

Alcester Neighbourhood Plan

2011-2031

The Report by the Independent Examiner

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Contents

Summary	5
Introduction	7
Appointment of Independent Examiner	7
The Scope of the Examination	7
The Preparation of the Plan	9
Public Consultation	10
The Neighbourhood Area and Development Plan Context	11
The Basic Conditions Test – The Plan taken as a whole	12
National Policy and Guidance	12
Sustainable Development	13
General Conformity with the strategic policies of the development plan	14
EU obligations and Habitats Regulations	14
Human Rights	16
Key Issues	16
Vision Statement	16
Objectives and Policies	16
Housing and the Built Environment	18
Economy	30
Transport and Infrastructure	35
Community Leisure and Wellbeing	36
Natural Environment	39
Projects	45
Conclusion and Referendum	46

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Summary

I have recommended some modifications to the Alcester Neighbourhood Plan and I have concluded that, if the modifications that I have recommended are made:

- The Alcester Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
- The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights;
- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I am therefore pleased to **recommend that the Alcester Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have not received any representations or seen any other evidence to suggest that the policies of the Plan will have a substantial impact on people living outside the neighbourhood area. I **therefore conclude that there is no need to extend the referendum area.**

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Introduction

1. The Localism Act 2011 has provided local communities the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Alcester Town Council (ATC) is the qualifying body for the Alcester Neighbourhood Plan, which I shall refer to as the ANP or the Plan.
3. If, following a recommendation from this examination, the ANP proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. This would make it an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

Appointment of the Independent Examiner

4. I have been appointed by Stratford-on-Avon District Council (SDC) with the agreement of ATC to carry out the independent examination of the ANP.
5. I confirm that I am independent of both SDC and ATC. I have no interest in any land which is affected by the ANP. I have had no previous professional involvement in Alcester.
6. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed 40 neighbourhood plan examinations and three health checks. I also have experience in supporting neighbourhood planning groups in the preparation of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this examination.

The Scope of the Examination

7. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
8. I must:
 - i. Decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.
 - ii. Decide whether the neighbourhood development plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan.
 - iii. Make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the

referendum should extend beyond the Plan area.

9. The Plan meets the basic conditions if:
 - i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
 - ii. The making of the Plan contributes to sustainable development;
 - iii. The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - iv. The making of the Plan does not breach, and is otherwise compatible with, EU obligations;
 - v. The making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.¹
10. I am also required to consider whether the Plan is compatible with the European Convention on Human Rights.
11. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I concluded that the examination could be completed without a hearing.
12. The main documents to which I have referred in the examination are listed below:
 - Alcester Neighbourhood Development Plan 2011-2031 Submission Version and documents referred to in Section 11
 - Alcester Neighbourhood Development Plan Consultation Statement April 2019, including Appendices 1-23
 - Alcester Neighbourhood Development Plan Basic Conditions Statement March 2019
 - Strategic Environmental Assessment and Habitats Regulations Assessment of the Alcester Neighbourhood Development Plan, SEA and HRA Screening Document December 2018
 - Alcester Neighbourhood Development Plan Responses to Regulation 16 Consultation with further comments of ATC September 2019
 - Stratford-on-Avon District Core Strategy 2011-2031, adopted in July 2016
 - Site Allocations Plan for Stratford-on-Avon District Submission Version July 2019
 - The Neighbourhood Planning (General) Regulations 2012 as amended (NPR)
 - The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).
 - The Conservation of Habitats and Species Regulations 2017 (CHSR)

¹ This basic condition was added in an amendment to the Neighbourhood Planning (General) Regulations 2012 set out in The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. 8

- The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
 - The National Planning Policy Framework July 2018 which is referred to as the NPPF and subsequent modifications
 - National Planning Practice Guidance referred to as PPG
13. These documents include all those which are required to be submitted under regulation 15 of the NPR. As the Plan was submitted after 24 January 2019 it will be examined against the policies in the 2018 NPPF² as modified in February 2019.
14. During the examination I sought clarification on some issues by email. My emails and the response to them have been posted on the SDC website.

The Preparation of the Plan

15. An application for the designation of the whole of the parish of Alcester as a Neighbourhood Area was submitted to SDC in September 2013. Consideration was given to the production of a joint Neighbourhood Plan with the adjoining parish of Kinwarton, as a significant part of the built up area of the town lies in Kinwarton, but this was not supported by the parish of Kinwarton. In accordance with the requirements of the NPR at that time the application was subject to public consultation from 10 October 2013 to 22 November 2013. No objections were received and the Neighbourhood Area was designated by the SDC Cabinet at its meeting on 13 January 2014³.
16. The preparation of the Plan has been a lengthy process, partly due to extensive consultation to define issues in the early stages and because the preparation of the Plan was put on hold for about a year from mid-2015 to mid-2016 pending adoption of the Stratford on Avon Core Strategy which defined the strategic context for the Plan.
17. The Planning and Compulsory Purchase Act 2004 requires that the Plan clearly states the period to which it relates. The cover of the Submission Plan shows clearly that the plan period is 2011-2031.
18. The Plan must not include any provision about development that is excluded development as defined in section 61K which is inserted into the Town and Country Planning Act 1990. Excluded development includes “county matters”, such as mineral extraction and waste disposal, and major infrastructure projects. I am satisfied that the submitted Plan contains no policies which relate directly to these matters.
19. I am also satisfied that the Plan does not relate to more than one neighbourhood area

² NPPF2 paragraph 214

³ The Basic Conditions Statement says that the neighbourhood area was designated in September 2013. However the application for designation is dated September 2013. The Cabinet report on Alcester Neighbourhood Plan page of the SDC website is dated 13 January 2013, but it has been confirmed to me that this is an error and it should be January 2014. 9

Public Consultation

20. The Consultation Statement sets out clearly and concisely the various steps taken to ensure that the preparation of the Plan involved the community.
21. During 2014 an initial questionnaire was undertaken by students of Alcester Grammar School, to identify issues which people wished the Plan to address and explore the best ways of publicising the emerging plan. Following this a leaflet was produced in June 2014 and delivered to every household entitled "Where are we now?" It summarised existing development commitments and identified brownfield sites which may be suitable for development or change of use. It also publicised the new website for the neighbourhood plan and encouraged active participation in the preparation of the Plan.
22. In autumn 2014, 16 "roadshows" were held around the parish to gather views on the quality of the services and facilities of the town and the priorities for the protection of features around the town and a further "Where are we now" leaflet was produced in November 2014. In late 2014 there were also focus group meetings with key interest groups and an "older people's questionnaire."
23. All of this preliminary work was brought together in a report in January 2015 by consultants Urban Vision. This summarised the issues that had been raised which, in summary, focussed on the need to improve the services, facilities and infrastructure of the town, particularly if new housing development is to be accommodated, and to protect the Green Belt, rural landscape setting and built heritage. This report also produced a draft Vision for Alcester and suggested 10 strategic aims under the headings: Town Centre, New development, Environment, Community and Recreational Facilities.
24. On the basis of this a detailed household questionnaire was compiled to test the conclusions of the initial consultation and to see if the vision and strategic aims were supported by the community. This was distributed to all households in March 2015. Following this the Neighbourhood Plan was put on hold pending adoption of the Stratford-on-Avon Core Strategy. The Steering Group for the Neighbourhood Plan was reformed in early 2017 and a Housing Needs Survey was carried out in the summer of 2017. In September 2017 consultation was carried out on the "Emerging Policies Document" by means of a questionnaire delivered to every household.
25. Statutory Consultation on the Draft Neighbourhood Plan in accordance with regulation 14 of the NPR was carried out from 29 September 2018 to 16 November 2018. The Draft Plan was available on the Parish Council website and hard copies were available at the Parish Council office and Alcester Library. A 12 page summary was distributed to 3000 households and to all businesses. Two drop-in sessions were held, one at the War Memorial Town Hall and one at the Jubilee Centre. 137 Statutory consultees were consulted by email.
26. Appendix 21 of the Consultation Statement lists all the organisations consulted, indicating

whether or not they replied. It also lists all the comments that were made and provides the comment of the Steering Group and the action taken as a result.

27. I am satisfied that the approach to public consultation throughout the preparation of the Plan has been thorough and in accordance with the requirements of the PPG that *“A qualifying body should be inclusive and open in the preparation of its neighbourhood plan and ensure that the wider community:*
- is kept fully informed of what is being proposed*
 - is able to make their views known throughout the process*
 - has opportunities to be actively involved in shaping the neighbourhood plan*
 - is made aware of how their views have informed the neighbourhood plan.”⁴*
28. I am satisfied that the regulation 14 consultation has been carried out in accordance with the NPR and that the Consultation Statement, read with its appendices, also meets the requirements of regulation 15 of the NPR.

The Neighbourhood Area and Development Plan Context

29. Alcester is an attractive and compact market town located about 7 miles west of Stratford-upon-Avon. The Neighbourhood Area The town is surrounded by Green Belt and lies at the confluence of the Rivers Arrow and Alne; flooding associated with these rivers is an important issue. The town has a rich heritage having been a significant town in Roman times and re-emerging as a market town in early medieval times. This history has given the town a distinct character with an attractive town centre with many historic buildings and streets. The town has grown steadily, particularly in the last fifty years and had a population of 6,273 in 2011.
30. Alcester has a good range of services, with a thriving town centre, a large industrial estate, three secondary schools and a range of community facilities and public spaces. However, public consultation identified the improvement of community facilities as a key issue.
31. Alcester is identified as one of 8 “Main Rural Centres” in the Stratford-on-Avon District Core Strategy 2015 (CS) which are considered suitable locations for housing and business development. The CS makes two allocations for housing development in Alcester, both to the north of Allimore Lane, for a total of 350 dwellings. The ANP takes account of these allocations.

