I consider these categories should be quoted within the NDP policy, for clarity and avoidance of doubt.

### **Policy HE7 (p.18)**

This policy appears to be looking at landscape design principles, but is focusing on the preservation of trees which is very difficult to do, unless they are located within the Conservation Area or protected by Tree Preservation Orders. Therefore, it may be worth considering widening the scope of the policy. Please see Policy B8 of the Barford NDP as an alternative landscape type policy.

### **Policy HE8 (p.19)**

Replace 'refused' with 'not be supported'

### **Justification (p.19)**

Bullet point 4 – Policy CS.24, not CS.23 as quoted.

### **Policy HE9 (p.19)**

Re-word first sentence as follows:

“New development within the flood plan will *not be supported*”

Q: Would the insertion of a map showing the 1 in 100 year EA flood zone be of benefit to people reading the Plan?

### **Policy INF1 (p.20)**

Q: Is this policy viable? WCC are the street lighting authority with overall responsibility for street lighting. I understand that WCC have certain delegated powers to install street lighting without the need for consent through the planning system. Therefore, I consider this policy may be attempting to control issues outside planning control.

Q: How do you measure 'obtrusive'? This will be open to interpretation...

Security lighting – What planning legislation is this based on? Security lighting systems do not require planning permission. How is this going to be controlled when it is not operated or controlled

through the planning system? Where is the justification and evidence base to suggest system of 6 minutes illumination per activation is not acceptable? What is the additional harm? How is the harm quantified?

I do not consider this policy is in conformity with the NPPF or Core Strategy and should be deleted.

### **Policy INF2 (p.21)**

Reference to existing infrastructure problems (below the list of 4 core infrastructure services):

Q: Could the existing problems be used to create a further policy looking to improve existing infrastructure through new development opportunities?

Q: Do you need to consider creating a policy supporting the development of a high-speed broadband infrastructure (referred to in paragraphs 42-46 of the NPPF)?

### **Policy INF3 (p.22)**

This policy as written could potentially preclude extensions to existing dwellings, replacement dwellings, single-house in-fill plots as well as business and employment uses of all types. It is too brief and too general. Therefore, I do not believe it is currently viable as a policy. Not sure how it would be achieved.

### **Policy INF4 (p.22)**

Similar to Policy INF3. Policy is too simple and too general. Again, as written this could refer to *all* types of development. The policy does not state where the healthcare needs to be provided in order to be acceptable (i.e. within the village, within the District...?). How can such a policy be monitored? I do have a concern that this policy is not viable as currently written.

### **How the Local Plan supports the objectives (p.23)**

Bullet point 2 – Policy CS.22 refers specifically to Main Rural Centres and is therefore not applicable. Policies CS.21 and AS.10 are the appropriate policies.

### **Policy HLU1 (p.25)**

This policy is too restrictive and in my opinion does not comply with provisions of NPPF or the Core Strategy. As such, I do not consider it would not pass the basic conditions test. Justification for the policy is weak. Where is the evidence to back the comments made about the un-sustainability of the location for further development?

### **Policy HLU2 (p.26)**

The policy as worded is unclear, particularly the second sentence. Could you please clarify what the policy is trying to achieve.

### **Policy HLU3 (p.26)**

This policy appears to be looking to introduce some general design principles. However, the list of assessments is very specific. It may be worth considering broadening the scope of the policy. Please see Policy B7 of the Barford NDP as an alternative design type policy.

### **Justification (p.26)**

Bullet point 1 – include Policy CS.8?

Bullet point 2 – do you mean District Design Guide?

Bullet point 3 – Where is the Village Design Statement referred to?

Would it be worth including it as an additional appendix to the report so readers do not have to search elsewhere should they wish to refer to it?

### **Policy HLU4 (p.27)**

Many boundary treatments are permitted development and therefore outside the control of the planning system (bullet point 1).

The way the policy is written, *any* new development includes dwelling extensions, replacement dwellings etc. In terms of bullet point 2, it is too restrictive to require 'small-scale' development to include proposals to deal with improvements to the footpath network. Such improvements are normally related to larger residential development (via a S.106 agreement) and then would normally be a monetary contribution to WCC.

I do not consider you can insist on the minimum width of footpaths. This is dealt with via technical guidance controlled by WCC as highways authority. I do not consider you can override such guidance.

Therefore, I do not consider this policy is compliant or consistent with NPPF or CS Policy, or technical guidance and either needs re-drafting or deleting.

### **Policy HLU5 (p.28)**

This appears to be a duplication of Policy CS.18 and is therefore not required.

### **Policy HLU6 (p.29)**

This policy specifically refers to 'small-scale' developments. Does that mean there should be a separate policy for large(r) scale development?

Q: Where has the figure of 3% come from? What is the evidence base? What is the justification for this figure and not, say, 4%?

