

**LICKEY & BLACKWELL AND COFTON HACKETT
NEIGHBOURHOOD PLAN 2018 - 2030**

**The Report of the Independent Examiner to Bromsgrove District Council on
the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan**

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12th September 2019**

Summary

I was appointed by Bromsgrove District Council, in agreement with the Lickey & Blackwell and Cofton Hackett Parish Councils, in April 2019 to undertake the Independent Examination of the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 18th July 2019.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Lickey & Blackwell and Cofton Hackett Neighbourhood Area. There is an evident focus on safeguarding the very distinctive, largely rural character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Bromsgrove District Plan.

Subject to a series of recommended modifications set out in this Report I have concluded that the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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Introduction

This report sets out the findings of the Independent Examination of the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan 2018 - 2030. The Plan was submitted to Bromsgrove District Council by Lickey & Blackwell and Cofton Hackett Parish Councils in their capacity as the 'qualifying bodies' responsible for preparing the Neighbourhood Plan.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2018 (and updated in February 2019) but the transitional arrangements in para 214 Appendix 1 on Implementation apply and thus this Examination is unaffected by the changed NPPF; accordingly all references to the NPPF in this Report are to the original 2012 NPPF document (unless otherwise indicated).

This report assesses whether the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan would then be used in the process of determining planning applications within the Plan boundary as an integral part of the wider Plan.

The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted Neighbourhood Plan meets the legislative and procedural requirements. I was appointed by Bromsgrove District Council, in agreement with Lickey & Blackwell and Cofton Hackett Parish Councils, to conduct the examination of the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan and to report my findings. I am independent of both Bromsgrove District Council and Lickey & Blackwell and Cofton Hackett Parish Councils. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector bodies as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan is submitted to a referendum; or
- the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Plan should go forward to referendum, I

must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this examination I have considered the following documents:

- Lickey & Blackwell and Cofton Hackett Neighbourhood Plan 2018 - 2030 as submitted
- Lickey & Blackwell and Cofton Hackett Neighbourhood Plan Basic Conditions Statement (Autumn 2018)
- Lickey & Blackwell and Cofton Hackett Neighbourhood Plan Consultation Statement with Appendices (Autumn 2018)
- Strategic Environmental Assessment and Habitat Regulation Assessment Screening Opinion Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan (March 2018)
- Content at: www.lickeyandblackwellpc.org/neighbourhood-plan/ and <https://coftonhackettpc.org/neighbourhood-plan/>
- Content at: www.bromsgrove.gov.uk/council/policy-and-strategy/planning-policies/neighbourhood-plans/lickey-blackwell-and-cofton-hackett-neighbourhood-plan.aspx
- Representations made to the Regulation 16 public consultation on the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan
- Bromsgrove District Plan 2011 - 2030 adopted in January 2017
- National Planning Policy Framework (NPPF) (2012, 2018 & 2019)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Neighbourhood Area on 18th July 2019. I looked at the settlements and countryside within the Lickey & Blackwell and Cofton Hackett Parishes. I also viewed the part of the Barnt Green Conservation Area that is within the Neighbourhood Area and all the various sites and locations identified in the Plan document.

The legislation establishes that, as a general rule, Neighbourhood Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan could be examined without the need for a public hearing. The Qualifying Bodies and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and

the correspondence has been shown on the Bromsgrove District Council Neighbourhood Planning website for the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan.

Lickey & Blackwell and Cofton Hackett Neighbourhood Area

A map showing the boundary of the Lickey & Blackwell and Cofton Hackett Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Lickey & Blackwell and Cofton Hackett Parish Councils, Bromsgrove District Council approved the designation of the Neighbourhood Area on 13th October 2014. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Qualifying Bodies have prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Plan [or Order] 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 emerging Neighbourhood Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Plan [or Order].” (Reference ID: 41-047-20140306)

The Consultation Statement submitted alongside the Plan notes that several initial consultation opportunities were organised to engage local residents and stakeholders. These included: July 2013 - 2015 informal public consultation including Blackwell Festivals mainly asking the question “What do you like and dislike about your neighbourhood?”; in April 2014 a questionnaire was distributed to Lickey & Blackwell residents followed in Summer 2014 by the same questionnaire to Cofton Hackett residents; October 2014 and 2015 residents’ meetings including a simple questionnaire; October 2016 three residents’ consultation meetings which over 80 residents attended and more than 40 completed questionnaires were returned; June - July 2017 consultation meetings on the First Draft Plan which was placed on the Parish Councils’ websites and hard copies were available on request with comments invited in writing or by using a comments form; March 2018 informal open Q&A session and update. Publicity for events and activities were provided by a combination of leaflet distribution, Parish Newsletters, posters and website entries.

The Draft Neighbourhood Development Plan was published for 6 weeks formal public consultation (Regulation 14) from Monday 4th June 2018 to Friday 19th July 2018. During the consultation period several open drop in consultation events were held in the two Parishes. Statutory consultation bodies and other consultees were contacted by email or letter. Tables setting out the complete list of responses, together with the Parish Councils’ consideration of these and any resulting changes to the Draft Plan have been provided as an accompanying document to the Consultation Statement.

I am therefore satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Bodies have already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Bromsgrove District Council from Tuesday 6th November until Tuesday 18th December 2018. I have been passed the representations – 15 in total – which were generated by the consultation and which have now been included alongside the details of the Plan on the Bromsgrove District Neighbourhood Planning website. I have not mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

The Neighbourhood Plan

Lickey & Blackwell and Cofton Hackett Parish Councils are to be congratulated on their extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2030. I can see that a sustained effort has been put into developing a Plan with a vision “to sustainably maintain and enhance the life of our community, retaining its rural character and building on its heritage to shape its future”. The Plan document is well presented with a distinctive combination of text, images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Bodies to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (Planning Practice Guidance Reference ID: 41-001-20140306).

Individually I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to have regard to Local Plan strategic policies.

Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community’s priorities whilst seeking to identify and safeguard Lickey & Blackwell and Cofton Hackett’s distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from Bromsgrove District Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly I have been obliged to recommend modifications so as to ensure both clarity and meeting of the ‘Basic Conditions’. In particular, Plan policies as submitted may not meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the ‘Basic Conditions’.

Basic Conditions

The Independent Examiner is required to consider whether a Neighbourhood Plan meets the “Basic Conditions”, as set out in law following the Localism Act 2011; in December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the Plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to the first four of these requirements in the same order as above and, where appropriate, has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Plan for Bromsgrove District adopted in January 2017. At the time of Neighbourhood Plan submission the fifth Basic Condition had not been added but as the Plan does not allocate land for development and is supportive of Lickey & Blackwell and Cofton Hackett's rural features, I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

The Plan in Detail

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

Front cover

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a reference to the Plan dates 2018 – 2030 prominently and helpfully on the front cover. However, the additional titling relating to 'submission' and 'presented by' will no longer be applicable.

Recommendation 1:

Remove from the front cover wording relating to the submission status of the Plan.

Contents

The Contents list will need to be reviewed once the text has been amended to accommodate the recommendations from this Report. For clarity it would be helpful to add on this page a note to the effect that references to the NPPF are to the 2012 version.

Recommendation 2:

2.1 Review the "Contents" pages once the text has been amended to accommodate the recommendations from this Report.

2.2 Add after the content listing:

'References to the NPPF within this Plan are to the 2012 version.'

Foreword

This introductory section has now served its purpose and can be removed.

Recommendation 3:

Remove the section titled "Foreword" on page 3.

Map of the Neighbourhood Area (page 4)

On my paper copy at least the key omits the shading colours which identify each of the Parish areas; if this distinction is felt to be important then the key details need to be rechecked. Also, although the map numbering assumes that this map is Map1, that does not actually appear as a title.

Recommendation 4:

Recheck the reproduction of the key details and the title on the map on page 4.