Site Visit

32. I visited Alcester on 25th October. I spent most of the day walking around the town. I started in the Town Centre, taking note of the quality and character of the street scene both in the High Street and the roads running off it. I then walked around the rest of the built-up area, taking in

⁴ Planning Practice Guidance: What is the role of the wider community in neighbourhood planning Reference ID 41-047-20140306

all of the views identified in the Plan, the proposed Local Green Spaces, the industrial area to the north, the residential allocations to the north of Allimore Lane and the possible reserve housing site to the south of Allimore Lane. Finally, I walked south along Bleachfield Street, across the meadows to Stratford Road and into Oversley Green and on to the viewpoint in Oversley Wood.

The Basic Conditions Test – The Plan taken as a whole

33. The consideration of whether the Plan meets the basic conditions is the main focus of the independent examination process. This section of my report clarifies the meaning of each of these conditions and considers how the Plan, taken as a whole, meets them.

“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”

34. National policy is set out in the National Planning Policy Framework (NPPF). The NPPF was first published in 2012 and a revised version of the NPPF was issued in July 2018. As the ANP was submitted after 24 January 2019 it must be examined against the July 2018 version of the NPPF and subsequent modifications.⁵
35. There are two important points to emphasise in relation to this basic condition. The first is that I must consider this requirement in relation to the making of the Plan; it thus applies to the Plan as a whole rather than to individual policies. The second point is the use of the phrase *“having regard to”*. This means that I must consider national policy and advice, but it does not mean that each policy must be in absolute conformity with it. PPG explains that *“having regard to national policy”* means that *“a neighbourhood plan must not constrain the delivery of important national policy objectives.”*⁶ The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the Plan as a whole with national policies and guidance rather than individual policies which is the key consideration.
36. Neighbourhood plans can be selective in the policy areas that they address and there is no requirement for them to include policies to cover all possible issues. In particular there is no need to duplicate national or local plan policies. The ANP contains quite a wide range of policies which reflect the characteristics of the town and the issues identified in consultation.
37. The Basic Conditions Statement summarises each of the policies of the ANP in relation to each of the main headings of the NPPF. This is helpful as far as it goes, but falls somewhat short of the *“explanation”* of how the policy meets the basic conditions required by the regulations,⁷ as it does not refer to any of the detailed content of the NPPF or the extent to which the policies

⁵ NPPF paragraph 214

⁶ PPG – what does having regard to national policy mean? Reference ID: 41-069-20140306

⁷ NPR paragraph 15 (d)

of the ANP have regard to it. It has therefore been necessary for me to do this in my detailed consideration of each policy.

38. Also, relevant to this element of the basic conditions test is “...guidance issued by the Secretary of State” as set out in PPG. This contains extensive guidance on both general principles and specific aspects of the preparation of neighbourhood plans.⁸ It is important to be able to demonstrate that the preparation of the Plan has had regard to this. The Basic Conditions Statement does not refer to PPG, but in my report, I make frequent reference to it. At this stage I need to emphasise the importance of the guidance on the formulation of policies. *“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. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood plan for which it has been prepared”*⁹. Also *“Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn on to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan...”*¹⁰
39. In some instances, I have found that the wording of the proposed policies does not add significantly to national policy as they are expressed in very general terms and do not contain anything that is specific to Alcester. Where this is the case I have recommended the deletion of the policy. Also in some instances I have found it necessary to recommend some modifications to policies of the plan to align more closely with national policy and guidance but, subject to these and taking the Plan as a whole, I am satisfied that having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan.

“The making of the Plan contributes to sustainable development”

40. There is inevitably considerable overlap between the requirements for satisfying this basic condition and the previous one as the NPPF clearly states that *“the purpose of the planning system is to contribute to the achievement of sustainable development”*¹¹ and thus national policy and guidance are clearly designed to this end.
41. The NPPF then spells out the three objectives of sustainable development: economic, social and environmental, and emphasises the interdependent nature of them. As the NPPF points out, local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made.¹²
42. Section 3 of the Basic Conditions Statement explains briefly how the Plan contributes to all three of the objectives of sustainable development. I will address the way individual policies

⁸ PPG Neighbourhood Plan, Reference ID Paragraphs 41-001 to 41-087

⁹ PPG How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306

¹⁰ PPG What evidence is needed to support a neighbourhood plan or Order? Reference ID: 41-040-20160211

¹¹ NPPF Paragraph 7

¹² NPPF Paragraph 9

contribute later in my report but overall, I am satisfied that the Plan has a strong focus on achieving sustainable development with a clear understanding of the economic, social and environmental objectives and the relationship between them.

“The making of the plan is in general conformity with the strategic policies contained in the development plan for the area”

43. As with the previous two conditions, the test applies to the Plan as a whole, but also requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of “*general conformity*” is fundamentally that the Neighbourhood Plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG.¹³ It does not preclude some variation from a strategic policy where it is justified by local circumstances providing the proposal upholds the general principle that a strategic policy is concerned with. However, any departure from development plan policies needs to be clearly justified.
44. Section 4 of the Basic Conditions Statement contains a table which, for each policy, lists the relevant Core Strategy policies. Again, this falls short of the requirement to “*explain*” how the Plan meets the basic conditions, but it does help in signposting me to these policies.
45. Overall the Plan has clearly had regard to strategic Local Plan policies. Indeed, the Plan was put on hold while the strategic context was confirmed by the adoption of the Local Plan. I have not identified any significant conflict with the Local Plan. I have considered the relationship of each of the ANP policies to development plan policies and I conclude that the making of the Plan would be in general conformity with the strategic policies of the development plan.

“The making of the plan does not breach and is otherwise compatible with EU obligations” and “The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”

Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations

46. PPG indicates that “*In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment*”¹³, subsequently referred to as SEA. A SEA requires the preparation of an environmental report. In order to determine whether the plan is likely to have “*significant environmental effects*”, a screening assessment is necessary.
47. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include: “*(i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or*

¹³ PPG What is meant by ‘general conformity’? Reference ID 41-074-20140306

(ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”.

48. The submission documents include a Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report prepared by Lepus Consulting in December 2018. This is quite late in the plan preparation process as the intention of the SEA process is that it should help to guide the formulation of policies and may be an iterative process as the Plan evolves¹⁴. The report follows the recommended methodology¹⁵ to determine whether a SEA is required and concludes that because the plan does not make any new allocations for development it is unlikely to have significant environmental effects. In accordance with the EAPPR the report was subject to consultation with the statutory bodies and they all agree with this conclusion. On 1 March 2019, SDC confirmed that SEA was not necessary. I am satisfied that the Screening Report can be read as the statement of reasons required by the EAPPR for this conclusion.
49. The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 changed the prescribed condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act to read that:
“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017” (CHSR). Regulation 105 of the CHSR puts into effect the requirements of Article 6.3 of the EU Habitats Directive and requires that:
*“(1) Where a land use plan -
is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site, the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site’s conservation objectives.”*
Regulation 106 of the CHSR requires that:
“A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.”
50. A Habitats Regulations Assessment Screening Statement report indicates that the nearest Natura 2000 sites to Alcester are Bredon Hill SAC which is 17.5 miles to the south-west and Lyppard Grange Ponds SAC which is approximately 18km to the west. It concludes that because of this and the nature of the policies in the ANP there is no possibility of a significant environmental effect on these sites.

¹⁴ PPG When should a plan maker start producing a strategic environmental assessment? Reference ID 11-029-20150209

¹⁵ Table 2 in the Practical Guide to the Strategic Environmental Assessment Directive 2005 and Schedule 1 of the EAPPR 15

51. I conclude that the Plan does not breach and is otherwise in conformity with European obligations.

Human Rights

52. Nothing in the Plan suggests that there would be any breach of the European Convention on Human Rights.

Key Issues

53. The Plan presents 14 key issues that were identified during the consultation process and these are set out very clearly on page 12 of the Plan. There is a strong emphasis on the need to improve services and infrastructure, provide more affordable housing and local needs housing and employment, and protect the natural and built environment. Two further issues were identified by the Steering Group: Keeping up with technology and support for tourism and visitors.

Vision Statement

54. The overall vision statement for the Plan is:
“In 2031 Alcester will be an attractive, thriving rural town with a valued historic character located in a beautiful natural environment offering a wide range of high quality housing, good opportunities for business and local employment, a learning environment for all ages and excellent community and recreational facilities”.
55. This vision refers to the economic, environmental and social objectives of sustainable development, and is a well-rounded and constructive statement of the ambitions for the Plan.

Objectives and Policies

56. The main body of the Plan sets out the objectives and policies for the Plan under 5 main headings: This section explains that more specific objectives have been developed under 6 main headings:
- 1) Housing and the Built Environment
 - 2) Economy
 - 3) Transport and Infrastructure
 - 4) Community Leisure and Well-being
 - 5) Natural Environment
57. Within each section policies are arranged under a relevant objective. While the objectives will not have the same status as the policies as part of the development plan, they are clearly used to define the scope of the policies and may therefore influence the extent to which the policies meet the basic conditions. In this report, the objectives are therefore presented

before the policies that relate to them.

58. Where necessary I have recommended modifications to the objectives and policies. I am only empowered to recommend modifications necessary to meet the basic conditions, to comply with the convention on Human Rights, to comply with the legal requirements in relation to neighbourhood plans or to correct errors.¹⁶
59. In considering the policies I have taken account of all the comments made during the preparation of the Plan with a particular focus on comments made in response to the regulation 16 consultation on the submitted plan. Although I have not referred directly to all the comments made, I have given attention to all of them.
60. Before dealing with the policies individually, I have some general comments on the way they are presented.
61. Several policies include a reference to “compliance with other policies in the neighbourhood plan” whereas other policies do not. It is a general convention that the Development Plan should be read as a whole and the application of one policy does not preclude the application of others. The inconsistent use of this form of words is therefore potentially confusing as it could imply that where these words are not used other policies will not apply. It also could imply that some policies have primacy over others. In practice it is sometimes necessary to balance the implications of one policy against another. I have therefore recommended that there should not be any general reference to other policies and that the following words explain this should be inserted at the beginning of the policies section to assist the interpretation of the Plan.

