

Malvern Hills District Council



Leigh and Bransford Neighbourhood Plan

Decision Statement

Leigh and Bransford Neighbourhood Plan

I confirm that the Leigh and Bransford Neighbourhood Plan, as revised by the modifications set out in Table 1 below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2012, and can therefore proceed to Referendum, which will be held on Thursday 3rd November 2022.

I also declare that I have no disclosable personal or disclosable prejudicial interest in respect of this decision.

Signed

A handwritten signature in black ink, appearing to read "Holly Jones".

Holly Jones
Director of Planning and Infrastructure, Malvern Hills and Wychavon District Councils

30 August 2022

Summary

Following an independent examination, Malvern Hills District Council now confirms that the Leigh and Bransford Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum on Thursday 3rd November 2022.

Background

On 24 September 2013, Malvern Hills District Council designated the parishes of Leigh and Bransford as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

Extensive community consultation culminated in the draft Leigh and Bransford Neighbourhood Plan Regulation 14 consultation which took place from 3 September to 15 October 2021. The consultation responses fed into the final version of the Leigh and Bransford Neighbourhood Plan which was submitted to Malvern Hills District Council on 9 March 2022, along with the associated Basic Conditions Statement, Consultation Statement and a Strategic Environmental Assessment and Habitat Regulations Assessment Screening Opinion.

The Leigh and Bransford Neighbourhood Plan and associated documentation was then publicised and representations were invited. The publicity period ran from 8 April to 20 May 2022.

Malvern Hills District Council appointed an independent Examiner, Christopher Collison, to review whether the Plan should proceed to referendum in April 2022.

Having considered each of the recommendations made by the Examiner's report and the reasons for them, in consultation with the Parish Council, Malvern Hills District Council has decided to make the modifications to the draft Leigh and Bransford Neighbourhood Plan as detailed in Table 1 below in order to ensure the Plan meets the Basic Conditions as set out in the legislation.

Decisions and Reasons

Malvern Hills District Council will make the following modifications, as proposed by the Examiner and agreed by the Parish Council, to ensure that the Leigh and Bransford Neighbourhood Plan meets the Basic Conditions.

Table 1 – Schedule of Examiner’s Recommended Modifications and Malvern Hills District Council’s response