1. Introduction & Background

Like the “Foreword”, paragraph 1.1 and paragraph 1.5 second sentence have served their purpose and can now be omitted. An amendment is also required within paragraph 1.17.

Recommendation 5:

5.1 Delete paragraph 1.1 and the second sentence of paragraph 1.5; renumber subsequent paragraphs accordingly; move the initial use of “Neighbourhood Development Plan (NDP)” from paragraph 1.1 to paragraph 1.2.

5.2 In the final sentence of paragraph 1.17 replace “has been” with ‘was’.

2. A Portrait of Lickey & Blackwell and Cofton Hackett

This is a helpful and brief “portrait”.

3. NDP for Lickey & Blackwell and Cofton Hackett

Paragraph 3.1 refers to Appendix 1 and as I will later recommend, this is not needed for a Plan about to become part of the Development Plan, not least because the NPPF references are already out of date.

Recommendation 6:

Replace the second and subsequent sentences of paragraph 3.1 with: ‘The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) provide the primary national context.’

4. Vision and Objectives

A representation has noted the discrepancy in dates between the Vision statement and the Plan period on the front cover.

It is not appropriate for a document on the verge of becoming part of the Development Plan to assert a position on a strategic matter such as the Green Belt. Another concern is the use of the “We” opening to each Objective; these are the Plan objectives not ones personal to any one body or group. Looking at some of the Objectives individually:

Objective 1: Even though a “where possible” has been included, Objective 1 seeks to protect the Green Belt, which is beyond the scope of a NDP. Further a representation notes that the review of the Green Belt will be looking at its compliance with the 5 purposes of the Green Belt and none of these is about protecting the rural feel of places.

Objective 2: How the Parish Councils engage with the Green Belt Review is entirely at their own discretion, but the Plan cannot be used to engage in strategic matters which are beyond the scope of a NDP.

Objective 5: I believe that the Objective inverts what the Policies are worded to achieve; the Qualifying Bodies have confirmed that it was the intention to ensure that infrastructure is provided appropriately for planned development and growth, not the other way around.

Objective 8: This seems to be a restatement of the Vision in different words. The Qualifying Bodies however have noted that this is an overarching objective and refers to "local distinctiveness and contributes to a sense of place and well-being" which the Vision statement does not.

Recommendation 7:

Under the "Vision and Objectives" heading:

7.1 In the "Vision" on page 16 amend the dates to read '2018 – 2030'.

7.2 Amend Objective 1 to read: 'The built, historical and natural environment, and important green spaces will be appropriately protected.'

7.3 Amend Objective 2 to read: 'Where possible open land will be retained between individual settlements.'

7.4 Amend Objective 3 to read: 'Nature conservation will be promoted and areas of special environmental value protected.'

7.5 Amend Objective 4 to read: 'Residential developments will be supported where they are of modest size, in scale with the character of the area.'

7.6 Amend Objective 5 to read: 'Infrastructure should be provided appropriately for planned development and growth and existing constraints considered and addressed within new proposals.'

7.7 Amend Objective 6 to read: 'Sustainable economic and social growth will be supported and facilities for all local people will be enhanced in order that the community can take full advantage of a full social and active lifestyle.'

7.8 Amend Objective 7 to read: 'The local economy will be supported to expand by encouraging suitable small business and employment opportunities for people of all ages.'

7.9 Amend Objective 8 to read: 'The concept of local distinctiveness will be embraced to contribute to a sense of place and well-being for the community and future generations.'

5. Key Issues and NDP Planning Policies

As with the Contents list, section 5 will need to be reviewed once the Plan policies have been amended to accommodate the recommendations from this Report.

Recommendation 8:

Review section 5 in the light of changes to the Policies as recommended in this Report.

6. Natural Environment

Within paragraph 6.8, for a Development Plan document, the "our" references need to be replaced. Within paragraph 6.10 the source reference for the first mention of the Lickey & Blackwell Village Design Statement is omitted. Within paragraph 6.13 there is mention of "Appendix 2" which will need to be reviewed in the light of later recommendations. More than one representation objects to the assertion in paragraph 6.16 of the Plan that "The NDP provides robust evidence for the forthcoming Green Belt Review about to be prepared by Bromsgrove District Council". It may be considered reasonable for this part of the text to

record the concerns of residents, as in paragraph 6.15, but it is not appropriate for a document on the verge of becoming part of the Development Plan to assert a position on a strategic matter, as in paragraph 6.16.

Recommendation 9:

Within the section headed “6. Natural Environment”:

9.1 Provide the sources for the data on Maps 2 & 3.

9.2 In paragraphs 6.8 and 6.22 replace the use of “our” with ‘the’.

9.3 Move the source reference for the ‘Lickey & Blackwell Village Design Statement’ from paragraph 6.13 to 6.10.

9.4 Amend the Appendix reference in paragraph 6.13 in the light of later recommended amendments to the Appendices.

9.5 Delete paragraph 6.1 and amend the subsequent paragraph numbers accordingly.

Policy NE1 Local Landscape

Whilst its nature and purpose is clear, little of Policy NE1 adds to rather than potentially confuses the guidelines already contained within the Worcestershire Landscape Character Assessment Supplementary Guidance and the Lickey and Blackwell Village Design Statement; only guidelines 5, 6 & 7 appear to relate to matters specific to the Neighbourhood Area. The Qualifying Bodies have responded that “We have taken from the [Worcestershire Landscape Character Assessment] (WLCA) to create this policy. We would like to keep this because many of those who could be voting on the NDP at referendum will not have read the original WLCA document or other associated documents.” But the audience for the Policy is not the voters at the referendum but the prospective developers who expect quickly to get to the nub of issues. The Qualifying Bodies have suggested an approach to “re-number [guidelines] 5, 6, 7 as 1, 2, 3 whilst retaining the other guidelines and renumbering accordingly” but I feel the amendment ought to go further and take the general guidance into a single sub-paragraph.

In guideline 6 there may be many potential interpretations of the term “impacts”. The Qualifying Bodies have agreed that if ‘and addressed’ is added to guideline 5 after “considered” then the need for the largely repetitious guideline 6 falls away.

Recommendation 10:

Within Policy NE1 Local Landscape:

10.1 Rewrite the opening paragraph as:

‘Landscaping within development proposals should demonstrate that they have taken appropriate account of the current Worcestershire Landscape Character Assessment Supplementary Guidance ^[footnote reference] in accordance with Bromsgrove District Plan Policy BDP21.1.’

10.2 Rewrite the second sentence of paragraph 2 as:

‘Where appropriate, the following should be considered and addressed:’

10.3 Renumber guideline 5 as bullet point 1; delete from this bullet point “should be considered”; delete viewpoint A and renumber the subsequent viewpoints accordingly.

10.4 Delete guideline 6.

10.5 Renumber guideline 7 as bullet point 2.

10.6 Introduce a bullet point 3 as follows:

'The following particular guidance is derived from the Worcestershire Landscape Character Assessment Supplementary Guidance:'

10.7 Renumber guideline 1 as bullet point 3.1; delete "and native berberis and pyracantha"; replace "grows to an appropriate scale" with 'grow to a scale appropriate to the character of the area'.

10.8 Renumber guideline 2 as bullet point 3.2 and guideline 3 as bullet point 3.3.

10.9 Renumber guideline 4 as bullet point 3.4; amend the words "of settlements. Historic field" to 'of settlements and historic field'.

10.10 Renumber guideline 8 as bullet point 3.5, guideline 9 as bullet point 3.6 (and delete the stray inverted comma and add in its place a footnote reference for the Farmsteads Characterisation Project), and guideline 10 as bullet point 3.7.

10.11 Amend the title of the adjacent Map 4 as 'Viewpoint Locations' and bring the entries into line with the amended listing within the Policy.

As amended Policy NE1 meets the Basic Conditions.