Recommendations

Between the heading for section 6 and the heading for section 6.1 insert an additional paragraph “The Alcester Neighbourhood Development Plan should be read as a whole. Proposals will be judged against all relevant policies in the Development Plan which includes the Stratford-on-Avon District Local Plan and the Alcester Neighbourhood Development Plan.”

Delete all references to conformity with other policies in the Plan.

62. The information presented under the heading “Explanation” for each policy is very brief but does contain references to other relevant publications. In some cases, it provides a weblink but in other cases it doesn’t. Section 11 of the plan contains a numbered list of references with weblinks to all of these documents. However, there is no link between the reference in the text and the numbered reference in section 11; indeed, it is not immediately obvious that this list exists. In order to access the supporting evidence easily there is a need for footnotes or endnotes to link to it.

Recommendation

After the additional paragraph that I have recommended above, insert a further paragraph:

¹⁶ Section 10 paragraphs (a) – (e) of Schedule 4B to the Town and Country Planning Act 1990

“The policies in the Alcester Neighbourhood Plan draw on evidence in a large number of publications and reports, some of which were commissioned specifically to support the preparation of the Plan and others published by other bodies. These publications are listed in Section 11, which also provides weblinks to them. Where these documents are referred to in policies or the reasoned justification, the references are to the number of the document in Section 11.”

Insert footnotes or endnotes to relevant supporting evidence where relevant throughout the policies and supporting text.

Housing and the Built Environment

Objective A – Provision of a range of housing types to meet community needs, whilst protecting the Town’s character.

To provide a range of housing types which meet the aspirations and needs of the whole community, ensuring safe and healthy living in a supportive, inclusive and social environment, together with supporting infrastructure and facilities, whilst protecting the character of the town and its surroundings

63. I am concerned that the scope of this objective is not sufficiently wide to meet the basic conditions. It focusses entirely on the needs of the local community and does not recognise the role of Alcester as a “Main Rural Centre” in contributing to meeting the housing needs of a wider area. This may include the whole of Stratford-on-Avon District or possibly housing needs from outside the District which cannot be met there.^{17 18} There is no requirement for the neighbourhood plan to make housing allocations, particularly where this is being done by the Local Planning Authority. However, it is important that the Plan recognises its strategic context and does not aim to constrain or undermine the provision of housing to meet a strategic need.
64. Although the CS has made allocations to meet the identified need up to 2031, the Submission Version of the emerging Site Allocations Plan (SAP) which has recently been the subject of consultation identifies reserve sites which may be released in specific circumstances which mean that housing needs will not be met by existing allocations. This includes two substantial sites in Alcester south of Allimore Lane. While there is no certainty that these sites will be allocated, as the SAP is subject to change until it is completed, It is important that Objective A should recognise this wider strategic context and I have therefore recommended a modification to Appendix A to reflect this.

Recommendation

At the beginning of Objective A delete “Provision of” and insert “To contribute to meeting strategic housing needs in Stratford-on-Avon District and to provide”

¹⁷ NPPF paragraph 60

¹⁸ Stratford-on-Avon Core Strategy Policy CS17

Policy HBE 1-Residential Development within the Built-up Area Boundary

65. The Policy supports development within the Built-up Area Boundary either through new build or the conversion or extension of existing underused buildings. Parts of the built-up area defined in the CS lie outside the Plan Area and the policy makes it clear that they will not be subject to this policy. The policy also supports community led housing schemes, the provision of serviced plots for those wishing to build their own houses within the Built-up Area Boundary and the provision of key worker housing. Outside the Built-up Area Boundary applications will be determined in accordance with paragraph 79 of the NPPF and the more detailed CS policies AS10, relating to rural areas and CS 10 relating to the Green Belt.
66. The supporting text refers extensively to the relationship between both the Green Belt and the Special Landscape Area and the Built-up Area Boundary but none of the maps in the Plan defines these areas. I have recommended a modification to address this. There is also an inconsistency between Maps 2 and 3 in terms of the definition of the Parish boundary. I believe that Map 2 is correct and Map 3 should be corrected. The same error occurs on Map 7.
67. Representations have been made on this policy by both Framptons on behalf of L and Q Estates and Gladman developments. Framptons note that the policy does not provide for the allocation of the reserve sites proposed in the emerging SAP to which I have already referred. I agree that the absence of any reference to the possibility of these allocations is somewhat misleading having regard to the fairly advanced stage of the SAP. PPG makes it clear that:
*“ It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”*¹⁹
68. The ANP cannot prevent the allocation of the possible reserve sites, but it would quickly become out of date if these allocations were made. While the existing allocations are sufficient to meet the need identified in the CS, there is very little flexibility and The Plan is therefore misleading in not referring to the possibility of these allocations. PPG also indicates that:
*“Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:
the emerging neighbourhood plan
the emerging local plan (or spatial development strategy)
the adopted development plan
with appropriate regard to national policy and guidance.”*²⁰

¹⁹ PPG Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place? Reference ID 41-009-20190509

²⁰ PPG Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place? **19**

69. While the final draft of the emerging SAP was not published for consultation until after the submission of the ANP, the omission of any reference to the emerging SAP suggests that this discussion may not have been completed. It is therefore necessary to recommend a modification to record the relationship between the Plan and the emerging SAP. Framptons argue that the reserve sites should be allocated in the Plan. However, I am not satisfied that this is necessary at this stage. The SAP is looking at the possible location of reserve sites and the circumstances in which it would be appropriate for them to be released. It does not revisit the assessment of housing need and it is clear that the indicative requirement for housing in Alcester (including Kinwarton) has been met. There is no evidence which suggests that the ANP needs to anticipate its conclusions by making allocations at this stage. Indeed, to do so would undermine the consultation which has recently taken place.
70. Gladman suggest that development should be allowed outside the Built-up Area Boundary where the benefits outweigh the harm, citing a similar policy in the Godmanchester Neighbourhood Plan. In this instance I am not satisfied that such a change is necessary to meet the basic conditions, moreover, it would not meet them. Much of the Built-up Area Boundary abuts the Green Belt and a policy which in principle provides for development in the Green Belt would be inconsistent with national policy.
71. The policy also supports community-led housing schemes and self-build plots within the Built-up-Area Boundary and this is consistent with the encouragement in the NPPF and the Self Build and Custom Housebuilding Act of 2015 for this type of development. SDC has referred to a proposal in the emerging SAP for a site north of Allimore Lane for Self Build and Custom Build Housing, which lies outside the Built-up-Area Boundary. However, there is no requirement for the Plan to refer to this to meet the basic conditions. If this allocation is confirmed it will not be precluded by the definition of the Built-up-Area Boundary in the Neighbourhood Plan
72. SDC comment that the conversion, extension or redevelopment of underused buildings could potentially conflict with policies to retain existing employment or community uses. As stated by ATC, the reference to other relevant policies in the Plan would address this but as I have said earlier, it is not normally necessary to make a reference to all other policies as all relevant policies in the Plan should be considered in relation to any proposal. However, where there is clearly a potential for conflict between policies it would be appropriate to make a specific cross reference within the policy. In this case policies EC1, EC4 and CLW1 are particularly relevant and I have recommended a modification to refer to them. SDC has also expressed concern that the term “underused” is not clearly defined. I accept this concern as it could require subjective judgements on the level of use. I have therefore recommended a modification to refer to buildings that are vacant or partly occupied.
73. The policy also supports the provision of key worker housing. The term “Key Worker” is defined in the Glossary to the Plan as a worker employed in or providing key public services in

Stratford on Avon District” and examples of relevant occupations are given. While the supporting text points to the relatively high house prices in Alcester and the possible effect this may have on the ability of those in relatively low paid jobs to access housing, it is not clear how any housing provided would be allocated to key workers. There is no mechanism to restrict the purchase of market housing. Key worker housing is normally referred to in the context of policies for the allocation of affordable housing. It is therefore not a policy for the development and use of land. There is also no evidence that SDC have any policy for key worker housing in the allocation of affordable housing and the Council has commented that the use of the term is inappropriate.

74. SDC has commented that the reference in Paragraph 5.1.7 to a requirement for about 530 homes in paragraph 6.1.22 of the CS should refer to an indicative target. ATC accept that this modification should have been made. The CS refers to this figure as a minimum to be provided over the Plan period. Paragraph 5.1.7 also indicates that to date, permissions and commitments in the Alcester area amount to 554. PPG indicates that where the local planning authority provides an indicative target, the appropriateness of this figure should be tested at the examination.²¹ While the emerging SAP is considering the allocation of reserve sites, it does not point to any increase at this stage in the number of houses required, and I have seen no evidence to suggest a need to change this figure.
75. The final section of the policy refers to the application of national policy and policies AS10 (Countryside and Villages and CS10 (Green Belt) of the Core Strategy in areas outside the Built-up Area Boundary. The combination of the national and CS policies provides detailed guidance on development in rural areas; the cross reference to these policies is appropriate and there is no need for the NP to duplicate or expand on these policies.

Recommendations

Expand Map 2 to include the whole neighbourhood area and show the extent of the Green Belt and the Special Landscape Area.

Modify Maps 3 and 7 to show the correct alignment of the parish boundary.

In the first section of Policy HBE1 delete “underused” and insert “vacant or partly occupied” and delete “provided the proposals satisfy other policies in this Plan” and insert “where appropriate having regard to Policies EC1, EC4 and CLW1.

Delete “Within the Built-up Area Boundary, schemes for key worker housing will also be supported.”

Modify paragraph 6.1.7 to Read: “The Core Strategy (see paragraph 6.2.22) refers to an indicative target of about 530 homesin the parish of Kinwarton). Stratford-on-Avon District Council is preparing a Site Allocations Plan which proposes the allocation of reserve sites to be released in defined circumstances which demonstrate the need for additional houses. The sites being considered include two sites to the south of Allimore Lane. If these allocations are made it will be necessary to modify the Built-up Area Boundary to include

²¹ PPG Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place?
Reference ID 41-009-20190509

them.”