Part of Document	Examiner’s Recommended Modification(s)	MHDC Response
<p>Policy LB/H/1 New Residential Development within Leigh Sinton and Bransford Development Boundaries</p>	<p>Replace Policy LB/H/1 with:</p> <p>“New housing development within the Leigh Sinton and Bransford Development Boundaries, defined on Maps 2a and 2b, will be supported, except where the development will lead to the loss of community or recreation facilities or local employment opportunities that cannot be demonstrated to be surplus to requirements.”</p> <p>Adjust paragraph 5.1.1 to clarify the meaning of the fourth sentence to avoid any misunderstanding, in particular with respect to land parcel CFS0009.</p>	<p>Agreed, Policy LB/H/1 replaced as recommended.</p> <p>Agreed, paragraph 5.1.1 amended to avoid any misunderstanding with respect to land parcel CFS0009</p>
<p>Policy LB/H/2 Housing: Development in Open Countryside</p>	<p>In Policy LB/H/2:</p> <ul style="list-style-type: none"> • replace part e with “It would re-use redundant or disused buildings, enhance its immediate setting and accord with Policy LB/H/4.” • delete part f 	<p>Agreed, part e replaced as recommended.</p> <p>Agreed, part f deleted as recommended.</p>
<p>Policy LB/H/3 Housing: Extensions and Subdivisions of Existing Buildings</p>	<p>In Policy LB/H/3:</p> <ul style="list-style-type: none"> • in part b replace the text after “have” with “a significant harmful impact on the area’s visual amenity and does not result in additional on-road parking.” 	<p>Agreed, part b amended as recommended.</p>
<p>Policy LB/H/6 Housing: Site Allocation</p>	<p>Replace Policy LB/H/6 with:</p> <p>“Proposals for the development of land of land off the A4103 at Leigh Sinton (shown on Map 4) will be supported, subject to</p>	<p>Agreed, Policy LB/H/6 replaced as recommended, except reference to foul water in criterion (h) because the SuDS would be to address identified surface</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>meeting the following requirements:</p> <ul style="list-style-type: none"> a. An indicative figure of 52 dwellings are provided; and b. Approximately 5.5 hectares of sports and recreation land is provided; and c. The scheme is designed in accordance with the Indicative Layout (Map 4a) and incorporates the existing Public Right of Way; and d. 40% of the dwellings are provided as affordable housing available in perpetuity for those in local housing need unless it can be satisfactorily and independently demonstrated that the affordable housing provision sought would not be viable in which case the maximum proportion of affordable housing (either on or off-site) will be sought that does not undermine the development's viability; and e. The housing mix should take account of the requirements of the most up to-date local Housing Needs Assessment; and f. Vehicular access is taken from the A4103; and g. Connection to local amenities and the existing footway, cycleway and footpath network in accordance with Policy LB/1/7; and h. A sustainable urban drainage strategy (SuDs) is provided to satisfactorily address surface water and foul drainage. The strategy should avoid discharging surface water to the public sewerage system where possible. i. Provision is made for a green buffer around the south and south-eastern boundary to mitigate any impact on nearby heritage assets. j. Evaluation of known surface and surface archaeology in 	<p>(not foul) water on the site.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>accordance with Policy LB/E/5.”</p> <ul style="list-style-type: none"> • Add to paragraph 5.1.22 “The proposed Indicative Layout seeks to mitigate the impact of the proposed allocation on Listed Buildings in close proximity to the site by proposing a green buffer around the south and south-eastern boundary of the site.” A suggested amendment to Policy LB/H/6 policy has been made to this effect. 	<p>Agreed, text added to paragraph 5.1.22 as recommended to reflect amendment to Policy LB/H/6.</p>
<p>Policy LB/D/1 Design: Maintaining Local Character</p>	<p>In Policy LB/D/1:</p> <ul style="list-style-type: none"> • replace the final sentence of part a with “A Design and Access Statement or similar should be provided to show how the design principles in Policy LB/D/1 have been addressed and positively influenced the proposed design solution.” 	<p>Agreed, policy amended as recommended.</p>
<p>Policy LB/D/2 Design: Parking</p>	<p>Replace Policy LB/D/2 with:</p> <p>“Development proposals should provide car parking provision and cycle storage in accordance with the latest Worcestershire County Council’s Streetscape Design Guide. The parking requirements for new homes should also apply in the case of proposed extensions of homes. The provision of sheltered, secure cycle parking should also apply to new employment developments”</p>	<p>Agreed, Policy LB/D/2 replaced as recommended.</p>
<p>Policy LB/D/3 Design: Construction Waste and Recycling</p>	<p>Delete Policy LB/D/3</p>	<p>Agreed, Policy LB/D/3 deleted as recommended.</p>
<p>Policy LB/D/5 Design: Dark Skies</p>	<p>Replace Policy LB/D/5 with:</p> <p>“Development proposals must only include external lighting that</p>	<p>Agreed, Policy LB/D/5 replaced as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	is essential for the maintenance of health and safety for users of the development, and include measures to avoid light spillage beyond the development site, and beyond any plot within it, so as to avoid undue adverse impacts on amenity, wildlife and dark skies.”	
Policy LB/E/2 Landscape: Local Green Spaces	In Policy LB/E/2: <ul style="list-style-type: none"> • replace the first sentence and bullet points with “The Orchard adjacent to Kiln Lane identified on Figure 1 is designated as Local Green Space.” • Delete references to the land adjacent to Brockamin Lane in supporting text and Figure 1 • Redesignate Figure 2 as Figure 1 	Agreed, policy amended as recommended. Agreed, supporting text and Figure 1 amended as recommended. Agreed, Figure 2 redesignated as Figure 1 as recommended.
Policy LB/E/5 Heritage: Archaeology	In Policy LB/E/5: <ul style="list-style-type: none"> • delete the first sentence which starts with “To be supported ...” • delete the lettering “a.” and start the first paragraph “Development proposals should” avoid or minimise ... • delete the numbering “b.” and start the paragraph with “Proposals should also” ensure unknown ... • delete the numbering “c.” 	Agreed, first sentence deleted as recommended. Agreed, policy amended as recommended. Agreed, policy amended as recommended. Agreed, policy amended as recommended.
Policy LB/E/6	In Policy LB/E/6:	

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
Heritage: Farmsteads and Agricultural Buildings	<ul style="list-style-type: none"> • replace “local distinctiveness” with “historic character” 	Agreed, policy amended as recommended.
Policy LB/E/7 Heritage: Conservation Areas	<p>In Policy LB/E/7:</p> <ul style="list-style-type: none"> • replace “preserve” with “conserve” • delete “meet all of the following criteria” 	<p>Agreed, policy amended as recommended.</p> <p>Agreed, policy amended as recommended.</p>
Policy LB/E/8 Biodiversity	<p>Replace Policy LB/E/8 with:</p> <p>“To be supported development proposals that impact on the merged habitat networks within the Neighbourhood Area identified on Map 9 or the designated sites of importance for nature conservation within the Neighbourhood Area on Map 10 must demonstrate how biodiversity will be protected.”</p> <ul style="list-style-type: none"> • Amend Maps 9 and 10 to present the maps at a scale sufficient to identify boundaries of the identified sites. 	<p>Agreed, Policy LB/E/8 replaced as recommended.</p> <p>Agreed, Maps 9 and 10 amended with scale sufficient to identify boundaries of the identified sites.</p>
Policy LB/E/9 Biodiversity Net Gain	<p>In Policy LB/E/9:</p> <ul style="list-style-type: none"> • delete “meeting all of the following criteria” • delete “See also Policy LB/I/4” 	<p>Agreed, policy amended as recommended.</p> <p>Agreed, policy amended as recommended.</p>
Policy LB/I/1 Infrastructure: Renewal and Low	<p>Replace Policy LB/I/1 with:</p> <p>“Development proposals that incorporate capacity to generate</p>	Agreed, Policy LB/I/1 replaced as