Wildlife

I note that "Wildlife Importance Areas" are divided into two categories: Sites of Special Scientific Interest (SSSIs) and Local Wildlife Sites (LWSs) but on Map 5 the key, confusingly, shows the latter as "Areas of Wildlife Importance" and the Policy refers to these as "local wildlife and habitats" and later "biodiversity networks and wildlife corridors"; because of the shifting terminology it is difficult to interpret whether these all mean the same thing or not. I note that the collective term used in Bromsgrove District Plan Policy BDP21.2 is "sites of wildlife importance" and for consistency that is the term that should be carried over into the detailing of Neighbourhood Area sites.

In paragraph 6.29 it is suggested that "it is important for our [the] NDP to protect the reservoirs and surrounding Green Belt area from development as required in the NPPF"; but as is clear from the quotation from the NPPF and representations, there is no absolute protection from all development and accordingly 'inappropriate' is needed immediately before "development".

Some of the preamble to Policy NE2 seems to have strayed beyond the Policy itself. Paragraph 6.30 is repeated at paragraph 6.33.

Recommendation 11:

Under the heading "Wildlife":

11.1 *At the beginning of paragraph 6.23 replace "Areas" with 'Sites'.*

11.2 *In the first sentence of paragraph 6.29 replace "our" with 'the' and insert 'inappropriate' before "development".*

11.3 *On Map 5 on page 35 replace "Areas of Wildlife Importance" with 'Local Wildlife Sites'; add the source reference for the map data.*

11.4 *Move Policy NE2 to after paragraph 6.35.*

11.5 Delete paragraph 6.33 (since it duplicates paragraph 6.30) and renumber subsequent paragraphs.

Policy NE2 Protecting and Enhancing Biodiversity

The Policy topic has regard for national policy and the District Plan. However, the Policy and text terminology must be made compatible. As noted in paragraph 6.30, “Distinctions should be made between the hierarchy ofdesignated sites”; therefore ‘according to their significance’ needs to be added to the first paragraph of Policy NE2. The third paragraph of the Policy says “Ponds are protected” but it is unclear whether this is intended to suggest that higher level policies already protect all “ponds” – not the case - or whether it is intended that Policy NE2 “protects” ponds; absolute “protection” should not be implied. A representation notes that a “where possible” needs to be added to the second sentence of paragraph 3.

Recommendation 12:

Within Policy NE2 Protecting and Enhancing Biodiversity:

12.1 In paragraph 1 replace “local wildlife and habitats” with ‘sites of wildlife importance’; after “should” add ‘, according to their significance,’.

12.2 In paragraph 3 in the first sentence replace “Ponds are protected” with ‘Existing ponds should be retained’ and in the second sentence before “the watercourse” add ‘where possible’.

12.3 In paragraph 4 after “should” add ‘, where possible,’ and replace “existing biodiversity networks and wildlife corridors” with ‘existing sites of wildlife importance’.

As amended Policy NE2 meets the Basic Conditions.

Green Infrastructure

The Policy topic has regard for national policy and the District Plan. Paragraph 6.42 says that “Policy NE3 supports a GI approach to new development....with a higher level of detail relevant to the Neighbourhood Area”; I question whether there is actually any *additional* detail provided and therefore this sentence may mislead.

Recommendation 13:

Under the heading “Green Infrastructure”, in paragraph 6.42 delete “new” and “with a higher level of detail relevant to the Neighbourhood Area”.

Policy NE3 Green Infrastructure (GI)

The target audience for Paragraph 2 is unclear. Paragraph 6.41 notes the Bromsgrove DC commitment to a GI network but paragraphs 2 & 4 of Policy NE3 appear, inappropriately, to expect the network to be created and sustained by developers.

Recommendation 14:

Rewrite Policy NE3 Green Infrastructure as follows:

‘Development proposals should where applicable:

- 1. Ensure the protection and enhancement of the existing green infrastructure assets;*
- 2. Contribute to the extension of multi-functional green infrastructure;*
- 3. Contribute to ecological enhancements and the management of flood risk and water quality; and*
- 4. Respect the landscape and historic character of the Neighbourhood Area.’*

As amended Policy NE3 meets the Basic Conditions.

Geology of the Lickey Hills

I note that the headline here suggests a Policy applicable to a specific, significant part of the Neighbourhood Area. Whilst the geology of the area is described, no mapped detail is included or referenced (although the Qualifying Bodies have subsequently provided references). The Policy NE4 wording appears to be non-area specific and it is difficult to see how the development for which the Plan provides is likely to affect or be affected by geodiversity; I note that the area referenced in the headline is already the subject of significant higher level protections.

Recommendation 15:

Under the heading “Geology of the Lickey Hills”:

15.1 Add suitable source references where applicable within the text.

15.2 Delete Policy NE4 and paragraph 6.48.

7. Built Heritage and Design

Whilst the context for Policy BD1 is well described, the purpose of the Policy and its wording are much less clear.

Recommendation 16:

In the first sentence of paragraph 7.1 delete “our”.

Policy BD1 Barnt Green Conservation Area

The Policy needs to be clear that it is applicable only to the part of the Conservation Area that sits within the Neighbourhood Area. The issues addressed by paragraphs 1 & 2 appear to be addressed with greater clarity within the NPPF and the Qualifying Bodies have agreed that the reference to the NPPF is paragraph 7.16 is sufficient. The Qualifying Bodies have also agreed that the reference to “Character Appraisals” within paragraph 3 is inappropriate.

Recommendation 17:

Rewrite Policy BD1 Barnt Green Conservation Area as follows:

‘Within the part of the Conservation Area that sits within the Neighbourhood Area:

1. Development proposals should reflect the scale, massing, height and form of the characteristic buildings and the detailing and materials should be chosen to be harmonious with neighbouring properties.

2. Contemporary and sustainable designs will be acceptable where they are of exceptional quality and where it is demonstrated that they have appropriate regard for their context.’

Promoting High Quality Design Across the Neighbourhood Area

Paragraph 7.19 notes that the “character appraisal” for the Blackwell, Lickey and Cofton Hackett settlements is available as an unreferenced “background document”; however the wording of several paragraphs of Policy BD2 binds developers to “take into consideration” the appraisal. Despite the prominence afforded to the appraisal, at the start of my Examination the Neighbourhood Plan website showed a link to an “unfinished joint Character Appraisal for Lickey and Blackwell and Cofton Hackett”; subsequently, the Qualifying Bodies provided links to two documents - separate Character Appraisals of Lickey and Blackwell – which are in addition to the Cofton Hackett Character Appraisal dated January 2019. The status of the character appraisal(s) and the use of multiple references therefore need clarification.

Recommendation 18:

Under the heading “Promoting High Quality Design Across the Neighbourhood Area”, in the first paragraph, replace “a character appraisal” with ‘Character Appraisals’.

Policy BD2 Encouraging High Quality Design

Policy BD2 does appear to have regard for the NPPF expectation (para 59) that Plans should “avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”. However the wording of the Policy does have shortcomings (beyond the character appraisal issue noted above):

Principle 1 inappropriately seeks to bind Bromsgrove DC to a particular approach in their review of the Green Belt. Principle 2 needs to be worded positively and “significant and unacceptable increases” is open to a wide interpretation. The NPPF says (para 58), whilst acknowledging that policies “should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics”, policies should “optimise the potential of the site to accommodate development”. It should therefore be sufficient for reliance to be placed on an assessment of the “character of the surrounding area”. In principle 3 it is inappropriate that regard should only be had for the WCC Parking Standards “where possible”. In principle 5 I am uncertain that every development at whatever scale will be able to “identify and include opportunities for positive change”; a “where possible” is needed. In principle 6 it is unclear why the opening reference to the character appraisals is insufficient and why the “Victorian and Edwardian properties” have been singled out for mention, particularly since this sits uneasily with principle 7 which says that “proposals need not imitate earlier architectural periods or styles”. In principle 7 it is said that “New buildings should follow a consistent design approach”; I believe this is meant to relate to ‘each development’ rather than ‘every development’ but even then it is difficult to see a justification for this requirement when the “character of the surrounding area” is unlikely to demonstrate “a consistent design approach”.

