

How Worcestershire County Council's Planning Team can assist you with the Neighbourhood Planning Process

October 2014



Prepared by Strategic Planning and Environmental Policy, Minerals and Waste Policy
Planning and Development Management

How Worcestershire County Council's Planning Team can assist you with the Neighbourhood Planning Process

Neighbourhood Planning was introduced in the Localism Act in 2011 and gives local communities the opportunity to shape and define how their area should grow and change in the future. Neighbourhood Development Plans (NDP) create a vision for an area or site and set out planning policies for the use and development of land that will help deliver this vision. NDP should consider local and not strategic issues; policies should be focused on the community they cover without negatively impacting on policies of the Local Plan, which also includes Mineral and Waste Local plans¹. When adopted, a Neighbourhood Plan will become part of the statutory Development Plan for the neighbourhood and will be used in making decisions on planning applications.

Although the County Council does not have any direct statutory responsibilities in terms of the preparation of Neighbourhood Plans, the Planning Team does hold information as detailed below, which can help inform - and should be taken account of in the preparation of - Neighbourhood Plans.

The County Council Planning Team holds an array of information that can be used to inform a Neighbourhood Plan. This includes, but is not restricted to:

Green Infrastructure Strategy 2013, available at:

www.worcestershire.gov.uk/cms/planning/planning_policy_strategy/planning_green_infrastructure.aspx

Landscape Character Assessment, available at:

www.worcestershire.gov.uk/cms/landscape-character-assessment.aspx

Local Wildlife Sites, information available at:

www.worcestershire.gov.uk/cms/planning/environmental_planning/ecology/local_sites_partnership.aspx

Habitat inventory, information available at

<http://www.worcestershire.gov.uk/cms/ecology/habitat-inventory.aspx> . Although data is not currently available on line, we can extract data from it.

Biodiversity Action Plan documents, information available at:

<http://www.worcestershire.gov.uk/cms/planning/environmental-planning/biodiversity-action-plan/action-plans.aspx> .

Waste Core Strategy Local Plan 2012-2027, available at:

<http://www.worcestershire.gov.uk/cms/minerals-and-waste-policy/waste-core-strategy.aspx> .

Hereford and Worcester Minerals Local Plan 1997, available at:

http://www.worcestershire.gov.uk/cms/planning/planning_policy_strategy/adopted_minerals_local_plan.aspx

Emerging Minerals Local Plan, available at:

http://www.worcestershire.gov.uk/cms/planning/planning_policy_strategy/emerging_minerals_local_plan.aspx

¹ The County Council are in the process of preparing their Minerals Local Plan and have in place a Waste Core Strategy Local Plan, adopted in 2012

The Analysis of Mineral Resources in Worcestershire (October 2013), available at: http://www.worcestershire.gov.uk/cms/planning/planning_policy_strategy/emerging_minerals_local_plan/background_documents.aspx

Local Transport Plan 3 (LTP3), in particular the Development Control (Transport) Policy, available at: <http://www.worcestershire.gov.uk/cms/local-transport-plan/the-local-transport-plan.aspx>

The Statement of Community Involvement, available at: http://www.worcestershire.gov.uk/cms/planning/planning_policy_strategy/community_involvement.aspx

We also draw your attention to the following documents:

Planning for Infrastructure in Worcestershire: Worcestershire Infrastructure Strategy, Consultation January 2013; and Planning Research Papers on Soil, Climate Change, Water, Renewable Energy and (in draft), Health in Worcestershire. All of these documents can be found via the following link

http://www.worcestershire.gov.uk/cms/planning/planning_policy_strategy.aspx, apart from the Draft Planning for Health in Worcestershire research paper, which is not currently online.

We can provide information on the following areas to assist you with your neighbourhood plan.