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
Carbon Energy (1)	at least 20% of their energy requirements from renewable or low carbon sources will be supported."	recommended.
Policy LB/I/2 Infrastructure: Renewal and Low Carbon Energy (2)	Delete Policy LB/I/2	Agreed, Policy LB/I/2 (and supporting text in paragraph 5.4.1) deleted as recommended.
Policy LB/I/3 Infrastructure: Electric Vehicle Charging	Replace Policy LB/I/3 with: "Proposals for new dwellings with dedicated parking space that provide electric vehicle charging points will be supported. Proposals for new employment, leisure or retail development that provide appropriate electric parking points for staff and/or users will be supported."	Agreed, Policy LB/I/3 replaced as recommended.
Policy LB/I/4 Infrastructure: Flooding and Drainage	In Policy LB/I/4: <ul style="list-style-type: none"> • after "supported all" insert "major" • delete parts c. d. and e. 	Agreed, policy amended as recommended. Agreed, parts c, d and e deleted as recommended.
Policy LB/I/7 Infrastructure: Moving Around	In Policy LB/I/7: <ul style="list-style-type: none"> • replace "housing" with "development" 	Agreed, policy amended as recommended.
Policy LB/WB/1 Amenities, Health and Wellbeing: Community Facilities (1)	In Policy LB/WB/1: <ul style="list-style-type: none"> • delete "Leigh Sinton Shop and Post Office" • Delete "Leigh Sinton Post Office" from Figure 4 	Agreed, policy amended as recommended. Agreed, Figure 4 amended as recommended.