As noted later with Policy INF2, the Qualifying Bodies have agreed that reference to age and dementia-friendly environments should more appropriately be included within Policy BD2.

Recommendation 19:

Within Policy BD2 Encouraging High Quality Design:

19.1 Reword paragraph 1 as:

‘Development proposals for new buildings and extensions should have appropriate regard for the character of the area in which they are located, as illustrated in the Character Appraisals of Lickey, Blackwell and Cofton Hackett ^[footnote reference].’

19.2 In paragraph 2 replace “are required to respond positively” with ‘should respond sympathetically’.

19.3 In principle 1 delete the second sentence.

19.4 Reword principle 2 as:

‘Subdivision of plots and infill development must have appropriate regard for characteristic plot densities at their location.’

19.5 In the second sentence of principle 3 delete “provision of” and “wherever possible”.

19.6 In principle 5 replace “as described in the local character appraisals” with ‘as illustrated in the Character Appraisals’; add ‘where possible’ between “and” and “identify”. Add to principle 5 from principle 6: ‘The many Victorian and Edwardian properties are a distinctive feature across all the Character Appraisals.’

19.7 In principle 6 delete the first sentence and from the third sentence delete “consider the character appraisal undertaken by the Neighbourhood Development Plan steering group) and clearly”.

19.8 In principle 7 delete the third sentence commencing “New buildings should ...”; separate out the last sentence as principle 8.

19.9 Add a principle 9 as follows:

‘Large residential developments should incorporate age- and dementia-friendly features such as circular pathways in parks and open spaces, appropriate surfaces and street furniture and facilities for rest stops and social interaction.’

As amended Policy BD2 meets the Basic Conditions.

Garden and Backland Development

A representation notes that Policy BD3 could be self-defeating since it will frustrate the delivery of a sufficient quantum of housing thus making the need for the release of Green Belt land the more likely. However, as the preamble notes (subject to the comments below), the policy topic has regard to national policy and is compatible with Bromsgrove District Plan. The Qualifying Bodies have reconfirmed that they feel that this is an important issue but suggest that the Policy is renamed as ‘Residential Development in Gardens’.

Paragraph 7.26 quotes an Appeal that illustrates why it is difficult to frame a Policy that has regard to the many factors that are relevant to individual development proposals, and why language such as “unwanted garden grabbing” is unhelpful.

Paragraph 7.28 quotes a “recently published” 2017 Government White Paper which was a statement of intention rather than policy. The 2019 NPPF (para 70) repeats the content quoted from the 2012 version. As paragraph 8.198 of the Bromsgrove District Plan notes: “This does not mean that all development on garden land should be refused, but rather that careful consideration should be given to any proposals and whether there are any mitigating factors. One of the most important considerations for determining applications on garden land will be the retention of the existing character of residential areas. Development which significantly increases the proportion of ground coverage by buildings, or the scale of proposed buildings, is likely to be out of keeping with its surroundings and therefore is likely to be unacceptable and will be refused.” This approach is therefore more appropriate to quote and should therefore be the basis for Policy BD3.

Recommendation 20:

Under the heading “Garden and Backland Development”:

20.1 Replace the heading with ‘Residential Development in Gardens’.

20.2 In paragraph 7.26, in the first sentence of insert ‘Policy’ between “in” and “H1” and delete “(page 54)”, “rear” and “(“backland development” or “unwanted garden grabbing”)”; delete the second sentence.

20.3 In paragraph 7.28 delete the second sentence (and the related footnote); at the end of the third sentence add “; paragraph 8.198 says “One of the most important considerations for determining applications on garden land will be the retention of the existing character of residential areas. Development which significantly increases the proportion of ground coverage by buildings, or the scale of proposed buildings, is likely to be out of keeping with its surroundings and therefore is likely to be unacceptable and will be refused.””

Policy BD3 Garden and Backland Development

Paragraph 1 of Policy BD3 says that the Policy is concerned about the loss of “mature trees, hedges and shrubbery” but paragraph 3 requires that “buildings should be sited and designed to protect existing mature trees and hedgerows on the site”. It is also unclear at what point the loss of back garden amounts to a “substantial increase in the density of built form”. Paragraph 2 appears to extend to all “private gardens” not just rear gardens; there is also a lack of clarity as to how a developer could “support the need for higher density development” other than to show that there is an acknowledged housing requirement for the Neighbourhood Area and Policy H1 supports the provision of additional housing within existing settlements. The protection of “the residential amenity and privacy of neighbouring occupiers” referenced in paragraph 3 only apparently becomes an issue after “such development schemes are considered acceptable”. Some rewording is therefore required.

Recommendation 21:

Within Policy BD3 Garden and Backland Development:

21.1 Replace the title with ‘Residential Development in Gardens’.

21.2 Reword Policy BD3 as:

‘Development proposals on garden land will only be appropriate if they are in keeping with their surroundings and retain the existing character of the residential area at their location. Factors that must therefore be considered and addressed include openness, mature trees, hedges and shrubbery, townscape and density of the built form. The amenity and privacy of residential neighbours are also key considerations.’

As amended Policy BD3 meets the Basic Conditions.

8. Housing

New Housing Development

It should not be assumed, as in paragraph 8.3, that the Green Belt Review will have been completed by 2021. A Neighbourhood Plan, particularly one on the verge of becoming part of the Development Plan, should not be used as a campaigning document. Accordingly the references to the Parish Council activities around the Green Belt Review, as included in paragraphs 8.8 and 8.9, should be omitted.

Recommendation 22:

Under the heading “New Housing Development”:

22.1 Reword the first sentence of paragraph 8.3 as:

‘Once the Green Belt Review is completed further sites will be allocated to contribute approximately 2,300 dwellings towards the 7,000 targets required by the District Council.’

22.2 In paragraph 8.8, in the second sentence replace “our” with ‘the’; delete the third and fourth sentences. In footnote 17 replace “please remember that this document is evidence for plan preparation and” with ‘it’; delete the comma after “itself”.

22.3 In paragraph 8.9, in the first sentence replace “our area” with ‘the Neighbourhood Area’; delete the third and fourth sentences.

22.4 In paragraph 8.10, in the first sentence replace “will not” with ‘does not’.

Policy H1 New Housing within Existing Settlements

I note that Policy H1 is titled “New Housing within Existing Settlements” but the Policy wording provides also for “Development of previously developed land in the Green Belt”. The NPPF (section 9) does not provide for unconstrained development in the Green Belt even of previously developed land; accordingly I believe that Policy H1 should keep within the range

described in the title. Within Policy H1 criterion 3 I doubt that “odour” should be a factor for residential development. Criterion 4 seems irrelevant if all the sites are within existing settlements and the Qualifying Bodies have agreed that it should be deleted.

Recommendation 23:

Within Policy H1 New Housing within Existing Settlements:

23.1 Reword the opening sentence as:

‘Development proposals within existing settlements and built up areas will be supported in line with Bromsgrove District Plan BDP2.1 provided that:’.

23.2 In criterion 1 replace “meets the criteria set out in our” with ‘addresses related’.

23.3 In criterion 3 replace “odour” with ‘privacy’.

23.4 Delete criterion 4.

As amended Policy H1 meets the Basic Conditions.

Local Housing Needs

This section provides helpful background to Policy H2 although it is rather lengthy given its dependence on data which is quite old.

Recommendation 24:

In paragraph 8.20 replace “our” with ‘the’ and in paragraph 8.21 delete “in our area,”.

Policy H2 Housing Mix

The first paragraph of Policy H2 uses the future tense whereas ‘is encouraged’ would be more appropriate. The evidence from which the approach of paragraph 2 is drawn is all quite old – 2010 - 2012. A representation points out that smaller dwellings are vacated as families grow and move into larger family dwellings. The best that Policy H2 can do is to require developers to evidence regard for current, local housing requirements and the needs of older and younger households in particular.