Minerals and Waste Policy

Minerals and waste developments, as 'County Matters', are 'excluded development' under Section 61 of the Localism Act. This means that any Parish or Neighbourhood Plans will not be able to make provision for minerals or waste development in that area. However, those involved in the preparation of a NDP should ensure they are aware of minerals and waste planning policy and how it might impact on their NDP. All Parish Councils are consulted at every stage of Minerals Local Plan development.

Waste

The Waste Core Strategy Local Plan forms part of the statutory Development Plan and therefore any Parish or Neighbourhood Plans must conform to its provisions. The following policies are the most relevant to Neighbourhood Plans:

Policy WCS 6 (Compatible Land Uses) and paragraphs 5.1 – 5.3

Settlements within Worcestershire perform different waste management functions². Most of the county falls within the lowest level of waste management function, meaning any proposals for waste management development in the parish would need to be strongly justified. However, anyone preparing a NDP should be aware that although not expressly encouraged, proposals for waste management facilities could be acceptable within a NDP area, subject to justification and conformity with the provisions of the Waste Core Strategy.

²The Waste Core Strategy contains a geographic hierarchy which takes into account current waste arisings, resource demand and existing waste management capacity of each settlement. The settlements which have a major role to play are in the top levels (level 1 is the highest level) and those which have only a minor role are in the bottom levels (level 5 is the lowest level).

Policy WCS 5 – Landfill and disposal

Landfill and disposal of waste should be a last resort. The explanatory text supporting policy WCS 5 details how excavation activities, a normal part of the construction process, can result in considerable arisings of subsoils. This can sometimes be re-used for purposes such as... landscaping, levelling of sites, the construction of bunds, embankments or features for noise attenuation. However, whilst we welcome the minimisation of waste by re-use on site during the construction process where appropriate, those preparing a NDP should ensure that it does not allow unnecessary landscaping to become an inappropriate disposal of waste.

Policy WCS 16 – New development proposed on or near to existing waste management facilities

Policy WCS 16 aims to safeguard existing waste management facilities by considering the potential impact and design of new development on or near to existing waste management facilities. We recommend that those involved in the production of a NDP or developers should consult the web-tool which has been developed to support this policy (available through the Waste Core Strategy webpage www.worcestershire.gov.uk/wcs) to establish whether there are any waste management facilities within 250m and if so, the provisions of this policy should be applied or included in the conditions of the development order.

WCS 17: Making provision for waste in all new development

Policy WCS 17 aims to ensure that the waste implications of all new development are considered. The explanatory text accompanying this policy sets out that the level of on-site provision should be adequate to meet the needs of the proposed development. Those involved in the production of a NDP and developers implementing future parish plans or development orders should ensure that facilities for storage and collection of waste are in line with the ADEPT³ report 'Making Space for Waste' (June 2010).

Minerals:

Those involved in the production of a NDP should be aware that the saved policies of the adopted Hereford and Worcester Minerals Local Plan 1997 (HWMLP) currently form part of the statutory Development Plan and therefore any Parish or Neighbourhood Plans must conform to its provisions alongside the guidance contained in the National Planning Policy Framework.

The Council is currently developing a new Minerals Local Plan for Worcestershire which will replace the HWMLP. We would encourage all Parish Councils and in particular those involved in the production of a NDP to engage with future stages of consultation to ensure that the development of the Minerals Local Plan and NDP are complementary. A third Consultation is planned for early 2015.

The identification and safeguarding of mineral resources, and where and how new mineral development could be undertaken, are important issues which need to be taken account of during the production of the NDP. On request we can provide information on the sand, gravel, clay or other minerals deposits in your area.

³ Association of Directors of Environment, Economy, Planning and Transport

The policy for safeguarding minerals in Worcestershire is currently set out in: **The County of Hereford and Worcester Minerals Local Plan**. It identifies known mineral deposits currently safeguarded on the Proposals Map (<http://www.worcestershire.gov.uk/cms/minerals-and-waste-policy/adopted-minerals-local-plan.aspx>).