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<ul style="list-style-type: none"> Continue paragraph 5.5.2 with "Whilst the Leigh Sinton Shop and Post Office does not fall within the definition of a community facility in the South Worcestershire Development Plan, it will continue to be protected from inappropriate loss by Strategic Policy SWDP10." Replace Figure 4 with a map that identifies the boundaries of the community facilities referred to in the policy 	<p>Agreed, paragraph 5.5.2 mended as recommended.</p> <p>Agreed, Figure 4 replaced with a map that identifies the boundaries of the community facilities referred to in the policy.</p>
<p>Minor Corrections to the Neighbourhood Plan</p> <p>Modification of policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.</p> <p>The following modifications are recommended to achieve consistency with the modified policies, and to achieve updates and correct identified errors:</p>		
Contents	<ul style="list-style-type: none"> Contents: Maps - Map 1 should carry the title "Designated Neighbourhood Area for Leigh and Bransford." 	<p>Agreed, title of Map 1 in Contents page amended as recommended.</p>
Introduction	<ul style="list-style-type: none"> Paragraph 1.5 – It is suggested that the 2nd word "report" be replaced by "document". Paragraph 1.6 – For accuracy and clarity, it is suggested that the first sentence could be amended to read "Planning applications will be determined by Malvern Hills District Council in accordance with the development 	<p>Agreed, reference to "report" in paragraph 1.5 replaced by "document" as recommended.</p> <p>Agreed, first sentence of paragraph 1.6 replaced as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>plan (including the made LBNP), unless material considerations indicate otherwise.”</p> <ul style="list-style-type: none"> Paragraph 1.7 – The word “emerging” should be deleted from the made version of the LBNP. 	<p>Agreed, word “emerging” in paragraph 1.7 deleted as recommended.</p>
Policy LB/H/1	<ul style="list-style-type: none"> Map 2 should be deleted from the made Neighbourhood Plan. Paragraph 5.1.1 should explain the proposed development boundaries in the context that criteria c and d of Policy LB/H/1 are deleted. Sentence 4 of paragraph 5.1.1 is deleted and the following sentence is added to the paragraph “The boundary of sites allocated for development outside and adjoining an existing development boundary will form the basis of an extension to the development boundary as set out in Maps 2a and 2b.” 	<p>Agreed, Map 2 (existing Development Boundary) deleted from Policy LB/H/1 and contents page as recommended.</p> <p>Agreed, paragraph 5.1.1 amended to explain the revised development boundaries in the context of parts c and d being deleted.</p> <p>Agreed, sentence 4 of paragraph 5.1.1 replaced with new text as recommended.</p>
Policy LB/H/2	<ul style="list-style-type: none"> Paragraph 5.1.3 should more accurately reflect the principles of SWDP2a. Paragraphs 5.1.3 and 5.1.4 should separate extracts from the SWDP and the emerging SWDPR. Paragraph 5.1.6 should be deleted. 	<p>Agreed, paragraph 5.1.3 amended to more accurately reflect the principles of SWDP2a as recommended.</p> <p>Agreed, extracts from SWDP and emerging SWDPR in paragraphs 5.1.3 and 5.1.4 separated for clarity, as recommended.</p> <p>Agreed, paragraph 5.1.6 deleted as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<ul style="list-style-type: none"> • Paragraph 5.1.3 says that SWDP 2 is based on a range of local services and facilities. This is not wholly accurate. The paragraph should be adjusted to explain SWDP 2 is based on 6 principles (which are outlined in SWDP 2A). • Paragraphs 5.1.3 and 5.1.4 include a number of extracts from the adopted SWDP 2 (February 2016) and the SWDPR Preferred Options consultation document (November 2019). The status of these documents is different and for clarity it is strongly suggested that quotes / extracts from the adopted SWDP and emerging SWDPR are separated. • Paragraph 5.1.6 relates to existing or expanding businesses and does not explain the choices made or approach taken in Policy LB/H/2 (which relates to housing). It is suggested that the paragraph be deleted. 	<p>Agreed, paragraph 5.1.3 amended to more accurately reflect the principles on which the development strategy in SWDP 2 is based.</p> <p>Agreed, extracts from SWDP and emerging SWDPR in paragraphs 5.1.3 and 5.1.4 separated for clarity, as recommended.</p> <p>Agreed, paragraph 5.1.6 deleted as recommended.</p>
Policy LB/H/4	<ul style="list-style-type: none"> • Paragraph 5.1.8 refers to paragraph 85 of the Framework (meeting local business needs in rural areas). It is considered that reference to paragraph 84a would also be appropriate. 	<p>Agreed, reference to paragraph 84a of the Framework included in paragraph 5.1.8 as recommended.</p>
Policy LB/H/5	<ul style="list-style-type: none"> • Paragraph 5.1.10 – It is suggested that reference to a Cala Homes consultation be deleted because the public's reaction to a specific development proposal is not considered to be proportionate and robust evidence justifying retention of the Significant Gap. It would be helpful if a date was provided for the "current 	<p>Agreed, reference to Cala Homes consultation in paragraph 5.1.10 deleted as recommended.</p> <p>Agreed, source and date of "current consultation" included in paragraph</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>consultation" which is referred to in paragraph 5.1.10 and it was indicated who had undertaken the consultation. References to a Review of the Significant Gaps in the SWDPR should be dated and a link provided to the source of the evidence.</p>	<p>5.1.10 as recommended.</p> <p>Agreed, source and date of Significant Gap Review included in paragraph 5.1.10 as recommended.</p>
<p>Policy LB/H/6</p>	<ul style="list-style-type: none"> • Paragraph 5.1.11 – 5.1.12 – It is considered that these paragraphs do not explain the intention and rationale of the proposed site allocation. Further, Housing Needs Surveys undertaken in 2009 and 2011 are historical and no longer relevant in light of the 2021 Housing Needs Survey. • Paragraph 5.1.13 – For accuracy, replace "... SWDP Review carried out in 2018/19 ..." with "current SWDP Review ..." For accuracy, delete "...with a small addition to the original 2030 target." It is suggested that reference to paragraph 66 of the Framework is related to paragraph 5.1.14 and should either be a new paragraph or be included in paragraph 5.1.14. • Paragraph 5.1.14 – It is considered that the 6th sentence relating to community aspirations to "avoid urbanisation and commuterisation" do not explain the intention and rationale of the proposed site allocation and should be deleted. For accuracy, it is suggested that the 7th sentence is preceded by "Some sections of the community considered that" because to benefit from the protection conferred by paragraph 14 of the Framework the housing requirement could not be met solely by windfall development. 	