Recommendation 25:

Reword Policy H2 Housing Mix as:

“The mix of housing within residential development proposals should be informed by the most recent evidence and should have regard for current, local housing requirements including the needs of older and younger households.’

As amended Policy H2 meets the Basic Conditions.

Energy Efficiency

I note that the heading has been omitted from this section.

Recommendation 26:

Before paragraph 8.23 add the heading ‘Energy Efficiency’.

Policy H3 Energy Efficiency

Whilst I can see that Policy H3 is based on some evidence of need, unfortunately a Written Ministerial Statement of March 2015 said: “From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the

construction, internal layout or performance of new dwellings". Accordingly whilst the Policy might 'encourage' an approach it cannot make it an obligation.

Recommendation 27:

Within Policy H3 Energy Efficiency replace "All new housing should" with 'Development proposals for new housing are encouraged to'.

As amended Policy H3 meets the Basic Conditions.

9. Infrastructure

Transport and Parking

Maps 8 & 9 lack a source reference for the data. I note that within paragraph 9.6 there is a repetition of the sentence regarding the popularity of cycling. The Policies INF 1-3 precede rather than follow paragraphs 9.13 – 9.19.

Recommendation 28:

Under heading "Transport and Parking":

28.1 In paragraph 9.3 replace "our parishes" with 'this area'.

28.2 In paragraph 9.5 replace "our" with 'the' in four places.

28.3 In paragraph 9.6 replace "our" with 'the' in three places and delete the second sentence.

28.4 Add a source reference to Maps 8 & 9.

28.5 Ensure that the Policies follow their preamble text.

Policy INF1 Supporting Walking and Cycling and Improvements in Local Transport Infrastructure

Within Policy INF1 paragraph 2 it is unclear what "measures" to be provided might imply particularly since they must be land use ones; an obligation re traffic speeds that extends to the whole Plan area is both unreasonable and unrealistic.

As a representation notes, the obligation regarding electric charging points might more appropriately be expressed as an infrastructure requirement. The representation from the County Council notes that all developments must meet the requirements of the Council's Streetscape Design Guide, which could be referenced here or within Policy BD2.

Recommendation 29:

Within Policy INF1 Supporting Walking and Cycling and Improvements to Local Transport Infrastructure:

29.1 Reword paragraph 2 as:

'Development proposals should show regard for the Worcestershire Streetscape Design Guide ^[footnote] and, where appropriate, should ensure links to safe and accessible walking and cycling routes, and to public transport, within a safe speed road environment.'

29.2 Reword paragraph 3 as:

'Residential and commercial development should include or enable electric vehicle charging.'

As amended Policy INF1 meets the Basic Conditions.

Policy INF2 Providing Safe and Accessible Environments for All

As recommended at Policy B2 above, the Qualifying Bodies agreed that the intent of Policy INF2 would be more appropriately incorporated with the Plan's design policy. The very specific requirements of Policy INF2 are not peculiar to the Neighbourhood Area and largely relate to larger scale developments incorporating open space for which the Plan does not provide.

Recommendation 30:

Delete Policy INF2 and paragraph 9.13; amend the subsequent Policy and paragraph numbering accordingly.

Communication Technologies

The preamble to Policy INF3 does not make mention of the Bromsgrove District Plan.

Recommendation 31:

*Under the heading "Communication Technologies" add a new paragraph 9.19 (and renumber the existing 9.19) as follows:
'Bromsgrove District Plan Policy BDP1.4 says that "In considering all proposals for development in Bromsgrove District regard will be had to [inter alia] ... The provision of communication technology infrastructure to allow for future technological enhancements e.g. fibre optic ducting."*

Policy INF3 Communications Technologies

Within Policy INF3 there is no purpose in saying that telecoms infrastructure will be "actively" encouraged since such an obligation cannot be put on the officers of Bromsgrove District Council. The expectation that "any new development" will have a superfast broadband connection cannot realistically extend to small infill developments; the expectation may be more realistic for larger developments.

Recommendation 32:

*Within Policy INF3 Communication Technologies
32.1 Renumber the Policy as INF2.*

32.2 Reword the opening sentence as:

'New mobile telecommunication infrastructure will be supported provided that:.'

32.3 Reword the second and third sentences of paragraph 2 as:

'Wherever possible and appropriate development proposals should provide for connections to superfast broadband (fibre optic); as a minimum suitable ducting should be provided to allow for future technological enhancements.'

As amended the new Policy INF2 meets the Basic Conditions.

10 Community Facilities

The Qualifying Bodies have agreed that it would avoid repetition and duplication if Policies CF1 and CF2 were merged. Accordingly there will be two preamble sections – Community Facilities and Open Space – before the new merged Policy CF1.

Recommendation 33:

Under the heading "Community Facilities" combine the Policy preambles to Policies CF1 & CF2 and delete Policy CF1; in paragraph 10.14 replace "CF2" with 'CF1' and add a second sentence: 'The Parish Councils will work with Worcestershire County Council on highway and traffic management issues arising from proposals.'

Policy CF2 Protecting Existing Open Space and Recreational Facilities and Supporting Investment in New Facilities

As a result of merging the two Policies CF1 and CF2 some rewording is required. The fourth criterion of Policy CF1 is not primarily a land use issue and therefore the traffic management aspect ought to be omitted from the merged Policy; the Qualifying Bodies have suggested that a commitment from the Parish Councils to work with Worcestershire County Council on highway and traffic management should be included in the supporting text – see above. In relation to Map 11 I note that Barnt Green Sailing and Fishing Club is indicated as being outside the Neighbourhood Area and that needs correction.

Recommendation 34:

Within Policy CF2 Protecting Existing Open Space and Recreational Facilities and Supporting Investment in New Facilities:

34.1 Renumber as Policy CF1 and retitle as ‘Protecting Community Facilities and Supporting Investment in New Facilities’.

34.2 Word the new Policy CF1 as:

‘Existing community, recreation and public open space facilities, as shown on Maps 9 & 10, should be retained unless:

- (i) It can be demonstrated that an existing facility is no longer economically viable; or*
- (ii) An equivalent or better replacement facility is provided either on the site or in an equally or more accessible location.*

Development proposals to enhance and improve an existing facility will be supported provided that:

- (1) The siting, scale and design are appropriate to the location and respect the character of the surrounding area, including any historic and natural assets; and*
- (2) [take in 2 from Policy CF2]*
- (3) [take in 3 from Policy CF2]’*

34.3 Correct Map 11 to indicate a location for Barnt Green Sailing and Fishing Club within the Neighbourhood Area.

As amended the new Policy CF1 meets the Basic Conditions.

Local Green Spaces

Whilst the Plan appropriately addresses the NPPF designation criteria, I had three reservations about the areas selected for designation as Local Green Space (LGS):

- a) Planning Practice Guidance notes, “If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space” (Paragraph: 011 Reference ID 37-011-20140306). No details were provided on this issue and in particular the grounds of the listed building St Catherine’s Church would benefit from that designation for the Church.
- b) The map showing the designated spaces did not allow (in the paper version at least) for the boundaries to be identified with clarity, in one particular instance because the map needed an update and in another because the space was omitted.
- c) Once the boundaries were clarified I had reservations about the boundary selected for two spaces.

On the first two points the Qualifying Bodies and the Local Planning Authority have responded helpfully to my request for clarification. On the third point I make recommendations below.

Recommendation 35:

Under the heading “Local Green Spaces”:

35.1 Amend the boundary of the “Grounds of St Catherine’s Church” LGS to omit the Church buildings and amend the boundary of the “St Catherine’s Road Playing Field” LGS to omit the car park to the south of the space.

35.2 On Map 12 ensure that the “Myhill Field Play Area” LGS is included and add a note the effect that ‘LGS boundaries can be identified with clarity by enlarging the online map to street level’.

Policy CF3 Local Green Spaces

Since the Plan “designates” spaces as Local Green Spaces that is what the Policy should say.

