

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

### **Comments on draft NDP**

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

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

We think that it the cumulative planning list is too dynamic to make it worthwhile listing planning applications of which we were aware at the time of writing.

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

Yes

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

Quote in full (and 2 missing):

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

We are confirming with Bob Keith precisely how many basic conditions there are but our submission will have been thoroughly checked for compliance

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

Quote the EU directives in full:

- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).
- Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often

referred to as the Environmental Impact Assessment (EIA) Directive).

- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (often referred to as the Habitats Directive).

Agreed: will be incorporated

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

No.8 – Should it read as follows?

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

We will discuss the extent to which we can go firm on this objective and ensure acceptance by residents in the referendum

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

We will recommend removal of the second sentence with a slight amendment to the first along the lines ‘...have been controlled and where possible reduced thus ensuring...’

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

See comments later

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

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

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

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

We have already made significant changes to the maps for the Consultation Version (CV) and will review them further against your comments here

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

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

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

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

We are working on a viewpoints map and can confirm that they are all public vantage points

#### **Justification**

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

This has already been significantly updated for the CV

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

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

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

Include proposals map with appropriate annotation.

All agreed. We will bring the definition of 'protected' from the Justification to the Explanation.

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

We discussed this with you and agreed that key verges not otherwise registered as Greens would stay in the document – or in an attached annex – given their importance to the village (eg High Street). Development for housing is of course highly unlikely but they could be susceptible to road widening.

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

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

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

This protection is defined in para 78 of the NPPF and as such we do not think that further justification/explanation is required.

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

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

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

Agreed

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

The policy as written considers the Conservation Area, but does not look at protecting listed buildings. It also looks to consider impact on views and vistas into and around the Conservation Area. I consider this could all be dealt with under the heading of ‘impact on the character and setting of heritage assets’. Therefore, I consider an appropriately worded policy could be as follows:

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

Agreed; we are looking at revised wording to cover these points

Should the sentence below the policy read as follows?

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

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

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

We need to be more specific in the way that 'development' is used in the NP; ie using two extremes net new houses or extensions

**Justification (p.17)**

Bullet point 3 – 'paragraphs' rather than 'clauses'

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

Agreed

**Policy HE5 (p.17)**

Policy negatively worded. Re-word policy as follows:

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

We discussed the use of 'refused/will not be supported' and agreed that whilst we were happy to change most in this instance we wanted to keep 'refused'.

**Justification (p.17)**

Bullet point 1 – is section 11 of the NPPF relevant? Is section 6 more appropriate?

Additional bullet point – Policy CS.5 of Core Strategy?

Agreed. We are aware that we need to bring in a stronger reference to development on 'best and most versatile agricultural land' (also HE5)

**Policy HE6 (p.18)**

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

Q: Is this the right way round?

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

We have already redrafted this for the CV. We could additionally provide an abbreviated list from AS10 but would not want to simply duplicate the CS.

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

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

We take the point about opening up beyond trees and will examine the Barford example. Some of this, however, is included elsewhere in our NP so we will examine and extract as appropriate. We also make reference in our NP to the SDC District Design Guide which also covers much of this territory

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

Replace 'refused' with 'not be supported'

Agreed

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

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

Agreed

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

Re-word first sentence as follows:

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

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

All Agreed

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

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

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

Security lighting – What planning legislation is this based on? Security lighting systems do not require planning permission. How is this going to be controlled when it is not operated or controlled through the planning system? Where is the justification and evidence base to suggest system of 6 minutes illumination per activation is not acceptable? What is the additional harm? How is the harm quantified?

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

We have given this significant thought and now propose borrowing from the Ashford Dark Skies Strategic Planning Document (SPD) which we include below. We would welcome your view as to whether this Policy would now be compliant with NPPF.

### Potential Redrafted Policy INF1

Applications for developments which include external lighting will be subject to light control E1 both within the settlement boundary and in the countryside outside the settlement boundary. The applicant will be required to assess the need for the lighting scheme proposed, taking into consideration whether the development could proceed without lighting, whether the benefits of lighting outweigh any drawbacks and if there are any alternative measures that may be taken.

#### Explanation

Local Planning Authorities are recommended to distinguish between broad areas that merit different levels of lighting control, as outlined in the Institution of Lighting Professionals (ILP), Guidance Notes for the Reduction of Light Pollution (2011). This can then be used to test the impacts of external artificial lighting.