<p>Agreed, paragraphs 5.1.11 and 5.1.12 do not explain the intention and rationale of the proposed site allocation and have been deleted or amended as recommended.</p> <p>Agreed, text in paragraph 5.1.13 amended for accuracy as recommended.</p> <p>Agreed, reference to paragraph 66 of the Framework included in paragraph 5.1.14 for clarity as recommended.</p> <p>Agreed, 6th sentence of paragraph 5.1.14 does not explain the intention and rationale of the proposed site allocation and has been deleted as recommended.</p> <p>Agreed, 7th sentence of paragraph 5.1.14 amended for clarity / accuracy as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<ul style="list-style-type: none"> Paragraph 5.1.17 – It is inaccurate to say that “one reason for SWC’s Choice of preferred site was that it provided a large area of community sports facility.” The SWC’s considered that a smaller cut of site CFS0009 met the SHELAA site selection criteria for housing and that the site could also meet the shortfall in playing pitches identified in the Playing Pitch and Outdoor Sports Strategy. Reference to the 2021 Housing Needs Survey is not considered to be relevant to the proposed sports and community facilities – the purpose of the survey was to identify housing needs, not sports and recreation needs. It is considered that the final sentence, which says that the Housing Needs Survey and further consultation will assist the decision making for new amenities is both inaccurate and misleading and should be deleted. (The Parish Council has suggested text for the last five sentences of paragraph 5.1.17 which should be used). Paragraph 5.1.18 – The purpose of 5.1.18 seems to be to justify the policy requirement that development proposals for the site allocation take account the requirements of the most up-to-date Housing Needs Survey. It would therefore have been helpful if paragraph 5.1.18 had drawn out the key findings of the 2021 Housing Needs Survey, such as 60% of unmet housing 	<p>Agreed, 2nd sentence of paragraph 5.1.17 amended for clarity / accuracy as recommended.</p> <p>Noted that the Housing Needs Survey included additional questions about community facilities.</p> <p>Clarified that the Parish Council will continue to consult parishioners regarding sports and recreation facilities to be provided</p> <p>Agreed, text suggested by Parish Council for last five sentences of paragraph 5.1.17 inserted as recommended.</p> <p>Agreed, paragraph 5.1.18 amended to include key findings of the 2021 Housing Needs Survey for clarity as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>need identified was for open market housing, and that there is a particular need for smaller family housing of 3 bedrooms or less and bungalows. It is considered that references to population change and extracts from SWDP 14 cloud the issue rather than provide clarity for decision makers.</p> <ul style="list-style-type: none"> • Paragraph 5.1.19 - The purpose 5.1.19 could be simplified to say that development proposals for the site allocation should provide affordable housing in accordance with SWDP 15. It would be helpful if the Reasoned Justification explained that if the 40% proportion of affordable housing would not be viable (as demonstrated by an independent viability assessment), the maximum proportion of affordable housing will be sought that does not undermine the development's viability. • Paragraph 5.1.20 – The purpose of this paragraph is unclear in relation to the proposed site allocation. The MHDC Rural Lettings Policy is about the management of lettings and would not inform decision makers with an indication of how they should react to a development proposal for the site allocation. • Paragraph 5.1.21 – It is suggested that text after the 3rd sentence is deleted. Reference to the site being larger than some in the community would like does not support the site allocation and the requirement for affordable housing is already addressed in paragraph 5.1.19. The 	<p>Agreed, text in paragraph 5.1.19 amended for clarity as recommended.</p> <p>Agreed, MHDC Rural Lettings Policy would not inform decision makers with an indication of how they should react to a development proposal for the site allocation. Paragraph 5.1.20 deleted as recommended.</p> <p>Agreed, text after 3rd sentence of paragraph 5.1.21 deleted for clarity / accuracy as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>need for a housing mix is already addressed in paragraph 5.1.18, and reference to the housing mix being subject to community consultation is misleading and factually incorrect.</p> <ul style="list-style-type: none"> <li data-bbox="600 427 1444 975">• Paragraph 5.1.22 – It is suggested that this paragraph is amended. The purpose of this paragraph is to indicate that there are 4 Listed Buildings in close proximity to the proposed site allocation. The extracts from the SEA / HRA Screening Opinion relate specifically to whether a Strategic Environmental Assessment is required for the Neighbourhood Plan, not whether the proposed site allocation would have a detrimental impact on the Listed Buildings. It is suggested that paragraph 5.1.22 should be amended to say that the proposed Indicative Layout seeks to mitigate the impact of the proposed allocation on Listed Buildings in close proximity to the site by proposing a green buffer around the south and south-eastern boundary of the site. It is suggested that this requirement is picked up in Policy LB/H/6. <li data-bbox="600 1018 1444 1273">• Paragraph 5.1.23 – The purpose of this paragraph is simply to say that the proposed site allocation would not compromise any ecological sites of international or national importance. It is considered that the extract from the HRA Screening Opinion is not directly relevant because it relates to the Neighbourhood Plan generally and not specifically to the proposed site allocation. <li data-bbox="600 1316 1444 1382">• Appendix J – says “there are local reports that in times of sustained rain, or intense rain, the adjacent section of 	<p>Agreed, paragraph 5.1.22 amended for clarity to say that the Indicative Layout seeks to mitigate the impact of the proposed allocation on Listed Buildings in close proximity to the site by proposing a green buffer around the south and south-eastern boundary of the site.</p> <p>Agreed, paragraph 5.1.23 amended to say that the site allocation would not compromise any ecological sites of international or national importance, as recommended.</p> <p>Agreed, Policy LB/H/6 includes a requirement for a sustainable urban</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>the A4103 has been flooded to the extent it was only passable with care. Parts of the site remain waterlogged after heavy rain." This is not supported by evidence available to the South Worcestershire Councils. The proposed site allocation is not in Flood Zones 2 or 3 and does not appear to have been subject to historic flooding. Environment Agency data suggests that very small pockets of land (possibly 1% or 2 % of the site) in the north- west and south-west corners of the site are subject to 1-in-100-year surface water flooding. These pockets of possible surface water flooding appear to have been taken into account in the landscape buffering within the Indicative Layout. Nevertheless, it is suggested that this is picked up in Policy LB/H/6 with a requirement for a sustainable urban drainage strategy to address surface water and foul drainage.</p>	<p>drainage strategy to address identified surface (not foul) water on site, as recommended.</p>