Recommendation 36:

Within Policy CF3 Local Green Spaces reword the third line as ‘The eight designated Local Green Spaces are:’.

As amended the new Policy CF3 meets the Basic Conditions.

11. Commercial & Business Interests Supporting Appropriate Local Enterprise

This section provides helpful background to Policy B1 but, for clarity, paragraph 11.2 needs some appropriate rewording.

Recommendation 37:

Under the heading “Supporting Appropriate Local Enterprise”, in paragraph 11.2, replace “The NDP believes that our neighbourhood should be a good place to do business and that encouraging” with ‘Encouraging’.

Policy B1 Supporting Appropriate Local Enterprise

For clarity I feel that the first part of Policy B1 ought to start with the stipulation that it applies to certain parts of the Neighbourhood Area only, rather than leave it until criterion 4 for this to be revealed.

Recommendation 38:

Within Policy B1 Supporting Appropriate Local Enterprise:

38.1 Reword the opening sentence as:

‘Development of new, small-scale employment and service related business facilities will be supported within the existing built-up areas that are part of the large settlement of Barnt Green (where that lies within the Neighbourhood Area) and within the small settlements of Blackwell Blackwell and Cofton Hackett (as set out in Bromsgrove District Plan Policy BDP2 Settlement Hierarchy) provided that:’.

38.2 Delete criterion 4.

As amended the new Policy B1 meets the Basic Conditions.

Home Working

Paragraph 11.10 appropriately notes that much home working is undertaken without the need for a planning consent, but this ought to be noted also in the Policy.

Policy B2 Supporting Home Working

In Policy B2 the opening words before the colon do not match with the wording of criterion 2. It is unclear whether Policy B2 is to apply across the Neighbourhood Area but paragraph 90 of the NPPF is potentially more restrictive on the reuse of buildings in the Green Belt.

Recommendation 39:

Within Policy B2 Supporting Home Working:

39.1 Rework the opening paragraph as:

'Where a planning consent is required, alterations and extensions to accommodate home working will be supported in principle when:

- 1. With an existing dwelling, the extension is subordinate to the original building; or*
- 2. An existing building is being brought back into use; and*
- 3. Regard is demonstrated, as appropriate, for the amenity of neighbours, built heritage, the natural environment, landscape character and Green Belt Policy.'*

39.2 Delete paragraph 3.

As amended the new Policy B2 meets the Basic Conditions.

12. Next Steps

The Qualifying Bodies have agreed that the content here has served its purpose but the Plan would benefit from a commitment to review the Plan at intervals. Representations note that a commitment to review the Plan following the adoption of the new Bromsgrove Local Plan would be appropriate.

Recommendation 40:

Replace the section "12. Next Steps" with a new section titled 'Monitoring and Review' as follows:

'The Parish Councils will monitor the impact and effectiveness of the Neighbourhood Plan and, as necessary, will review the content with a minimum interval of every five years. A particular point for review might arise once Bromsgrove District Council has adopted the new Local Plan that will replace the present District Plan.'

Appendix 1 National Planning Policy Context

This section has also served its purpose (and is now out of date) and should be deleted.

Recommendation 41:

Delete Appendix I.

Appendix II Lickey and Blackwell Tree Leaflets

These leaflets help to add some further insight into the character of the area but it would be appropriate to have web addresses for them.

Recommendation 42:

Renumber Appendix II as Appendix I and provide web addresses for on-line copies of the leaflets.

Other matters raised in representations

Some representations have suggested additional or expanded content or sites that the Plan might include. However, given that the Neighbourhood Plan sits within the Development Plan documents as a whole, keeping content pertinent to Lickey & Blackwell and Cofton Hackett identified priorities is entirely appropriate. As noted within the body of this Report it is a requirement that a Neighbourhood Plan addresses only the "development and use of land". Even within this restriction there is no obligation on Neighbourhood Plans to be comprehensive in their coverage – unlike Local Plans - not least because proportionate supporting evidence is required.

Many representations indicate support for all or parts of the draft Plan and this helps in a small but valuable way to reassure that the extensive public consultation has been productive.

I have not mentioned every representation individually but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report carried out by Bromsgrove District Council for the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan (March 2018) considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, Bromsgrove District Council determined that “it is concluded that the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations and therefore does not need to be subject to an SEA report.” Also: “HRAs to date have typically considered European sites with (*sic*) a 10-15km radius around the plan area. Using this approach of 15km radius, it is concluded that the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan will not have an adverse effect on the integrity of internationally designated sites either on its own or in combination with other plans and therefore does not require a Habitat Regulation Assessment to be undertaken.” In making this determination, the District Council had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public bodies who concurred with the screening opinion. Particularly in the absence of any adverse comments from the statutory bodies or the Local Planning Authority (either at the Screening or the Regulation 16 Consultation) I can confirm that the Screening undertaken was appropriate and proportionate, and that the Plan has sustainability at its heart.

The Basic Conditions Statement submitted alongside the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan confirms as regards the European Convention on Human Rights that the Qualifying Bodies have “developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.”

I therefore confirm that the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Bodies.

I therefore conclude that, subject to the modifications recommended, the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the Plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

On that basis I *recommend* to the Bromsgrove District Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Bromsgrove District Council on 8th December 2015.

Recommendations: (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason
1	Remove from the front cover wording relating to the submission status of the Plan.	For clarity
2	2.1 Review the “Contents” pages once the text has been amended to accommodate the recommendations from this Report. 2.2 Add after the content listing: 'References to the NPPF within this Plan are to the 2012 version.'	For clarity and accuracy
3	Remove the section titled “Foreword” on page 3.	For clarity
4	Recheck the reproduction of the key details and the title on the map on page 4.	For clarity
5	5.1 Delete paragraph 1.1 and the second sentence of paragraph 1.5; renumber subsequent paragraphs accordingly; move the initial use of “Neighbourhood Development Plan (NDP)” from paragraph 1.1 to paragraph 1.2. 5.2 In the final sentence of paragraph 1.17 replace “has been” with ‘was’.	For clarity
6	Replace the second and subsequent sentences of paragraph 3.1 with: 'The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) provide the primary national context.'	For clarity and accuracy
7	Under the “Vision and Objectives” heading: 7.1 In the “Vision” on page 16 amend the dates to read ‘2018 – 2030’. 7.2 Amend Objective 1 to read: ‘The built, historical and natural environment, and important green spaces will be appropriately protected.’ 7.3 Amend Objective 2 to read: ‘Where possible open land will be retained between individual settlements.’ 7.4 Amend Objective 3 to read: ‘Nature conservation will be promoted and areas of special environmental value protected.’ 7.5 Amend Objective 4 to read: ‘Residential developments will be supported where they are of modest size, in scale with the character of the area.’ 7.6 Amend Objective 5 to read: ‘Infrastructure should be provided appropriately for planned development and growth and existing constraints considered and addressed within new proposals.’	For clarity and to meet Basic Condition 1