Policy HBE 2-Local Needs Housing

76. The policy provides for small scale rural exception site housing to meet local needs where there is a proven need in the most recent housing needs survey. Such schemes may include an element of market housing where there is clear evidence that it is necessary to make the scheme viable. The policy requires that housing provided through such schemes remains affordable housing restricted to local people and lists criteria to define what would constitute local need.
77. Rural exception site housing is normally associated with relatively small villages where the scale of development is not sufficient to generate affordable housing. In the case of Alcester the two sites allocated north of Allimore Lane are large enough to require the provision of affordable housing and if the two reserve sites south of Allimore Lane are confirmed when the SAP is adopted, they have the potential to generate further affordable housing. However, in sites such as these it is not possible to ensure that affordable housing remains affordable or to restrict its allocation to people with a local need. The relatively high house prices in Alcester and the evidence of local need from the housing needs survey provides evidence of the local need for such housing and this justifies the provision for rural exception sites in the policy.
78. The policy is in accordance with paragraph 77 of the NPPF. The requirement in the second bullet point for the housing to remain available to meet local need does not address the possibility that at some future date after the houses have been provided, there may not be any local need for them. In such circumstances it would not be consistent with sustainable development for them to remain vacant. It seems clear to me that the definition of a local need means meeting any one of the criteria listed at the end of the policy, but to avoid ambiguity this should be clearly stated. There is also no indication whether any of these criteria would take precedence over any other and it has been confirmed to me that there is no intention to assign such priority. I have recommended a modification to address these two points.
79. Stansgate on behalf of Linfoot Country Homes argue that the definition of Local Needs Housing should include both local market housing and affordable housing. In addition to this open market housing would be permissible where necessary to achieve viability. I am not satisfied that the term “local market housing” is meaningful as I am not satisfied that there is any justification or clear mechanism for restricting the sale of market housing to those with a local need. The effect of this change would in effect be to increase the proportion of market housing on exception sites. I am however satisfied that the wider definition of affordable housing suggested by ATC is appropriate, with the exception of the reference to being essential for local workers for the reasons given in relation to Policy HBE 1.

Recommendations

In Policy HBE2:

In the second bullet point modify the wording after “...will remain affordable” to read “and that priority in the allocation of the houses should be given to those with a local connection as defined in this policy”

Modify the first line at the top of page 18 to read “For the purposes of local needs housing, a local connection is defined as meeting any of the following criteria:”

Move the paragraph beginning “Where viability for 100%...” to follow the criteria at the top of page 18.

Modify the definition of affordable housing on page 64 to read: “Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership) and which complies with one or more of the following definitions in accordance with Annex 2: Glossary of the NPPF 2018:

- **Affordable housing for rent**
- **Starter homes**
- **Discounted market sales housing**
- **Other affordable routes to home ownership**

Policy HBE 3-Housing Mix

80. Policy HBE 3 sets out the mix of housing in terms of size to be provided by new developments for both affordable and market housing while acknowledging that these figures could be replaced by more up to date evidence of housing need. The figures reflect the strong emphasis on the need for more one and two bed houses emerging from both the Housing Needs Survey and wider consultation. The figures diverge slightly from those in Policy CS.19 of the Core Strategy. The CS policy provides a percentage range for each size of house whereas this policy sets a minimum or maximum figure. The effect of this is that for one and two bedroom properties the minimum percentage in policy HBE-3 is at the top of the range in Policy CS.19 and for 3 and 4 bedroom houses the maximum figure in policy HBE-3 is at the bottom of the range in Policy CS.19.
81. The main justification for the figures in the Plan is the Housing Needs Survey. The focus of the Housing Needs Survey is on the need for affordable housing and it presents clear evidence of the emphasis on the need for 1 and 2 bed housing. While it offers wider support through individual comments this cannot be converted to a statistical need for all housing tenures. However, I am satisfied that the policy meets the test of general conformity with the Policy CS.19 as it does provide for variation from the figures given where it can be justified having regard to viability and the character of the area.
82. SDC question whether this policy should just be applied to developments of 10 or more dwellings. I agree that it is not practical to provide specific percentages for the size of dwellings to small developments where the character of the area and the nature of the site will have a greater influence on the type of development proposed. However, there is no reason why

smaller developments should not have regard to the general intentions of the policy. I have therefore recommended a modification to this effect.

Recommendation

In Policy HBE 3 Modify the beginning of the policy to read: “Developments of ten dwellings or more should reflect the housing mix in the table below or those in the most up to date published housing needs assessment at district wide or parish level. Smaller developments should also have regard to the need for one and two bedroom dwellings. Developers will be required to...”

Policy HBE 4-Bungalows

83. The policy requires 10% of all developments of more than 10 dwellings to be bungalows. The justification for the policy is that the proportion of the population in the older age groups is higher than the national average, together with the views expressed in the Housing Needs Survey. ATC also refer to the very small numbers of bungalows being provided in the planning permissions for the allocated sites north of Allimore Lane.
84. I accept that the needs of some people seeking ground floor accommodation may also be met by the provision of ground floor flats as Framptons have pointed out, but this is not always the case and the policy does not preclude this form of development. The Housing Needs Survey found that 17 of the 71 houses needed for local need were bungalows.
85. It is true that there will only be a limited number of developments where this requirement will be triggered, but it would apply to the reserve sites south of Allimore Lane if they are brought forward. There is no explicit justification for the figure of 10% as a minimum, but bungalows made up over 20% of the requirement for local needs housing identified in the Housing Needs Study. These figures cannot be directly compared as the housing provided on any new allocations will not be restricted to local needs but it is an indication of need and 10% is not an unreasonably high percentage. The specific exclusion of sites providing specialist accommodation from the policy addresses the concern expressed by SDC that the policy could compromise the delivery of extra care housing. I am satisfied that the Policy meets the basic conditions.

Policy HBE 5-Specialist accommodation

86. The policy supports the provision of specialist accommodation and the justification makes it clear that this includes a wide range of types of accommodation and recognises the needs of people of all ages. The policy reflects the need to provide housing to meet the needs of different groups in the community in Paragraph 61 of the NPPF and meets the basic conditions.

Policy HBE 6-Healthy Living

87. The Policy requires schemes to demonstrate how they maximise natural light and heat by making the best use of site orientation, building form, layout and materials. One aim of the policy is to ensure good air quality and it requires proposals for 10 or more dwellings to calculate indoor air quality and overheating risk performance. Finally, it requires developments of 10 or more dwellings to demonstrate how the development will satisfy the criteria in “Healthy Placemaking” published by the Design Council and Social Change UK.
88. The promotion of healthy and safe communities is one of the key themes of the NPPF, and paragraphs 91 -95 draw attention to the need to promote social interaction, for accessibility to green infrastructure and local facilities and services and to promote a healthy lifestyle with the provision of open space and recreation facilities.
89. The first part of the policy requires development to demonstrate how it uses site orientation, building form, layout, landscaping and materials to maximise natural light and heat and avoid internal overheating. While overall standards of air quality are primarily a matter for building regulations rather than planning policy, the aim of the policy is consistent with sustainable development and these aspects of design fall within the planning process. However, the rest of the policy focusses on the internal environment, particularly air quality and overheating. The requirement in the second paragraph for developments of 10 or more new dwellings to calculate indoor Air Quality and Overheating Risk Performance is relevant to building regulations rather than planning policy.
90. I have referred to the “Healthy Placemaking “ report referred to in the policy and while it is an interesting, far reaching and stimulating report, it is difficult to see how it could readily be applied by professional practitioners either in the development of proposals or the determination of planning applications. The report is a review of professional practice, identifying cultural and professional issues which need to be addressed to facilitate healthy placemaking, but I was unable to identify a clear list of criteria which could be readily applied. In reaching this conclusion I am aware that I am demonstrating the problem of professional boundaries which is one of the issues which the report identifies.
91. I therefore share the concerns of SDC about how the policy could be applied as it would impose a burden on developers which could not be justified as it would go beyond the scope of planning policies. Paragraph 44 of the NPPF requires planning authorities to keep their information requirements “*to the minimum required to make decisions*”. Therefore, although I respect the aims of the policy, it is necessary for me to recommend modifications to remove the references to internal air quality and to the Healthy Placemaking report.
92. SDC has also pointed out that the Higher Level Policies listed in paragraphs 6.1.29 do not relate to Policy HBE 6. I agree that they would be more appropriately located after paragraph 6.1.7 where they would relate to Policy HBE 1.

Recommendations

In Policy HBE 6 delete the second and third paragraphs

Move the heading “Higher Level Policies” and paragraphs 6.1.29 and 6.1.30 to follow paragraph 6.1.7.

Policy HBE 7-Electric car charging points

93. The policy requires that all new dwellings should be provided with at least one electric car charging point and that for non-residential development there should be one charging point for every 10 parking spaces. The NPPF encourages the design of developments to enable the charging of electric vehicles²² and Policy CS26 also supports the provision of charging points. The government has recently consulted on standards to be applied nationally but it is not known if or when national standards will be introduced. No evidence has been provided to suggest that the standards to be applied in Alcester should be different from elsewhere, but until national standards are introduced the policy is consistent with national policy and strategic policy and would meet the basic conditions. I have recommended a modification to indicate that the standards here may be superseded by national standards.
94. SDC has pointed out that the policy is inconsistent with its Supplementary Planning Document for the provision of charging points, with regard to housing where parking spaces are not allocated to dwellings. There is no requirement for the Plan to be consistent with non-statutory policy documents, but the approach in the policy does not address this scenario. I have therefore recommended a modification to address this. SDC has also suggested a need for flexibility in the application of the policy where it would have an impact on heritage assets and I accept that this may be necessary in the interests of sustainable development.

Recommendation

In Policy HBE 7 Add the following sentence before the first part of the policy “New development will be required to meet the following standards for the provision of electric vehicle charging points unless they are superseded by national standards:”

In the first part of the policy after “All new dwellings” insert “where parking is provided within the curtilage,”.