<p>Policy LB/D/1</p>	<ul style="list-style-type: none"> In relation to the Reasoned Justification, sentences 5 and 6 of paragraph 5.2.2 introduce the principle of providing sufficient private garden amenity space. This does not appear to be addressed in Policy LB/D/1 and it is suggested that these sentences could be deleted. 	<p>Agreed, sentences 4 and 5 (not 5 and 6) of paragraph 5.2.2 relating to private garden amenity space do not explain the intention and rationale of Policy LB/D/1 and have been deleted as recommended.</p>
<p>Policy LB/E/1</p>	<ul style="list-style-type: none"> "Paragraph 5.3.1 refers to Eldersfield Mudstone Formation, which is a local name used in older literature. Following rationalisation by the British Geological Survey across the country, this name is now obsolete and the name Sidmouth Mudstone Formation is used instead". The Reasoned Justification below Policy LB/E/1 should 	<p>Agreed, reference to Eldersfield Mudstone Formation in paragraph 5.3.1 replaced by Sidmouth Mudstone Formation as recommended.</p> <p>Agreed, reference to the strategic Policy</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>be tightened to explain succinctly the intention and rationale of the policy. In particular, it is considered that:</p> <ul style="list-style-type: none"> - Reference could helpfully be made to SWDP 25 which provides a strategic context for the policy. - The relevance of paragraph 5.3.1 to Policy LB/E/1 is unclear and could be deleted. - Sentences 1 and 2 of paragraph 5.3.4 could be replaced by "The Worcestershire Local Character Assessment (2011) identifies two Landscape Types in the Neighbourhood Area (see map 5). - In the 4th sentence it is suggested that the word "report" is replaced by "Guidance". 	<p>SWDP 25 (Landscape Character) included in the supporting text as recommended.</p> <p>Noted, paragraph 5.3.1 retained to reflect Examiner's recommendation relating to Sidmouth Mudstone Formation.</p> <p>Agreed, sentences 1 and 2 of paragraph 5.3.4 replaced for clarity and accuracy as recommended.</p> <p>Agreed, word in 4th sentence of paragraph 5.3.4 replaced for accuracy as recommended.</p>
Policy LB/E/2	<ul style="list-style-type: none"> • Paragraph 5.3.8 makes 3 references to "Green Space". These references should be amended to "Local Green Space" to clearly distinguish them from "Green Space" as defined in the SWDP. • Paragraph 5.3.8 makes reference to the possibility for Local Green Spaces to be in private ownership and the designation not granting public access. • Paragraph 5.3.8 – paragraph 102 of the Framework 	<p>Agreed, references to "Green Space" in paragraph 5.3.8 changed to "Local Green Space" for clarity / accuracy as recommended.</p> <p>Agreed, reference to the designation of Local Green Space not granting public access does not explain the intention and rationale of Policy LB/E/2 and has been deleted as recommended.</p> <p>Agreed, paragraph 5.3.8 amended for</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>outlines 3 criteria (a, b and c) that Local Green spaces must meet. It is suggested that this could be made clearer in paragraph 5.3.8 which currently indicates 2 bullet points.</p> <ul style="list-style-type: none"> • Paragraph 5.3.10, 2nd sentence – For accuracy and consistency, it is suggested that reference to “Development Area” is replaced by “development boundary”. • Paragraph 5.3.10 (should be 5.3.11?) says that the landowner currently permits public access to the orchard (proposed Local Green Space #2). It is not clear whether there is any significance to the statement. It should be noted that paragraph 101 of the Framework says that “Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.” If there is no significance to the statement, it is suggested that it could be deleted. 	<p>clarity to indicate that paragraph 102 of the Framework outlines 3 criteria (a, b and c) that Local Green spaces must meet.</p> <p>Agreed, reference to “Development Area” replaced by “development boundary” in paragraph 5.3.10 for accuracy as recommended.</p> <p>Agreed, 2nd sentence of paragraph 5.3.10 / 5.3.11 does not explain the intention and rationale of Policy LB/E/2 and has been deleted as recommended.</p>
Policy LB/E/3	<ul style="list-style-type: none"> • Figure 3 identifies the location and direction of the proposed Key Views. To provide a practical framework for decision makers (and applicants) it would be helpful if the scale of the map was reduced so that the precise location of the key views was clearer. If the scale of the map was reduced it may be possible to see the A4103 and Stocks Lane without the need to for arrows (which can be confused with the arrows for the key views). (The Parish Council has commented It has proven difficult to 	<p>Agreed, Figure 3 replaced with a map with a reduced scale showing the location of the key views for clarity as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>get map/plan which shows viewpoint and target within the page constraints. The viewpoints are clearly indicated and described. However, a separate viewpoint map could be added. I would be content for a separate viewpoint map to be added if this proves to be the most practical solution).</p> <ul style="list-style-type: none"> • It is important that objective criteria are established for the identification and grading of views and it is noted that the proposed views have been assessed against criteria listed in Appendix F of the NDP. For clarity and consistency, it is suggested that "criteria set out in Appendix F" is inserted between the words "using" and "a report" in the final sentence of paragraph 5.3.11. • For accuracy it is suggested that the final sentence of paragraph 5.3.11 be amended and the word "using" be replaced with ", based on a methodology from". • The photograph of View 3 on page 50 of the Neighbourhood Plan taken from a private driveway should be replaced by a supplied photograph taken from the public domain. • The second sentence of paragraph 5.3.11 should for accuracy be amended to "The views have the Malvern Hills predominating in the distance but each has a different viewpoint and intermediate landscape". 	<p>Agreed, paragraph 5.3.11 amended for accuracy as recommended.</p> <p>Agreed, paragraph 5.3.11 amended for accuracy as recommended.</p> <p>Agreed, photograph of View 3 replaced by photograph taken from the public domain as recommended.</p> <p>Agreed, paragraph 5.3.11 amended for accuracy as recommended.</p>