The Analysis of Mineral Resources in Worcestershire (October 2013) report which was published alongside the Second Stage Consultation on the Minerals Local Plan analyses the available information about the mineral resources in the county. The identification of resources in this report does not mean that planning permission to work them will be given, only that their value should be assessed before any decisions about the future use of the land are made.

Any development proposed will need to ensure that it does not inadvertently sterilise mineral resources and we will be happy to work with the Parish Council to ensure this is managed in an appropriate manner. However, the Parish Council should be aware that this may require some in-depth mineral resource assessments at the developer's expense.

We are happy to discuss any of these issues above and encourage the NDP team to contact us in order that we can ensure they take account of these important matters to help them develop their plans. Please contact Nicholas Dean on 01905 766374 or email minerals@worcestershire.gov.uk.

Biodiversity and Green infrastructure

Biodiversity

Protecting and enhancing biodiversity is just as important at the local level as it is at county and national level and this should be recognised in Neighbourhood Plans.

Every public body including Town and Parish Councils has a statutory duty to conserve biodiversity under the 2006 Natural Environment and Rural Communities (NERC) Act. Government guidance on the NERC Act includes recommendations to identify local sites of importance for biodiversity and to protect and enhance biodiversity within the management of local authority land holdings. Should you wish to discuss these matters further please contact Cody Levine, Ecologist on 01905 768336 or CLevine@worcestershire.gov.uk.

Useful biodiversity related sources of information/data include:

Guidance for public bodies on implementing the biodiversity duty:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69311/pb12585-pa-guid-english-070516.pdf

Biodiversity and Neighbourhood Planning:
<http://www.norfolkwildlifetrust.org.uk/documents/a-living-landscape/wildlife-advice/community/nwt-biodiversity-and-planning.aspx>

Worcestershire Biological Record Centre. Protected species records for the county, and Local Wildlife Site information:

<http://www.wbrc.org.uk/>

Chartered Institute of Ecology & Environmental Management:

<http://www.cieem.net/>

Worcestershire County Council Ecology website:

<http://www.worcestershire.gov.uk/cms/ecology.aspx>

Green Infrastructure

Worcestershire Green Infrastructure Partnership

The Strategic Planning and Environmental Policy Team at Worcestershire County Council is a lead member of the Worcestershire Green Infrastructure (GI) Partnership. The GI Partnership includes statutory agencies and voluntary sector organisations. National planning policy provides strong support for planning for green infrastructure through the **Natural Environment White Paper (2011)**, **National Planning Policy Framework (2012)** and **National Planning Policy Guidance (2013)**.

Green Infrastructure is the network of green spaces that intersperse and connect our cities, towns and villages, providing multiple benefits for the environment, economy and communities. The underlying principle of GI is that the same area of land can frequently offer multiple benefits. GI can be delivered at a number of different levels depending on the nature of the project proposed; at a Neighbourhood or local scale this can include small-scale green infrastructure enhancements which would typically be included within a development site. Examples could include off-road walking and cycling routes connecting with a local centre which also include sustainable drainage provision through swales and balancing ponds.

Worcestershire Green Infrastructure Strategy: county level

The GI Partnership developed the Worcestershire Green Infrastructure Strategy and supporting evidence to guide the delivery of green infrastructure in the county through development, regeneration and environmental projects. The Strategy, together with all associated documents, is available at: (www.worcestershire.gov.uk/GI).

We encourage Neighbourhood Plans to have regard to the GI priorities identified in the GI Strategy. Furthermore, the evidence base developed to support the Strategy could be used to inform Neighbourhood Plans.

Planning for a healthy environment – good practice guidance for green infrastructure and biodiversity (includes a chapter on neighbourhood plans):

http://www.tcpa.org.uk/data/files/TCPA_TWT_GI-Biodiversity-Guide.pdf

We would be happy to provide advice and help with interpreting this county level information. Please contact Marta Dziudzi, Planning Policy Assistant, on: mdziudzi@worcestershires.gov.uk or tel: 01905 766794.