In the second part of the policy insert at the beginning “Residential development with unallocated parking and” and change “Non” to “non”.

At the end of the policy add “The requirements of this policy may be modified where they would be harmful to heritage assets.”

Policy HBE 8-Renewable Energy

95. The policy supports proposals for the production of renewable energy where they do not have an unreasonable harmful impact on neighbouring properties or the character or landscape of the area.
96. Government policy provides general support for renewable energy where it would not have a

²² NPPF paragraph 110 e)

harmful environmental effect²³ and Policy CS.3 of the Core Strategy supports such provision, setting out the factors to be considered in the determination of such schemes in great detail. Policy HBE 8 is expressed in very general terms and adds nothing to national and Local Plan policy and therefore will not effectively contribute to the determination of applications for renewable energy. PPG requires that neighbourhood plan policies should be “*distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood plan for which it has been prepared*”²⁴.

Recommendation

Delete Policy HBE 8

Objective B – to safeguard the quality of the built environment and heritage assets.

To ensure that the design of all development is of high quality in keeping with the character of the town and preserves the towns heritage assets which are a key part of its history and identity.

97. This objective introduces a series of policies which relate to the design and appearance of development, the Conservation Area and heritage assets.

Policy HBE 9-Development design and HBE 10 Responding to local character

98. I have considered these two policies together because I concur with the view of SDC that they overlap substantially and could usefully be combined into one policy. Policy HBE 9 is very generally phrased and on its own adds little to the guidance in the NPPF, indeed the last element of the policy almost exactly repeats the last part of paragraph 130 of the NPPF. The first part of the policy simply states the importance of good design, while Policy HBE10 sets out in more detail how this will be assessed. By combining the two policies a much clearer and more effective statement of the design expectations of the Plan can be achieved, subject to some specific modifications to address the following points. The supporting text for the two policies also needs to be combined.
99. The use of the Building for Life Assessment is supported in the NPPF²⁵, but as expressed the policy does not give any clear guidance to decision makers on how it should be applied. It is not clear what “Depending on its scale and nature” means, and it would provide clear guidance to say that major development proposals as defined by the NPPF²⁶ would be expected to apply the guidance. The Building for Life standards are based on 12 design themes where developments are rated red, amber or green. It is common practice for policies to express an expectation of the number of green ratings developments should achieve, but it would be unreasonable for me to impose a figure without the opportunity for consultation. It is however

²³ NPPF paragraphs 150 and 151

²⁴ PPG How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306

²⁵ NPPF paragraph 129

²⁶ NPPF Glossary page 68

normal to seek to avoid a red rating wherever possible as this would reflect inadequate design. I have recommended a modification to reflect these points.

100. The word “normally” in the limitation in the last bullet point of Policy HBE 10 to three storeys does not make clear in what circumstances exceptions would be acceptable. While it is true that there are few buildings in Alcester which exceed three storeys, taller buildings can make a positive contribution to the street scene. I have recommended a modification to make it clear how this policy should be applied.

Recommendations

Combine policies HBE 9 and HBE 10 to read:

“All development proposals in the Neighbourhood Area must demonstrate a high standard of design that is sensitive to the character of its surroundings in accordance with the following principles:

- **Be compatible with the distinctive character of the area, respecting the local settlement pattern, building styles and materials whilst taking a positive approach to innovative, contemporary designs that are sensitive to their setting;**
- **Be of a density and scale that is in keeping with the character of the surrounding development and landscape;**
- **Use materials that are consistent with the Alcester vernacular;**
- **Building heights will not exceed three storeys unless the proposal clearly demonstrates that this is appropriate in terms of the function and significance of the building and the building will make a positive contribution to the street scene.**

Proposals for major development as defined in the NPPF are encouraged to apply the “Building For Life 12” criteria and achieve as many green ratings as possible with no red ratings.”

Combine the text under the heading “Explanation” for the two policies in the order 1.44, 1.49, 1.45, 1.50.

Combine the references to “Higher Level Policies” for the two policies in the order they are presented in the submission document.

Renumber the policies which follow. (I have continued to use the numbers in the submitted plan for the purposes of this report)

Policy HBE 11-Public Realm

101. This policy aims to achieve developments which provide a high-quality public realm. This aim is consistent with paragraph 127 of the NPPF and Policy CS 9 of the CS, but the wording is rather less demanding. By offering support for proposals that achieve this it falls short of requiring this where possible. It also adds little to these policies but is justified by its specific reference to the town centre and residential developments. I have recommended a modification to reflect this.

Recommendation

Modify Policy HBE 11 to read:

“Wherever possible new residential and town centre developments should respond to opportunities to provide a high quality of public realm that will enhance the sense of place in Alcester.

Policy HBE 12-Heritage Assets

102. The policy aims to protect heritage assets and encourage development that will keep them in positive use. In this it is broadly compatible with the importance attached to heritage assets set out in Section 16 of the NPPF and Policies CS.8, CS.9 and AS.2. Historic England has commented that the approach of the Plan to heritage assets is exemplary.
103. However, while section 16 of the NPPF places great emphasis on the importance of heritage assets as an “irreplaceable resource”, its whole approach to proposals which affect heritage assets is to balance any harm, having regard to the significance of the asset, against the benefits of the development. It does not suggest that all heritage assets should always be protected. Both SDC and Gladman developments have commented that in some respects Policy HBE 12 does not recognise this need for balance in the application of policy on heritage assets and I agree that, as currently worded, it does not meet the basic conditions.
104. The policy is presented in five sections and there are elements of repetition and contradiction between them. The first part of the Policy only supports development that conserves or enhances the Conservation Area or a heritage asset. This does not recognise the need for a balanced approach in accordance with the approach in the NPPF, although the fourth section contradicts the first by introducing an element of balance. I have recommended a modification which effectively combines the first and fourth sections to remove the apparent contradiction and align more closely with national policy.
105. The second section supports any development which ensures heritage assets remain in active and viable use and the third part strongly supports proposals bringing heritage assets back into use. SDC is concerned that some changes of use could be incompatible with Policy CS 20 which aims to prevent the loss of housing to other uses. As I have said before all development plan policies would be material considerations in relation to any proposal, but by combining these two sections and referring to the appropriateness of any use this issue can be addressed. The last sentence of the third section effectively repeats the first section.
106. Gladman comment that the last section applying this policy to both designated and non-designated assets is in conflict with national policy as the weight attached to designated heritage assets in national policy is greater. However the modification I have recommended to the first section takes this into account.

Recommendations

In Policy HBE 12:

Modify the first section to read “Development within or adjacent to the Alcester Conservation Area and /or affecting a heritage asset or within the setting of a heritage asset, will only be supported where the public benefits of the proposal clearly outweigh any harm to the conservation area, a heritage asset, or its setting.”

Combine the second and third sections to read “Developments which ensure that heritage assets remain in an active and viable use appropriate to their location or bring heritage assets back into such a use in a manner appropriate to their heritage value, will be supported.”

Delete the last sentence of the third section.

Delete the fourth section.

Economy

Objective A – Promoting and protecting economic activity and job opportunities

To support development that contributes to the economic activity of Alcester, maintains the vitality of the Town Centre, and provides employment opportunities.

107. The introduction to this section outlines the importance of the town centre, the Arden Forest Industrial Estate and the Minerva Mill Business Centre to the local economy of Alcester

Policy EC 1-Development within the Town Centre

108. The policy sets out a series of very clear and straightforward statements about development in the town centre. It is clear from the responses to consultation that the community attaches great importance to maintaining the vitality and interest of the town centre. This is consistent with national policy as set out in section 7 of the NPPF and with Core Strategy Policy CS23. The policy has not attracted any adverse comment in the regulation 16 representations except for some detailed comments from SDC.
109. The Town Centre is defined on Map 4 and this is referred to in the introductory supporting text. However, for clarity there should be a clear reference to the definition of the area in the policy.
110. The first part of the policy simply supports new retail, offices, hospitality or tourism development or the enhancement or extension of existing uses. This simple clear statement makes it very clear that the Plan supports these uses and is consistent with the basic conditions.
111. The second part of the policy does not support any development that would result in the loss of parking provision in the town unless it is suitably replaced. Again, this is a very clear statement that reflects the strong views expressed that there is insufficient public parking in the town centre.
112. The third section of the policy supports changes of use to alternative business uses where it can be demonstrated that this would add to or support the vitality of the Town Centre. The

wording of the policy recognises that in many cases such changes of use would not require planning permission as a result of the extensions in recent years to permitted development rights. SDC question whether it is necessary to demonstrate that a change of use would support the vitality of the Town Centre given the encouragement in the NPPF for a range of uses in town centres. However, the underlying aim of the NPPF is to maintain the vitality of town centres, the policy does not preclude changes of use and the requirement that changes of use would contribute to this meets the basic conditions.

113. The fourth section resists changes of use from commercial to residential use at ground floor level unless continued commercial use is not viable. SDC has commented that the wording of this statement is not clear and that The CS only requires marketing for 6 months to demonstrate this and thus 12 months, as required in this policy, is excessive. I could not locate this reference in the CS and have been informed that it is actually contained in the SDC requirements for planning applications and it is clear from the wording that there is considerable flexibility on the nature and length of marketing to be required. I accept that minor rewording to express the meaning more clearly is necessary, but the basic conditions require general rather than absolute conformity. The difference between 6 months and 12 months does not undermine any strategic policy and, in my experience, it is not unusual to require evidence of marketing for 12 months before allowing a change of use. Fluctuations of economic conditions can have significant effects on local demand, particularly in relatively small centres and 6 months may not be long enough to genuinely test the market.
114. SDC argue that the final section, requiring evidence of adequate parking for changes of use of accommodation above ground floor level to residential, should also require evidence of marketing. Given the strong encouragement in the NPPF for residential uses in town centres in the NPPF and the extent of permitted development rights for changes to residential uses at first floor level and above I am not persuaded that this is necessary.