Policy LB/E/4	<ul style="list-style-type: none"> • Paragraph 5.3.13 - For clarity and accuracy, it is suggested that the final sentence be amended to read 	<p>Agreed, paragraph amended for clarity as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p data-bbox="645 236 1424 344">"The nomination of potential non-designated assets is included as a task for the Parish Council in Appendix A (Task 3)."</p> <ul data-bbox="600 389 1384 497" style="list-style-type: none"> <li data-bbox="600 389 1384 497">• Paragraphs 5.3.14 and 5.3.15 – It is considered that these paragraphs do not explain the intention at rationale of Policy LB/E/4 and should be deleted. 	<p data-bbox="1480 384 2040 525">Agreed, paragraphs 5.3.14 and 5.3.15 do not explain the intention at rationale of Policy LB/E/4 and have been deleted as recommended.</p>
<p data-bbox="188 568 394 603">Policy LB/E/5</p>	<ul data-bbox="600 571 1451 1377" style="list-style-type: none"> <li data-bbox="600 571 1451 863">• Paragraph 5.3.17 - Map 6 helpfully shows sites of known surface and sub- surface archaeology in the parishes of Leigh and Bransford. In order to provide greater certainty for applicants and to enable decision makers to apply Policy LB/E/5 consistently and with greater confidence it would be helpful if these sites of archaeological interest were listed in the Reasoned Justification or an Appendix. <li data-bbox="600 906 1451 1377">• Whilst paragraph 5.3.18 (unnumbered) provides a weblink to the HER searches for Leigh and Bransford, it is considered that the Reasoned Justification should provide a link between the HER searches and Policy LB/E/5 in order that decision makers can apply the policy consistently and with confidence. It is suggested wording along the following lines be added to the final paragraph – "The HER lists the known archaeological remains in the area and should be consulted when preparing planning applications. Where there is considered to be potential for archaeological remains, Policy LB/E/5 may be used to place planning conditions on proposals so that suitable site surveys to identify, or exclude, such 	<p data-bbox="1480 571 2018 783">Agreed, sites of known surface and sub- surface archaeology shown on Map 6 listed in an Appendix to provide clarity and enable decision makers to apply policy consistently and with confidence as recommended.</p> <p data-bbox="1480 906 2033 1082">Agreed, additional text added to paragraph 5.3.18 (unnumbered) to provide clarity and enable decision makers to apply policy consistently and with confidence as recommended.</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>potential can be carried out.”</p> <ul style="list-style-type: none"> Appendix D includes Map 11 (Buildings in Leigh and Bransford on 1st Edition Ordnance Survey Map). The relationship between Map 11 and Policy LB/E/5 is unclear. If the map is not relevant to surface or sub-surface archaeology then it is considered that it should be deleted. (The Parish Council state, Map 11 is not referenced to, or by, LB/E/8. It is a record of buildings of possible historic interest – on this basis I am content for the Map to be retained 	<p>Agreed, Map 11 retained as recommended.</p>
Policy LB/E/6	<ul style="list-style-type: none"> Map 7 helpfully shows the location of historic farmsteads in the Neighbourhood Area. In order to provide greater certainty for applicants and to enable decision makers to apply Policy LB/E/6 consistently and with confidence it is considered that the farmsteads shown on Map 7 should be listed in the Reasoned Justification or an Appendix. Paragraph 5.3.20 (unnumbered) - It is suggested that that it would be helpful if, prior to the weblink, the Reasoned Justification explained what the Worcestershire Farmstead Assessment Framework is. For example, - “The Worcestershire Farmstead Assessment Framework, available at [insert hyperlink], provides a step-by-step approach to considering the reuse of traditional farm buildings and the sustainable development of farmsteads, through identifying their historic character, significance and potential for change.” 	<p>Agreed, historic farmsteads shown on Map 7 listed in an Appendix to provide clarity and enable decision makers to apply policy consistently and with confidence as recommended.</p> <p>Agreed, additional text added to paragraph 5.3.20 (unnumbered) to provide clarity and enable decision makers to apply policy consistently and with confidence as recommended.</p>
Policy LB/E/8	<ul style="list-style-type: none"> The Reasoned Justification for Policy LB/E/9 	<p>Agreed, paragraphs 5.3.22 to 5.3.24,</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>(paragraphs 5.3.22 and 5.3.24) refers to an “Ecological Search for Leigh & Bransford Neighbourhood Area” undertaken by Worcestershire County Council. Whilst this background report is summarised in Appendix E, it is strongly recommended that relevant information from this report is summarised in the supporting text for Policy LB/E/8 to support the choice of sites and the approach taken.</p>	<p>which relate to the ecological search for the Neighbourhood Area moved from supporting text for Policy LB/E/9 to LB/E/8 to support the choice of sites and approach taken in Policy LB/E/8 as recommended.</p> <p>Agreed, relevant information from the Ecological Search for the Leigh and Bransford Neighbourhood Plan Background Report has been summarised in the supporting text for Policy LB/E/8 to support the choice of sites and the approach taken as recommended.</p>
Policy LB/E/9	<ul style="list-style-type: none"> • Paragraphs 5.3.21 – 5.3.22 are vague, do not relate especially to the Neighbourhood Area and do not directly support the choices made and the approach taken. • It is also considered that reference to the HRA Screening Opinion in paragraph 5.3.26 is not relevant to the requirement that development proposals demonstrate a net gain in biodiversity. • Paragraphs 5.3.22 – 5.3.24 should be moved to the reasoned justification for Policy LB/E/8, under paragraph 5.3.20. 	<p>Agreed, paragraph 5.3.21 edited to relate to the Neighbourhood Area as recommended.</p> <p>Agreed, paragraph 5.3.26 does not explain the intention and rationale of Policy LB//E/9 and has been deleted as recommended.</p> <p>Agreed, paragraphs 5.3.22 to 5.3.24 moved to the reasoned justification for LB/E/8 to support the choice of sites and approach taken as recommended.</p>
Policy LB/I/7	<ul style="list-style-type: none"> • Much of the information in paragraphs 5.4.15 – 5.4.20 is not relevant to Policy LB/I/7. The purpose of Policy 	<p>Agreed, some information in paragraphs 5.4.15 to 5.4.20 does not</p>