	<p>7.7 Amend Objective 6 to read: ‘Sustainable economic and social growth will be supported and facilities for all local people will be enhanced in order that the community can take full advantage of a full social and active lifestyle.’</p> <p>7.8 Amend Objective 7 to read: ‘The local economy will be supported to expand by encouraging suitable small business and employment opportunities for people of all ages.’</p> <p>7.9 Amend Objective 8 to read: ‘The concept of local distinctiveness will be embraced to contribute to a sense of place and well-being for the community and future generations.’</p>	
8	Review section 5 in the light of changes to the Policies as recommended in this Report.	For clarity and accuracy
9	<p><i>Within the section headed “6. Natural Environment”:</i></p> <p><i>9.1 Provide the sources for the data on Maps 2 & 3.</i></p> <p><i>9.2 In paragraphs 6.8 and 6.22 replace the use of “our” with ‘the’.</i></p> <p><i>9.3 Move the source reference for the ‘Lickey & Blackwell Village Design Statement’ from paragraph 6.13 to 6.10.</i></p> <p><i>9.4 Amend the Appendix reference in paragraph 6.13 in the light of later recommended amendments to the Appendices.</i></p> <p><i>9.5 Delete paragraph 6.1 and amend the subsequent paragraph numbers accordingly.</i></p>	For clarity
10	<p>Within Policy NE1 Local Landscape:</p> <p>10.1 Rewrite the opening paragraph as: ‘Landscaping within development proposals should demonstrate that they have taken appropriate account of the current Worcestershire Landscape Character Assessment Supplementary Guidance [footnote reference] in accordance with Bromsgrove District Plan Policy BDP21.1.’</p> <p>10.2 Rewrite the second sentence of paragraph 2 as: ‘Where appropriate, the following should be considered and addressed:’</p> <p>10.3 Renumber guideline 5 as bullet point 1; delete from this bullet point “should be considered”; delete viewpoint A and renumber the subsequent viewpoints accordingly.</p> <p>10.4 Delete guideline 6.</p> <p>10.5 Renumber guideline 7 as bullet point 2.</p> <p>10.6 Introduce a bullet point 3 as follows: ‘The following particular guidance is derived from the Worcestershire Landscape Character Assessment Supplementary Guidance:’</p>	For clarity and to meet Basic Condition 1

	<p>10.7 Renumber guideline 1 as bullet point 3.1; delete “and native berberis and pyracantha”; replace “grows to an appropriate scale” with ‘grow to a scale appropriate to the character of the area’.</p> <p>10.8 Renumber guideline 2 as bullet point 3.2 and guideline 3 as bullet point 3.3.</p> <p>10.9 Renumber guideline 4 as bullet point 3.4; amend the words “of settlements. Historic field” to ‘of settlements and historic field’.</p> <p>10.10 Renumber guideline 8 as bullet point 3.5, guideline 9 as bullet point 3.6 (and delete the stray inverted comma and add in its place a footnote reference for the Farmsteads Characterisation Project), and guideline 10 as bullet point 3.7.</p> <p>10.11 Amend the title of the adjacent Map 4 as ‘Viewpoint Locations’ and bring the entries into line with the amended listing within the Policy.</p>	
11	<p>Under the heading “Wildlife”:</p> <p>11.1 At the beginning of paragraph 6.23 replace “Areas” with ‘Sites’.</p> <p>11.2 In the first sentence of paragraph 6.29 replace “our” with ‘the’ and insert ‘inappropriate’ before “development”.</p> <p>11.3 On Map 5 on page 35 replace “Areas of Wildlife Importance” with ‘Local Wildlife Sites’; add the source reference for the map data.</p> <p>11.4 Move Policy NE2 to after paragraph 6.35.</p> <p>11.5 Delete paragraph 6.33 (since it duplicates paragraph 6.30) and renumber subsequent paragraphs.</p>	For clarity and accuracy
12	<p>Within Policy NE2 Protecting and Enhancing Biodiversity:</p> <p>12.1 In paragraph 1 replace “local wildlife and habitats” with ‘sites of wildlife importance’; after “should” add ‘, according to their significance,’.</p> <p>12.2 In paragraph 3 in the first sentence replace “Ponds are protected” with ‘Existing ponds should be retained’ and in the second sentence before “the watercourse” add ‘where possible’.</p> <p>12.3 In paragraph 4 after “should” add ‘, where possible,’ and replace “existing biodiversity networks and wildlife corridors” with ‘existing sites of wildlife importance’.</p>	For clarity and to meet Basic Condition 1
13	<p>Under the heading “Green Infrastructure”, in paragraph 6.42 delete “new” and “with a higher level of detail relevant to the Neighbourhood Area”.</p>	For clarity and accuracy
14	<p>Rewrite Policy NE3 Green Infrastructure as follows: ‘Development proposals should where applicable: 1. Ensure the protection and enhancement of the existing green</p>	For clarity and to meet Basic

	<p>infrastructure assets;</p> <p>2. Contribute to the extension of multi-functional green infrastructure;</p> <p>3. Contribute to ecological enhancements and the management of flood risk and water quality; and</p> <p>4. Respect the landscape and historic character of the Neighbourhood Area.'</p>	Condition 1
15	<p><i>Under the heading "Geology of the Lickey Hills":</i></p> <p><i>15.1 Add suitable source references where applicable within the text.</i></p> <p><i>15.2 Delete Policy NE4 and paragraph 6.48.</i></p>	For clarity and to meet Basic Condition 1
16	In the first sentence of paragraph 7.1 delete "our".	For clarity
17	<p>Rewrite Policy BD1 Barnt Green Conservation Area as follows:</p> <p>'Within the part of the Conservation Area that sits within the Neighbourhood Area:</p> <p>1. Development proposals should reflect the scale, massing, height and form of the characteristic buildings and the detailing and materials should be chosen to be harmonious with neighbouring properties.</p> <p>2. Contemporary and sustainable designs will be acceptable where they are of exceptional quality and where it is demonstrated that they have appropriate regard for their context.'</p>	For correction
18	Under the heading "Promoting High Quality Design Across the Neighbourhood Area", in the first paragraph, replace "a character appraisal" with 'Character Appraisals'.	For clarity and accuracy
19	<p>Within Policy BD2 Encouraging High Quality Design:</p> <p>19.1 Reword paragraph 1 as: 'Development proposals for new buildings and extensions should have appropriate regard for the character of the area in which they are located, as illustrated in the Character Appraisals of Lickey, Blackwell and Cofton Hackett [footnote reference].'</p> <p>19.2 In paragraph 2 replace "are required to respond positively" with 'should respond sympathetically'.</p> <p>19.3 In principle 1 delete the second sentence.</p> <p>19.4 Reword principle 2 as: 'Subdivision of plots and infill development must have appropriate regard for characteristic plot densities at their location.'</p> <p>19.5 In the second sentence of principle 3 delete "provision of" and "wherever possible".</p> <p>19.6 In principle 5 replace "as described in the local character appraisals" with 'as illustrated in the Character Appraisals'; add 'where possible' between "and" and "identify". Add to principle 5 from principle 6: 'The many Victorian and Edwardian properties are a distinctive feature across all the Character Appraisals.'</p>	For clarity and to meet Basic Condition 1

	<p>19.7 In principle 6 delete the first sentence and from the third sentence delete “consider the character appraisal undertaken by the Neighbourhood Development Plan steering group) and clearly”.</p> <p>19.8 In principle 7 delete the third sentence commencing “New buildings should ...”; separate out the last sentence as principle 8.</p> <p>19.9 Add a principle 9 as follows: ‘Large residential developments should incorporate age- and dementia-friendly features such as circular pathways in parks and open spaces, appropriate surfaces and street furniture and facilities for rest stops and social interaction.’</p>	
20	<p>Under the heading “Garden and Backland Development”: 20.1 Replace the heading with ‘Residential Development in Gardens’.</p> <p>20.2 In paragraph 7.26, in the first sentence of insert ‘Policy’ between “in” and “H1” and delete “(page 54)”, “rear” and “(“backland development” or “unwanted garden grabbing”)”; delete the second sentence.</p> <p>20.3 In paragraph 7.28 delete the second sentence (and the related footnote); at the end of the third sentence add “; paragraph 8.198 says “One of the most important considerations for determining applications on garden land will be the retention of the existing character of residential areas. Development which significantly increases the proportion of ground coverage by buildings, or the scale of proposed buildings, is likely to be out of keeping with its surroundings and therefore is likely to be unacceptable and will be refused.””</p>	For clarity and accuracy
21	<p>Within Policy BD3 Garden and Backland Development: 21.1 Replace the title with ‘Residential Development in Gardens’.</p> <p>21.2 Reword Policy BD3 as: ‘Development proposals on garden land will only be appropriate if they are in keeping with their surroundings and retain the existing character of the residential area at their location. Factors that must therefore be considered and addressed include openness, mature trees, hedges and shrubbery, townscape and density of the built form. The amenity and privacy of residential neighbours are also key considerations.’</p>	For clarity and correction and to meet Basic Condition 1
22	<p>Under the heading “New Housing Development”: 22.1 Reword the first sentence of paragraph 8.3 as: ‘Once the Green Belt Review is completed further sites will be allocated to contribute approximately 2,300 dwellings towards the 7,000 targets required by the District Council.’</p> <p>22.2 In paragraph 8.8, in the second sentence replace “our” with ‘the’; delete the third and fourth sentences. In footnote 17 replace “please remember that this document is evidence for plan preparation and” with ‘it’; delete the comma after “itself”.</p> <p>22.3 In paragraph 8.9, in the first sentence replace “our area” with ‘the Neighbourhood Area’; delete the third and fourth sentences.</p>	For clarity and accuracy