Recommendations

In Policy EC-1:

In the heading add “(as defined on Map 4)

In the fourth section modify the second section to read “Any application for change of use will need to be supported by evidence that the site has been marketed for a minimum of 12 months for a range of possible business uses at a price reflecting open market value for these uses. Full details of the marketing arrangements will be agreed with Stratford-on-Avon District Council.”

Policy EC 2-Supporting employment on brownfield sites

115. The policy supports employment uses on brownfield sites providing the amenity of neighbouring residential uses is protected. This again is a clear policy statement, which is phrased very broadly, but the application of other policies would impose some limitations on the sort of development that would be appropriate. The NPPF attaches importance to making

effective use of brownfield land for residential and other uses.²⁷ The wording of the policy would not preclude residential development on brownfield sites which would be possible under Policy HBE 1, subject to Policies EC 1 and EC 4. It therefore meets the basic conditions.

Policy EC 3-Supporting business start up

116. The policy provides support for the provision of accommodation for start-up businesses, either through purpose-built sites, live-work space or residential developments which provide office space. It is a positive policy which reflects the strong support for business development in the NPPF.
117. SDC comment that it is not clear if the provision of Live/work space in association with residential development is a requirement. ATC state that the intention is to support such proposals rather than require them, and that is what the policy says. Similarly, the general support for new business space does not override policies relating to the Green Belt.
118. The support for office space within residential development is consistent with the basic conditions, but could have unintended consequences with regard to the emphasis on the provision of smaller houses in Policy HBE 3 as office space could be converted to an additional bedroom without the need for planning permission.

Recommendation

In the last section of Policy EC 3 delete “provided that they comply with other policies in this plan.”

Policy EC 4-Employment land change of use

119. Policy EC4 relates to changes of use of employment land both to other employment related uses and to residential uses. Changes of use from one employment use to another are supported. Change of use from employment to residential is only supported where there is evidence of a minimum of 12 months marketing. In many circumstances such a change of use would be permitted development. While SDC has questioned the period of 12 months, as in relation to Policy EC 1, I am satisfied that, subject to similar modification to that recommended in that case, it meets the basic conditions.
120. The final part of the policy refers to a mix of residential and employment use and aims to limit the residential element to that needed to make the development viable. As worded, the policy implies that it relates to new development as well as changes of use, and SDC has commented that this would not be appropriate for new development outside the Built up Area Boundary. ATC has clarified that it is intended to only apply to changes of use. A modification to clarify this is necessary, but the policy would not override strategic policies for development in the countryside or the Green Belt as the development plan is to be read as a whole.

²⁷ NPPF paragraph 118 a)

Recommendation

Change the heading of Policy EC 4 to “Employment land changes of use and mixed use development”

Modify the second sentence of the second paragraph to read “Any applications will need to be supported by evidence that the site has been marketed for a minimum of 12 months for a range of possible business uses at a price reflecting open market value for these uses. Full details of the marketing arrangements will be agreed with Stratford-on-Avon District Council.”

Modify the last paragraph to read “Proposals for changes of use from employment use to provide a mix of employment and residential use will only be supported if the residential element is necessary to make the scheme viable.”

Policy EC 5-Support for commercial development

121. This policy provides support for different forms of commercial development. The first paragraph supports new commercial development within the Built-up Area Boundary where they provide adequate parking for staff and visitors. As with other policies, this general support meets the basic conditions but the application of other policies may preclude such development in some locations.
122. The second part of the policy relates to retail development outside the town centre and requires that such development should be subject to an impact assessment in line with SDC’s Convenience Goods Retail Study. The requirement for an impact assessment is consistent with paragraph 89 of the NPPF. However, the meaning of the reference to SDC’s Convenience Goods Retail Study is not clear. This study is quite dated as it was prepared in 2008 and it relates to the need and potential for additional convenience goods floorspace in the four towns in the District up to 2026. I can find no reference to impact assessment for new proposals and in any event, it would not be relevant in relation to durable goods retailing. I therefore recommend deletion of this reference as its intention is not clear and the wording in the NPPF indicates when impact assessment is necessary.
123. The third part of the policy provides support for environmental improvements to employment land and for proposals that include business conferencing and meeting facilities. It meets the basic conditions.
124. The final part of the policy supports the provision of low cost business space for start up or micro businesses within the Built-up Area Boundary and also meets the basic conditions.

Recommendation

In the second paragraph of Policy EC 5 delete “in line with SDC’s Convenience Goods Retail Study”

Objective B – Supporting Education

To support development of facilities which provide education and learning to people of all ages.

Policy EC 6-Education and childcare

125. Policy EC 6 supports the provision of new educational or child-care facilities and the expansion of existing facilities. New facilities should meet an identified need, be accessible by a footpath or cycle link and demonstrate high quality design. The expansion of existing facilities is subject to similar criteria with the addition of adequate parking provision. There seems to be no reason why this criterion should not also apply to new facilities. I have therefore recommended that the two elements of Policy EC 6 should be combined and that the reference to other Neighbourhood Plan policies should be deleted.

Recommendation

Combine the two elements of Policy EC 6 to read:

“Developments which propose the provision and expansion of educational and childcare facilities, will be supported where they:

- **Meet an identified need**
- **Are accessible to the area they serve by adequate footpath and cycle links**
- **Demonstrate high quality design**
- **Can provide on-site parking in accordance with the standards of Warwickshire Council”**

Policy EC 7-Further Education Support

126. Policy EC 7 supports developments relating to a range of further and adult education and training subject to very similar criteria to those in Policy EC 6. I have recommended that the heading to the policy be modified, as “Further Education” has a very specific meaning which does not encompass all of the categories included in the policy, in order to make the scope of the policy clear to those using the Plan. Subject to the deletion of the reference to other policies in the plan the policy meets the basic conditions.

Recommendation

Modify the heading to Policy EC 7 to read: “Further and adult education and training”.

Delete “provided that they comply with other policies in the Neighbourhood Plan.”

Objective C – Promoting Tourism

To support developments which encourage visitors and enhance their experience

Policy EC 8-Support for new or improved tourist attractions and accommodation

127. This policy supports development which improves the provision of attractions, facilities and

accommodation for tourists. This is consistent with the general support for tourist related development in the NPPF and Policy AS.2C of the CS which aims to promote Alcester as an attractive destination for visitors. The policy meets the basic conditions.

Recommendation

In Policy EC 8

In the third section delete “subject to compliance with other policies in this Plan”.

Transport and Infrastructure

Objective A – Accessibility for pedestrians, cyclists and disabled persons

To ensure that developments provide full and easy access for all persons and link with existing routes, whilst providing appropriate screening and planting.

Policy TI 1-New development and connectivity

128. Policy T1 1 aims to ensure that new developments are well integrated with the existing network of footpaths, cycle paths and bridle ways and encourage a modal shift to reduce car journeys. This is consistent with the priority attached to pedestrian and cycle movements in Paragraph 110 of the NPPF and the importance attached to footpaths in Core Strategy Policies CS9 and AS.2 B6.
129. The wording of the policy is ambiguous in two respects. The first paragraph refers to “Developments of 10 or more units” but does not say which type of units. It has been confirmed to me that this should refer to residential units. In the second paragraph there is a requirement for “visual impact” to be “minimised” and it is not clear what this refers to. It has been confirmed to me that this reference is an error and should be deleted.
130. Framptons have suggested that the policy is not in accordance with Core Strategy Policy CS.7 but do not specify how and I have not been able to identify any conflict with this policy.

Recommendations

In Policy T1 1

insert “Residential” before “developments” at the beginning of the policy.

In the second part of the policy delete “any visual impact should be minimised through landscaping, screening and planting.”

Combine what remains of the second paragraph with the third paragraph by deleting “Such developments” at the beginning of the third section.

Objective B Access to the latest communication technologies

To ensure businesses, residents and visitors benefit from the most up to date technologies while managing any adverse impacts.

Policy TI 2-Telecommunication

131. Policy TI 2 sets out criteria for the provision of telecommunications infrastructure and is largely consistent with the requirement in the NPPF that planning policies should support the expansion of electronic communications networks.²⁸ It meets the basic conditions.

Policy T1 3-High Speed Broadband

132. This policy requires all new development to include the infrastructure needed to allow connection to the highest available broadband service. It meets the basic conditions.

Community, Leisure and Well-being

Objective A – Promoting and enhancing community and leisure facilities

To safeguard and enhance current facilities for leisure, well-being and the community, to benefit local residents' physical and mental health.

133. The introduction to this section makes clear the significance attached by the community to health and wellbeing. Alcester is designated as a “Health and Wellbeing Town” and has a Health and Well-being Board.

Policy CLW 1-Community and leisure facilities development

134. Policy CLW 1 supports proposals to enhance existing community facilities and provide new ones and resists the loss of existing facilities unless they are shown to be no longer needed. The feedback from public consultation places a high priority on improved leisure facilities. The policy is closely aligned with the aims of section 8 of the NPPF and in particular paragraph 91 c); it is also consistent with Policies AS.2 and CS.25 of the Core Strategy.
135. SDC has suggested that the meaning of “sustainable” in the first section should be clarified and ATC has indicated that it refers to economic sustainability. Subject to this and the correction of an error in the second section in meets the basic conditions.

Recommendations

In Policy CLW 1:

insert “economically” before “sustainable”.

In the second section delete “should be located”.