<b>Table 1: Light control zones as suggested by the ILP (2011)</b>	<b>Surrounding</b>	<b>Lighting Environment</b>	<b>Examples</b>
<b>Zone</b>			
<b>E0</b>	Protected	Dark	Designated Dark Sky Zones
<b>E1</b>	Natural	Intrinsically dark	Areas of darkest skies (see plan, below). Rural areas.
<b>E2</b>	Rural	Low district brightness	Village or relatively dark outer suburban locations
<b>E3</b>	Suburban	Medium district brightness	Small town centres/suburban locations
<b>E4</b>	Urban	High district brightness	Town centres with high levels of night-time activity

#### Justification

- Paragraph 125 of the National Planning Policy Framework identifies the need to minimise the impact of light pollution: *“By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*
- Ashford Borough Council, Dark Skies SPD, adopted July 2014
- Gladman Inspectors report paragraph 84 commends ‘the cherished ‘dark village’ environment that local residents have sought to protect’

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

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

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

We are not sure that we can require new infrastructure development by developers as this remains the responsibility of the statutory providers. Nor are we aware of any specific infrastructure for Welford proposed in the schedule of infrastructure projects in the CS App1.

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

This is already in hand with superfast broadband now available in the village

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

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

We need to clarify throughout the NP what we mean by development (ie doesn't include conservatories- see above).

We had amended the Policy for the CV and justified this by reference to a DfE document on school transport although we recognised that this was the strongest justification.

We have now further consulted WCC guidance and have developed the following on the basis of their guidance documents [eg WCC School Transport Policy 2014-15 (PDF, 310.87 KB)]:

**Potential Redrafted Policy INF3.** New housing developments will only be supported if there are ordinarily sufficient primary school places at the nearest qualifying school for children whose parents wish them to attend.

We would welcome further feedback as to suitability in the SDC formal response.

By way of explanation, we will consider drafting a note along the lines that we fully understand that we recognise that not every child



can be accommodated on every occasion, but that in instances where the development will increase the potential demand for school places over foreseeable, planned capacity this will be grounds for refusal of planning permission.

We should add that this is of significant importance to residents who wish to see reference to sufficient primary school places for local children included (with concomitant reduction of SUVs bringing in children from surrounding villages some of which have primary schools themselves!).

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

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

This has been removed from CV of the NP.

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

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

Agreed

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

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

**Potential Redrafted Policy HLU1:** A development proposal that would result in more than 75 net new dwellings in Welford within the plan period will be supported in principle if it is:

- A Local Choice Scheme (COM.1/CS15: 5.1.13), *or*
- Development on a brownfield site within the settlement boundary (or built up area boundary when defined or the physical confines of the village), *or*
- An infill or windfall site (defined as not more than 5 dwellings (CS16: 5.2.7), *or*
- A development of Extra Care Housing (see HLU5), *or*

- Directly and proportionately related to new, permanent employment within the NP area (on a minimum 1 job; 1 house basis), or
- **Matthew:** *Do we need and 'Exceptional Circumstances' clause which whilst offering both flexibility potentially offers developers the means to circumvent these restrictions?*

We have produced evidence such as the school, traffic pinch points, sewerage capacity issues to justify unsustainability of housing numbers in excess of local plan. In refusing the Gladman appeal, the Inspector's report made specific reference to tests for social and environmental sustainability and social cohesion regardless of the 5 year land supply and acceptability of the CS. Any future development proposal would have pass these tests.

We would welcome your view as to whether this Policy would now be compliant with NPPF.

### **Policy HLU2**

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

We have removed the 2<sup>nd</sup> sentence in the CV. Our objective is to achieve phased development through the Plan Period rather than front loading as appears to be the occurring at the moment.

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

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

We will review the Barford NDP against our own which came from Ascot. In developing the NP we felt that the Ascot and Sunningdale NP included detailed policy items which were appropriate to Welford: this potentially remains the case. We found the Stratford District Design Guide an important document in helping shape this policy.

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

Bullet point 1 – include Policy CS.8? **Already changed**

Bullet point 2 – do you mean District Design Guide? **Already changed**

Bullet point 3 – Where is the Village Design Statement referred to? Would it be worth including it as an additional appendix to the report so readers do not have to search elsewhere should they wish to refer to it? **It is in the evidence base and we will redraft HLU3 d) to include reference to it.**

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

Many boundary treatments are permitted development and therefore outside the control of the planning system (bullet point 1). Boundary treatment was a condition of for instance the Fairlea development, and we contend that where a new development abuts a footpath then such a treatment should be subject to planning control.

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

We have covered the use of term 'development' earlier and we will adopt consistent wording in submitted version.

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

We will review the WCC technical guidance and consider how best we amend this.

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

We would welcome your view as to whether this Policy would now be compliant with NPPF.