	22.4 In paragraph 8.10, in the first sentence replace “will not” with ‘does not’.	
23	<p>Within Policy H1 New Housing within Existing Settlements:</p> <p>23.1 Reword the opening sentence as: ‘Development proposals within existing settlements and built up areas will be supported in line with Bromsgrove District Plan BDP2.1 provided that:’.</p> <p>23.2 In criterion 1 replace “meets the criteria set out in our” with ‘addresses related’.</p> <p>23.3 In criterion 3 replace “odour” with ‘privacy’.</p> <p>23.4 Delete criterion 4.</p>	For clarity and to meet Basic Condition 1
24	In paragraph 8.20 replace “our” with ‘the’ and in paragraph 8.21 delete “in our area,”.	For clarity
25	Reword Policy H2 Housing Mix as: “The mix of housing within residential development proposals should be informed by the most recent evidence and should have regard for current, local housing requirements including the needs of older and younger households.’	For clarity and to meet Basic Condition 1
26	Before paragraph 8.23 add the heading ‘Energy Efficiency’.	For clarity
27	Within Policy H3 Energy Efficiency replace “All new housing should” with ‘Development proposals for new housing are encouraged to’.	For clarity and to meet Basic Condition 1
28	<p>Under heading “Transport and Parking”:</p> <p>28.1 In paragraph 9.3 replace “our parishes” with ‘this area’.</p> <p>28.2 In paragraph 9.5 replace “our” with ‘the’ in four places.</p> <p>28.3 In paragraph 9.6 replace “our” with ‘the’ in three places and delete the second sentence.</p> <p>28.4 Add a source reference to Maps 8 & 9.</p> <p>28.5 Ensure that the Policies follow their preamble text.</p>	For clarity
29	<p>Within Policy INF1 Supporting Walking and Cycling and Improvements to Local Transport Infrastructure:</p> <p>29.1 Reword paragraph 2 as: ‘Development proposals should show regard for the Worcestershire Streetscape Design Guide [footnote] and, where appropriate, should ensure links to safe and accessible walking and cycling routes, and to public transport, within a safe speed road environment.’</p> <p>29.2 Reword paragraph 3 as:</p>	For clarity and to meet Basic Condition 1

	'Residential and commercial development should include or enable electric vehicle charging.'	
30	Delete Policy INF2 and paragraph 9.13; amend the subsequent Policy and paragraph numbering accordingly.	For clarity
31	Under the heading "Communication Technologies" add a new paragraph 9.19 (and renumber the existing 9.19) as follows: 'Bromsgrove District Plan Policy BDP1.4 says that "In considering all proposals for development in Bromsgrove District regard will be had to [inter alia] ... The provision of communication technology infrastructure to allow for future technological enhancements e.g. fibre optic ducting."	For clarity
32	Within Policy INF3 Communication Technologies 32.1 Renumber the Policy as INF2. 32.2 Reword the opening sentence as: 'New mobile telecommunication infrastructure will be supported provided that:'. 32.3 Reword the second and third sentences of paragraph 2 as: 'Wherever possible and appropriate development proposals should provide for connections to superfast broadband (fibre optic); as a minimum suitable ducting should be provided to allow for future technological enhancements.'	For clarity and to meet Basic Condition 1
33	Under the heading "Community Facilities" combine the Policy preambles to Policies CF1 & CF2 and delete Policy CF1; in paragraph 10.14 replace "CF2" with 'CF1' and add a second sentence: 'The Parish Councils will work with Worcestershire County Council on highway and traffic management issues arising from proposals.'	For clarity
34	Within Policy CF2 Protecting Existing Open Space and Recreational Facilities and Supporting Investment in New Facilities: 34.1 Renumber as Policy CF1 and retitle as 'Protecting Community Facilities and Supporting Investment in New Facilities'. 34.2 Word the new Policy CF1 as: 'Existing community, recreation and public open space facilities, as shown on Maps 9 & 10, should be retained unless: (i) It can be demonstrated that an existing facility is no longer economically viable; or (ii) An equivalent or better replacement facility is provided either on the site or in an equally or more accessible location. Development proposals to enhance and improve an existing facility will be supported provided that: (1) The siting, scale and design are appropriate to the location and respect the character of the surrounding area, including any historic and natural assets; and (2) [take in 2 from Policy CF2] (3) [take in 3 from Policy CF2]'	For clarity and to meet Basic Condition 1

	34.3 Correct Map 11 to indicate a location for Barnt Green Sailing and Fishing Club within the Neighbourhood Area.	
35	<p>Under the heading “Local Green Spaces”:</p> <p>35.1 Amend the boundary of the “Grounds of St Catherine’s Church” LGS to omit the Church buildings and amend the boundary of the “St Catherine’s Road Playing Field” LGS to omit the car park to the south of the space.</p> <p>35.2 On Map 12 ensure that the “Myhill Field Play Area” LGS is included and add a note the effect that ‘LGS boundaries can be identified with clarity by enlarging the online map to street level’.</p>	For clarity and accuracy
36	Within Policy CF3 Local Green Spaces reword the third line as ‘The eight designated Local Green Spaces are:’.	For clarity and to meet Basic Condition 1
37	Under the heading “Supporting Appropriate Local Enterprise”, in paragraph 11.2, replace “The NDP believes that our neighbourhood should be a good place to do business and that encouraging” with ‘Encouraging’.	For clarity
38	<p>Within Policy B1 Supporting Appropriate Local Enterprise:</p> <p>38.1 Reword the opening sentence as: ‘Development of new, small-scale employment and service related business facilities will be supported within the existing built-up areas that are part of the large settlement of Barnt Green (where that lies within the Neighbourhood Area) and within the small settlements of Blackwell Blackwell and Cofton Hackett (as set out in Bromsgrove District Plan Policy BDP2 Settlement Hierarchy) provided that:’.</p> <p>38.2 Delete criterion 4.</p>	For clarity and to meet Basic Condition 1
39	<p>Within Policy B2 Supporting Home Working:</p> <p>39.1 Reword the opening paragraph as: ‘Where a planning consent is required, alterations and extensions to accommodate home working will be supported in principle when:</p> <ol style="list-style-type: none"> 1. With an existing dwelling, the extension is subordinate to the original building; or 2. An existing building is being brought back into use; and 3. Regard is demonstrated, as appropriate, for the amenity of neighbours, built heritage, the natural environment, landscape character and Green Belt Policy.’ <p>39.2 Delete paragraph 3.</p>	For clarity and to meet Basic Condition 1
40	<p>Replace the section “12. Next Steps” with a new section titled ‘Monitoring and Review’ as follows: ‘The Parish Councils will monitor the impact and effectiveness of the Neighbourhood Plan and, as necessary, will review the content with a minimum interval of every five years. A particular point for review</p>	For clarity

	might arise once Bromsgrove District Council has adopted the new Local Plan that will replace the present District Plan.'	
41	Delete Appendix I.	For clarity
42	Renumber Appendix II as Appendix I and provide web addresses for on-line copies of the leaflets.	For clarity