Part of Document	Examiner's Recommended Modification(s)	MHDC Response
	<p>LB/I/7 is to ensure that new development connects to local amenities by walking or cycling. The proposed policy will not address issues such as lack of bus services, distance from rail stations, doctors' surgery and hospitals in Worcester and Malvern etc.</p>	<p>explain the intention and rationale of Policy LB/I/7 and has been edited accordingly as recommended.</p>
Policy LB/WB/2	<ul style="list-style-type: none"> • In relation to the Reasoned Justification, paragraph 5.5.3 says "proposals will be expected to take community views into consideration." This is inaccurate and misleading. Planning law requires that applications be determined in accordance with the development plan (including, SWDP 37A and LB/WB/2) unless material considerations indicate otherwise. (I have taken account of the Parish Council comment in this respect). • It is considered that paragraph 5.5.4 does not explain the intention or rationale for Policy LB/WB/2 and could be deleted. 	<p>Agreed, paragraph 5.5.3 amended to take account of Parish Council comments, as recommended.</p> <p>Agreed, paragraph 5.5.4 does not explain the intention and rationale of Policy LB/WB/2 and has been deleted as recommended.</p>
Consequential Modifications and Minor Corrections	<p>The following modifications are supported:</p> <ul style="list-style-type: none"> • All paragraphs of the Neighbourhood Plan should be consistently numbered. 	<p>Consequential modifications have been made for the re-numbering of maps and paragraphs as a result of recommended modifications relating to policies and supporting text.</p>