Q: What does 'scattered throughout the village' mean? It is not specific enough as an explanation of distribution...how can it be monitored or assessed?

The second part of the policy is a statement. It states aggregate numbers shall be taken into account, but what does this mean? What are the potential implications? What do the LPA do with the information when assessing a planning application? What is the outcome required by the Parish Council?

There is no real control over what land will come forward/be available for development in the future. I am unsure how such a policy could be implemented or monitored. I consider it is very restrictive and as currently worded, I do not consider it to be compliant with the provisions of the NPPF or Core Strategy. I do not consider it would pass the basic conditions test at examination.

### **HLU7 (p.30)**

Whilst there is no concern with such a policy, I am not convinced the bullet pointed list of 'detrimental' issues is required. They are all dealt with via other legislation/guidance or trying to control matters beyond the scope of planning control. Additionally, there is no requirement to include things which duplicate other legislation and guidance.

First bullet point – covered by other planning guidance



Second bullet point – not sure what this means, but if it is referring to the scale of structures, this is also dealt with via other planning policy and guidance

Third bullet point – not compliant with NPPF

Fourth bullet point – cannot control through planning (not development)

Fifth bullet point – you can't refuse a replacement dwelling on whether or not the owner may purchase an additional vehicle or have additional journeys

Sixth bullet point – covered by other planning guidance

### **Policy HLU8 (p.30)**

Negatively worded. Consider revised wording:

“Development of residential gardens, back land development and tandem development will *not be supported* except for small, well designed residential sites which:”

### **Policy HLU9 (p.31)**

Q: Where (or what) is the periphery of the village? How do you define it? How do you measure it? How do you control it?

Negatively worded. Replace 'be refused' with 'not be supported'.

Point (a) – I'm not sure what this means or what it is trying to achieve. May need re-wording.

### **Justification (p.31)**

Where is any reference to the NPPF and the Core Strategy?

### **HLU10 (p.31)**

Negatively worded. Replace 'be refused' with 'not be supported'.

Q: Could this be incorporated into a more comprehensive 'design' policy?

### **HLU11 (p.32)**

Negatively worded. In first sentence, replace 'be refused' with 'not be supported'.

Second sentence referring to new sites (as above). However, I have a concern that this is too restrictive and may not comply with the

provisions of the NPPF or CS. Could the policy be re-worded to conclude:

"...shall not be supported unless..." and list a number of 'exception' criteria?

## **Glossary**

Back land Development – I'm not convinced the second sentence is accurate or required. Suggested alternative definition:  
"Development of 'landlocked' sites behind existing buildings, such as rear gardens and private open space, usually within predominantly residential areas. Such sites often have no street frontages".

Brownfield – second sentence to read..."Domestic gardens, allotments, *parks, recreation grounds* and land..."

Building for Life 12 – suggest the following: "The industry standard for the design of new housing developments, based on the NPPF and the Government's commitment to build more homes, better homes and involve local communities in planning"

Core Strategy – suggest the following statement to replace the second paragraph/bullet points:  
"Provides the strategic context for development decisions in the District up to 2031. Its purpose is to provide a spatial vision for the District and set out a development strategy and policies for housing, employments, infrastructure and service provision".

DPDs – Second sentence quotes SDP instead of DPD...

Greenfield – suggested alternative wording:  
"Land that has not been previously developed *including land in agricultural use, private gardens, parks, playing fields and allotments*".

Local Development Framework – Delete final sentence.

Local Development Scheme – consider alternative wording:  
"A public statement of a Local Authority's programme for the production of Local Development Documents. The LDS is reviewed and updated on a regular basis to reflect changes in circumstances".

Local Green Space – delete reference to the Green Belt? (see comments elsewhere).

## **Appendix C – Abbreviated Policies (p.39)**

These may require amendment, depending on the potential alterations to the main body of the document...

## **Appendix D – Parish Council Projects (p.41)**

These objectives have not been supported by a draft NDP policy, but have been listed as projects for the PC to lead on. However, I wonder whether they could conceivably be policy, with the correct drafting, evidence base and justification (see below):

### **Objective 8 – possible policy?**

“The creation of a new multi-purpose community meeting place and sports facility to meet the present and future demands for recreational and sporting activities for all age groups will be supported”

Or, consider a policy along the lines of Policy B15 of the Barford NDP.

### **Objectives 9 and 10 – possible policies?**

Could traffic management/improvement issues be worked into policies like B11 and B12 of the Barford NDP?

### **Objective 11 – possible policy?**

Could this objective be fashioned into a policy, along the following lines?

“The incorporation of renewable and low-carbon energy technologies in all new development will be encouraged and supported”.

In accordance with Section 10 of the NPPF.

### **Objective 12 – possible policy?**

Could this objective be fashioned into a policy, along the following lines?

“All new development must ensure that surface water flooding in the area will not be exacerbated and development must not overload the foul drainage system within the village”.