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

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

We will remove the detailed analysis but keep references to bungalows, extra care housing, affordable and local market housing as these came out of our village surveys.

**Revised HLU5 Policy:** The market housing component of all new developments (over xx dwellings?) must comprise a mix of housing types broadly consistent with SDC's Policy CS18 (Housing Mix and Type).

Additionally, developments which include proposals for bungalows, extra care housing, affordable and local market housing as key components of their housing mix (and which are consistent with other policies) will be strongly supported.

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

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

No, we are saying that all developments must be small scale. The 3% figure derived from an earlier draft of the CS (February 2012) which referred to 2%. Given the total number of dwellings in Welford (ca 550), we regarded the 2% figure too limiting, hence the 50% increase. We were taken by the wording of the Feb 2012 draft that this limit on size was important in order to "preserve the character of LSVs".

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

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

We have removed this phrase from the CV.

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

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

The anti-aggregation policy was copied from the Local Plan Review, policy Com13, para 6.12.10 which has the purpose of preventing unscrupulous developers carving up sites so that each section remains under a particular threshold.

We believe that the 3% limit together with anti-aggregation will have the desirable side-product of spreading developments around the village.

The Parish Council wishes to ensure that development is on small scale sites distributed through the village as strongly reflected by both the Parish Plan and Community Survey.

We would welcome your view as to whether this Policy would now be compliant with NPPF.

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

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

First bullet point – covered by other planning guidance

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

Third bullet point – not compliant with NPPF

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

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

Sixth bullet point – covered by other planning guidance

This is borrowed directly from another NP but we will re-review the list in light of your comments. We found this a useful checklist for developers and others as examples of what we mean by 'detrimental'. Whilst we recognise the requirement not to repeat large chunks of Policy, you have previously suggested (HE6) that such detail might be included so as to facilitate understanding of the policy.

Do you have any better examples of 'detrimental'?

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

Negatively worded. Consider revised wording:

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

Agreed

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

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

The periphery is defined as "within the built-up area boundary (when defined) or otherwise within the physical confines" (CS15: 4.3) and as shown in the map on page 18 of the CV.

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

Agreed

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

This whole policy was borrowed from Ascot and Sunningdale NP. We will, however, review the 1<sup>st</sup> point.

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

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

We will source.

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

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

Agreed

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

We felt that this was a significantly different and specific point, with particular relevance to Welford, that sat better outside general design guidelines.

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

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

Agreed

Second sentence referring to new sites (as above). However, I have a concern that this is too restrictive and may not comply with the provisions of the NPPF or CS. Could the policy be re-worded to conclude:

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

CS policy AS10. h) and u) state that small scale *expansion of park homes and caravan sites* is acceptable in principle. Since new sites are excluded we believe that policy HLU11 is compliant with the CS.

## **Glossary**

Back land Development – I'm not convinced the second sentence is accurate or required. Suggested alternative definition:

"Development of 'landlocked' sites behind existing buildings, such as rear gardens and private open space, usually within predominantly residential areas. Such sites often have no street frontages".

We sourced this definition from another NP but are happy to change if you so desire.

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

Agreed

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

Agreed, but there is no reference to this in our NP as currently drafted. Should we re-engineer this back into the NP (eg HLU3)?

Core Strategy – suggest the following statement to replace the second paragraph/bullet points:

“Provides the strategic context for development decisions in the District up to 2031. Its purpose is to provide a spatial vision for the District and set out a development strategy and policies for housing, employments, infrastructure and service provision”.

Agreed

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

Agreed

Greenfield – suggested alternative wording:

“Land that has not been previously developed *including land in agricultural use, private gardens, parks, playing fields and allotments*”.

Agreed

Local Development Framework – Delete final sentence. Agreed

Local Development Scheme – consider alternative wording:

“A public statement of a Local Authority’s programme for the production of Local Development Documents. The LDS is reviewed and updated on a regular basis to reflect changes in circumstances”.

Agreed

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

Please see our comments on NP policy HE2.

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

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

Yes. We have also spelt out policies in more detail in the CV.

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

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

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

“The creation of a new multi-purpose community meeting place and sports facility to meet the present and future demands for

recreational and sporting activities for all age groups will be supported”

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

We explained that this was not feasible at the present time given the opposing views of many of the village’s constituent groups.

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

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

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

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

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

In accordance with Section 10 of the NPPF.

Policies 9,10,11. We will review, but are unsure whether such objectives can be properly captured in policies that impact specifically on local planning matters. They are also generally the responsibility of other statutory bodies.

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

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

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

This is within the remit of the EA/Severn Trent.