Objective B – Maximising use of our green spaces

136. *To help the community get maximum benefit from Alcester's open green spaces*

²⁸ NPPF paragraph 112

Policy CLW 2-Enhancing access to and utilisation of open green spaces

137. The policy aims to enhance accessibility to and use of open green spaces. It particularly aims to improve pedestrian access and signage while protecting the significance of the heritage asset at Abbey Fields and Priory Meadow.
138. The policy does not define the term “open green spaces” either on a map or with an explanation of what is meant by “open”. As expressed, it could apply to almost any greenfield site in the Parish. I have sought clarification of this and have been told that it is intended to refer to publicly accessible green spaces but at the same time a definition saying “Green space means land that is partly or completely covered with grass, trees, shrubs or other vegetation” has been suggested. Without a reference to public accessibility this is too broad to be meaningful and I have recommended wording for a definition that should be included in the supporting text.
139. The final section of the policy relates specifically to Abbey Fields and Priory Meadow which contain a designated ancient monument and is also part of a larger “Area of restraint” under Policy CS13 of the Core Strategy.

140. Subject to the insertion of a definition to define its scope, the policy meets the basic conditions.

Recommendation

Insert an additional paragraph at the beginning of the explanation section for policy CLW 2 to state “For the purposes of policy CLW 2 ‘open green space’ means land that is accessible to the public and partly or completely covered with grass, trees, shrubs or other vegetation.”

Objective C Promoting an active and healthy community

141. *To support development which provides facilities which encourage exercise and improve health. Also to protect public health by proposing that developments that would cause pollution and have an adverse impact on health be rejected.*

Policy CLW 3-Health provision

142. The policy supports any development proposal for facilities to improve physical or mental health where there is a proven need. Subject to the deletion of the reference to other Plan policies, the policy meets the basic conditions.

Recommendation

In Policy CLW 3 delete “subject to compliance with other Plan policies”.

Policy CLW 4-Allotments and growing spaces

143. The policy resists the loss of part or all of an existing allotment site unless it is demonstrated that there is an improvement in provision elsewhere in the Neighbourhood Area. It also sets out criteria to be met by proposals for new allotments.
144. In the first section the reference in the first line to “within the Neighbourhood Area” is superfluous as it is only in this area that the policies in the Plan may be applied. The same reference in the third line is acceptable as it makes clear that a replacement site outside the Neighbourhood Area would not be adequate.
145. There are four allotment sites in Alcester and it was evident from my visit that they are generally very well used. However, the policy does not take account of the possibility that the supply of allotments could substantially exceed the supply. In such circumstances it may not be consistent with the requirement to support sustainable development to resist the loss of significantly underused allotments. I have recommended a modification to this effect.
146. For new allotments the policy refers to “appropriate and suitable locations” without giving any indication of how this is to be assessed. It appears to me that the accessibility of the site to the community it is intended to serve and the suitability of the ground conditions for cultivation would be the main criteria.
147. The final section of the policy requires new dwellings to be provided with sufficient space for homeowners to grow their own food. In some forms of development, notably apartments or care homes this is not a practical requirement. Moreover, there are many design considerations which will determine the size of private gardens and how to use that space will be a matter of individual choice. It is not possible to define “sufficient space” as even the smallest area can be used in this way.

Recommendations

In Policy CLW 4:

In the first and second lines delete “within the Neighbourhood Area”.

In the second section delete “in appropriate and suitable locations” and insert “in locations which are accessible to the community they will serve and where the ground conditions are suitable for cultivation”.

Delete the last line of the policy.

Policy CLW 5-Protecting against air, noise, water and light pollution

148. The policy resists proposals which will give rise to unacceptable levels of air, noise, water or light pollution. This is a very generally worded policy which does not define what unacceptable levels of pollution are. It is not locally distinct in any way and does not add to the more detailed guidance in paragraphs 178-183 of the NPPF. It therefore provides no clear guidance to a decision maker.
149. The Environment Agency has made several suggestions for more detailed guidance which could

be added in relation to water pollution and flooding. However, there is no requirement to include any particular policy to meet the basic conditions and for me to insert totally new policies at this stage would not be appropriate as they would not have been subject to consultation.

Recommendation

Delete Policy CLW 5

Natural Environment

Objective A – Protecting the green landscape, green spaces and rivers and biodiversity

150. *To protect the rural nature of the town and ensure its green environment is preserved.*

Policy NE 1-Trees, hedges and landscape features

151. The policy aims to ensure that mature and healthy trees and hedges are retained or, where this is not appropriate, replaced with new ones. It also requires new development to incorporate native trees and hedges and for “significant or sensitive” developments to incorporate a landscape strategy from the outset to avoid “retro-fitting of poor quality or token landscape features”.
152. The first part of the policy is expressed clearly and in some detail, referring specifically to recognised British Standards which should be applied to the protection and planting of trees. I have recommended minor amendments for grammatical reasons.
153. SDC has commented that it is not clear what “significant or sensitive” means and I have recommended a more specific form of wording. The reference to “landscape led” suggests that landscape should be the first consideration in the design process. There are several elements which need to be taken into account in formulating a design strategy and landscape is undoubtedly an important one of these; the built environment including heritage assets and the relationship to the transport network are others and sustainable development requires an approach which brings these important considerations together. I have therefore recommended amended wording to retain the sense that landscaping should not be an afterthought but an essential element of an integrated design process.

Recommendations

In Policy NE 1

In the first section, in the first and 4th line replace “as per” with “in accordance with”.

Modify the second part of the policy to read “Major developments, as defined by the NPPF, and other proposals which would have a significant impact on the landscape will need to demonstrate that they have been shaped by a landscaping strategy which takes into account the essential characteristics of the site.”

Policy NE 2-Biodiversity

154. The policy requires new development to contribute to and enhance the local environment and provide net gains in biodiversity wherever possible. It also requires the retention and enhancement of existing ecological networks and measures to improve landscape quality, scenic beauty and tranquillity.
155. As expressed, the policy largely replicates some of the principles outlined in Section 15 of the NPPF without providing any additional local detail. However, paragraph 6.5.13 refers to the Ecological Report Commissioned by Alcester Town Council in 2018. This is part of the evidence base which responds to the guidance in NPPF paragraph 174 a) and provides important information which will assist the implementation of the policy. This is an example of the need for cross referencing to the evidence base which I referred to in the introduction to my consideration of the policies.
156. The first line of the policy expects all development to enhance the natural and local environment. While the NPPF encourages development to secure biodiversity improvements this will not always be possible. The term “the local environment” is also vague and it is not clear what it means. SDC has also commented that the policy does not refer to the need for the mitigation of any harm to biodiversity and this is an important consideration in paragraph 175 of the NPPF. Modifications are necessary to reflect both these points in order to meet the basic conditions.

Recommendation

In the first part of Policy NE 2 delete “contributes to and enhances the natural and local environment;” and after “...wherever possible.” add “Where developments would result in significant harm to biodiversity it will be necessary to demonstrate how this harm will be mitigated by the creation of new habitats and ecological assets.”

Policy NE 3-Local Green Spaces

157. The policy proposes the designation of 18 spaces as Local Green Spaces, which I shall consider in turn having regard to the criteria for Local Green spaces in paragraph 100 of the NPPF.
158. LGS1 Westbury Park is an attractive small park with grassland and mature trees lying beside the River Arrow and between a small residential area and the Arden Road industrial estate. Although part of the extensive green corridor along the valley of the River Arrow, it is a well defined space with a distinctive special character which provides a valuable amenity to those working on the industrial estate, residents of Greville Road and Abbey Close and those using the footpath which passes through it. It meets the criteria for Local Green Spaces.
159. LGS2 River Arrow Nature Reserve, LGS3 Abbey Field, LGS4 Priory Meadow
These three areas are contiguous and are similar in character. They lie in the valley of the River

Arrow and almost entirely in flood risk zone 3. Together they form an area over 500m long and for most of its length 100-150m wide. It also adjoins LGS5 on the east bank of the River Arrow, which is similar in length but narrower. The whole of the area covered by these four proposed Local Green Spaces is designated as an Area of Restraint in Policy CS13 of the Core Strategy. The intention of this designation is very similar to that of Local Green Spaces as it seeks to maintain the openness of areas that are important to the “character and physical form of the settlement”. At the same time, it supports development which would enhance the community and amenity value of the site.

160. The area identified as LGS2 is also designated as a Local Nature Reserve. There appears to be some uncertainty regarding the extent of the Local Nature Reserve as the Plan suggests and ATC assert that it also covers the area of LGS3. However, SDC has clarified that while it owns the latter area the Local Nature Reserve just covers LGS2. LGS3 and the western part of LGS4 also enjoy protection as an Ancient Monument. LGS4 is in the ownership of ATC and it is evident that the Town Council are taking steps to improve access to this area as a public facility.
161. Together these three areas provide a green corridor of importance for its wildlife, historic and recreational significance that is an essential component of the identity of Alcester. As such it is demonstrably special. Taken together, this is a larger area than most Local Green Spaces, there is no specific upper limit in terms of size, and this is clearly the kind of area for which this designation was intended. While different parts of the area are already protected for different reasons, these areas collectively have a unified character and should be regarded as one Local Green Space. While this designation to an extent duplicates that as an Area of Restraint, that designation is a local one which pre-dates the nationally recognised one of Local Green Space. The latter also has significance in that it is expected to endure beyond the Plan period.
162. LGS5 Jubilee Fields is an area of public open space between the east bank of the River Arrow and the Conway Estate and forms part of the larger area along the Arrow Valley designated as an “Area of Restraint” in the Core Strategy. It provides informal open space, a children’s play area, a multi-use games area, a skate park and a community orchard. Although adjacent to the area designated to the west of the river, it is physically separate as there is no crossing of the River Arrow from Jubilee Fields and more urban in character as it is maintained as a recreation area serving the residential area it adjoins. It is therefore appropriate to treat it separately.
163. LGS6 St Mary’s Park Kinwarton is an area of open space on the north side of the River Alne which includes a children’s play area, a grassed area with goal posts and benches close to the bank of the river. Although the site lies within the Neighbourhood Area, it is owned by Kinwarton Parish Council, but no representations against its allocation have been received. It lies within the Green Belt, and therefore already enjoys strong protection from development and I have therefore considered whether there is any benefit from designation as a Local Green Space as suggested by PPG²⁹. It is clear that this area has a local significance related to its

²⁹ PPG What if land is already protected by Green Belt

recreational value for a particular residential area and this distinguishes it from the wider Green Belt. I am therefore satisfied that it merits Local Green Space designation.

164. LGS 7,8,9,10 Spaces with Childrens play areas

These four spaces are at Crooks Lane, Bleachfield Street, Collins Way and Moorfields Park. The Crooks Lane space is equipped with large swings and slides and a basketball / football area and is used as a meeting place for teenagers. It is in a prominent location on the corner of Crooks Lane and Kinwarton Road and at the time of my visit appeared untidy and litter strewn. While I fully recognise the importance of this space to the community it serves, it is the function rather than the characteristics of the site itself which is important and the area proposed as a Local Green Space is a small part of a larger area of open space in the area between Kinwarton Road, Crooks Lane, St Faiths Road and Gunnings Road. SDC who own the site have argued against the designation of the site as they wish to review the future of the area, while retaining a commitment to a play space within the vicinity. In my view the importance of a play space in this area could be retained in another part of this wider area and I therefore do not accept the designation of this site as a Local Green Space.

165. The Bleachfield Street space (LGS8) is an area of grassland and mature trees with some play equipment which serves the residential area to the north. It lies in the Green Belt which offers long term protection, but as in the case of LGS 6 it has a significance to the community which is distinct from its Green Belt designation. Its designation as a Local Green Space meets the basic conditions.

166. The Collins Way play area (LGS9) is a small play area in an area of fairly dense residential development with little green space. It is clearly special to the community it serves and therefore appropriate as a Local Green Space.

167. Moorfields Park (LGS10) is a small well-maintained park close to the town centre. It has play equipment for younger children, an extensive grassed area with some mature trees and is crossed by footpaths leading into the town centre. It is demonstrably special to the community and also contributes to the setting of adjacent listed buildings. It meets the criteria for Local Green Space designation.

168. LGS11 Gas House Lane Recreation Ground is an attractive area of open space which is prominent on the approach to Alcester along Stratford Road. At this point the edge of the town is close to the centre and this space on the west bank of the River Arrow is important in the setting of the town and a valuable amenity. It also has historic significance as part of the ancient monument which contains the Roman origins of the town. It certainly meets the criteria for Local Green Spaces.

169. LGS12 Alcester Town Cemetery is an important public space offering tranquillity close to the town centre and a quiet pedestrian route connecting Birmingham Road with Priory Field. Its designation as a Local Green Space is appropriate.

170. LGS13 Open Space near Whitehall Farm is a small area of open space on the bank of the River Alne. It is an important tranquil area for the adjoining residential area and although in the Green Belt, has its own local significance.
171. LGS14,15,16 and 17 Allotments these 4 allotment sites are also protected under Policy CLW4 and two of them (LGS14 and 15) are in the Green Belt. They thus enjoy substantial protection already. All of the sites are well maintained and used and, with the exception of LGS16, closely related to the community they serve. However, there is a conflict between this policy and Policy CLW 4. The protection afforded by Local Green Spaces is expected to endure beyond the Plan period; whereas Policy CLW 4 allows for the loss of allotment sites where it is associated with a compensating gain elsewhere. This makes it clear that it is the availability of allotments rather than the specific quality of the sites which is important and, in these circumstances, Local Green Space designation is not appropriate.
172. LGS18 Land at Eclipse Road is a small area of amenity space serving a residential area to the west of Birmingham Road. Although unremarkable, it is of special significance as the only space in this extensive area and therefore justifies designation.
173. The policy to be applied to the Local Green Spaces is consistent with the guidance in the NPPF³⁰ in that it seeks to protect the open character of the spaces while not precluding development that would complement their function. It meets the basic conditions.

Recommendations

In Policy NE 3:

Combine the areas identified as LGS2,3 and 4 into one area numbered LGS2 and named "Arrow Valley corridor"

Delete LGS 7 Crooks Lane Play Area, LGS 14 Bleachfield Street North Allotments, LGS 15 Bleachfield Street South Allotments, LGS 16 Allimore Lane Allotments and LGS 17 School Road Allotments.

Renumber the remaining Local Green Spaces accordingly and modify Map 7 and Appendix 2 to remove the deleted spaces and renumber the others.

Policy NE 4 -Safeguarding rivers and ponds

174. This policy resists development which would adversely affect existing rivers, streams and ponds, including the creation of culverts. There are two significant defects with the policy as worded. It is not clear what is meant by adverse effects; it could relate to many issues such as water quality, biodiversity, water levels, some of which are covered by other policies. Also, most planning decisions require a number of factors to be taken into account and sometimes beneficial effects have to be weighed against harmful ones. Sometimes mitigation of harmful effects is possible. As phrased the policy does not allow for any of this complexity.

³⁰ NPPF Paragraph 101

Recommendation

Delete Policy NE4.

Policy NE 5-Protecting Valued Landscapes and Important Views

175. This policy requires development to demonstrate how it relates to the character of the landscape and aims to protect four important landscapes and several important views within, or looking into or out of, the conservation area. The policy clearly refers to maps 8 and 9 which show the locations of these views and Appendix 3 explains the significance of the 4 valued landscapes.
176. The first part of the policy is consistent with the basic conditions as it reflects the importance of development being sympathetic to its landscape setting.³¹
177. SDC has commented that Map 8 shows viewpoints rather than landscapes. Landscape is a broad term and it needs to be clarified that it is the landscape as viewed from these points that is important. I have recommended a modification to this effect. On my visit I took in all the viewpoints indicated with the exception of the view from the weir on the River Alne looking west towards the conservation area which was not accessible through a fenced off field of cattle.
178. The last two paragraphs of the policy are worded very strongly and could be used to resist any change. Most development proposals are likely to have some effect on a view; the change may be beneficial in the case of landmark buildings, or the harm may not be sufficient to justify the refusal of an application. I have referred to the concept of the balance between the harm and the benefits associated with any development several times, particularly in relation to heritage assets and that principle needs to be captured in the wording of the policy.

Recommendations

In Policy NE 5:

Delete the existing wording after the first paragraph and insert:

“Development proposals should demonstrate that they maintain the essential character of the important landscapes as seen from the viewpoints on Map 8 and the important views within, into or out of the Conservation Area indicated on Map 9. Where development would have a significant adverse effect on these views it will only be permitted where the benefits of the proposal clearly outweigh the harm.”

Policy NE 6 - Mitigating and preventing increased flood risk

179. Policy NE 6 sets out measures to mitigate existing flood risk and prevent increases in flood risk. It is clear that flood risk is a very significant issue in Alcester, particularly following the very severe flooding which occurred in 2007. Both the Environment Agency (EA) and Warwickshire County Council (WCC) as the lead local flood authority have commented in detail on the issue

³¹ NPPF paragraph 127 b)

of flooding in general and this policy. The NPPF and the Core Strategy contain detailed policies on the management of flood risk and I am only able to recommend modifications that are necessary to meet the basic conditions rather than simply add detail which is valid but not essential. Thus, the six bullet points suggested by the EA go beyond my remit.

180. The first paragraph requires a site-specific flood risk assessment in line with the national and district policy and indicates that where there is local evidence such assessments may be required in other circumstances. It meets the basic conditions.
181. Both EA and WCC have commented on the second paragraph, to the effect that the discharge of surface water into the River Arrow is not undesirable providing the rate of surface water run off does not exceed that from a greenfield site and EA indicate that detailed hydraulic modelling is not necessary to determine this. I have therefore recommended a modification along the lines suggested by the EA.
182. The EA has also suggested that the third paragraph should also be expanded to require the maintenance of existing flood defences. However, this is a matter which would be addressed through a site-specific flood risk assessment in accordance with the first part of the policy.
183. The remaining sections of the policy are closely aligned with national policy and meets the basic conditions..

Recommendation

In Policy NE 6:

Modify the second section to read: "All developments should seek to control and discharge all surface water runoff generated onsite during the 1 in 100 year plus climate change rainfall event. For greenfield development sites the surface water runoff generated as a result of the developments should not exceed the greenfield runoff rate. For brownfield development sites, developers are expected to achieve a substantial reduction in the existing runoff rate, and where possible, reduce the runoff to the equivalent greenfield rate."

Projects

184. The final section of the Plan contains a list of projects which will be carried out by the Town Council during the plan period. These do not form part of the statutory plan and therefore do not need to be considered against the basic conditions. Nonetheless they are a valuable outcome from the neighbourhood planning process and provide a way of addressing the issues raised during consultation in a more direct way than is often possible through planning policies.

Conclusions and Referendum

185. The Alcester Neighbourhood Plan is a wide-ranging document which presents a coherent set of objectives and policies which are aligned closely with national and local plan policies. Most of the policies are carefully designed to address the specific circumstances in Alcester and supported by appropriate evidence, but in some cases in some instances, the policies are expressed in rather general terms which add little to national policy.
186. In carrying out my examination I have found it necessary to recommend modifications to several policies. Most of these modifications are minor in nature and seek to clarify the intentions of policies, where I found some ambiguity so that the policies will provide clear guidance to decision makers. In several cases the modifications reflect the need for decision makers to balance any potential harm against the benefits of a proposal. In some cases, the policy does not add significantly to national policy or is not appropriate for a neighbourhood plan and I have recommended its deletion.
187. Subject to the modifications that I have recommended, being made, I am satisfied that:
- 1) The Alcester Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
 - 2) Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
 - 3) The making of the Plan would contribute to the achievement of sustainable development;
 - 4) The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
 - 5) The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights and
 - 6) The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
188. I am therefore pleased to **recommend that the Alcester Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**
189. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. In this context I have considered the relationship of the parish with the neighbouring parish of Kinwarton, much of which lies within the built-up area of Alcester. However, I note that the parish of Kinwarton declined the suggestion that a plan should be prepared for the two parishes together and I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.³² **I therefore conclude that there is no need to extend the referendum area.**

³² PPG Reference ID: 41-059-20140306

Richard High

January 13 2020