Landscape

Landscape Character Assessment (LCA)

Landscape Character Assessment (LCA) is a tool for identifying the patterns and individual combinations of features – such as hedgerows, field shapes, woodland, land use etc. – that make each type of landscape distinct and often special to those who live and work in it. The NDP should take account of the LCA as it can be used to demonstrate the key characteristics of the Landscape Type of any proposed development. You can access the full Worcestershire Landscape Character Assessment maps and databases via our interactive website: <http://www.worcestershires.gov.uk/cms/planning/environmental-planning/landscape-character-assessment.aspx>

Flood Risk and Drainage

The Flood and Water Management Act (2010)

The Flood and Water Management Act (FWMA) delegated upper-tier and unitary authorities as Lead Local Flood Authorities (LLFA) with responsibility for their respective area's Local Flood Risk Management Strategy. Worcestershire County Council is therefore the LLFA for Worcestershire. This role currently relates to ordinary watercourses, surface water and groundwater flooding (fluvial flooding from main tributaries is still currently the responsibility of the Environment Agency). The FWMA has also delegated LLFAs a number of other statutory powers and duties, extending previous responsibilities for flood risk management. Understanding these will be of importance in the development of a NDP.

Worcestershire Local Flood Risk Management Strategy

As LLFA for Worcestershire, the County Council is required to develop a Local Flood Risk Management Strategy (LFRMS). Work is currently ongoing by the County Council and partners to develop the Worcestershire LFRMS. The document will focus on local flood risk due to flooding from surface water, groundwater and ordinary watercourses. This will be an important new tool to help everyone understand and manage flood risk within the county. It is currently envisaged that the LFRMS will be subject to public consultation in late 2014 and will be available for comment on the County Council webpages and we encourage you to get involved with the consultation.

Worcestershire Surface Water Management Plan

The County Council is working to reduce the risk of surface water flooding in Worcestershire, partly through the development of the 'emerging' Worcestershire Surface Water Management Plan (SWMP), which will be a key piece of evidence and will also inform the LFRMS. The emerging SWMP brings together existing sources of information and provides a high-level overview of flooding in Worcestershire to identify a list of historical and potential future flooding locations. The SWMP evidence is informed by the

Environment Agency Updated Flood Map for Surface Water Flooding. Extracts of this map can be found at: <http://watermaps.environment-agency.gov.uk/wiyby/wiyby.aspx?topic=ufmfsw#x=357683&y=355134&scale=2>

Sustainable Drainage Systems Approval Body (SAB)

Schedule 3 of the FWMA requires the LLFA to establish a Sustainable Drainage Systems (SuDS) Approving Body (SAB) with responsibility for approval of all drainage plans and the adoption and maintenance of SuDS that serve more than one property in new developments. The LLFA is currently awaiting confirmation from Defra of the planned commencement of this duty. Although the Government has elected to exempt development within Neighbourhood Plans from seeking SAB approval, we would welcome and support the inclusion of policies to encourage the uptake of exemplar SuDS in new development. In addition to this positive approach we would welcome the inclusion of additional policy 'hooks' that could encourage developers to design and construct SuDS in line with the new national standards and guidance or any future locally adopted policies. This should help to mitigate the risk of future surface water flooding from prolonged or intense rainfall events and help adapt to future predicted climate change.

We would welcome the opportunity to discuss any of the issues highlighted above with those involved in the NDP production. Please contact Matt Maginnis, Countryside Business Manager on MMaginnis@worcestershire.gov.uk or 01905 765522.

Other ways we can help

The County Council also has a number of other roles and responsibilities which should be taken into account by those involved in the preparation of NDPs. We are the Highways Authority, responsible for the development of transportation policy and the operation of improvement schemes and maintenance of the non-motorway road system. The County Council also delivers health, social care and education services for the community and therefore holds useful information which will help inform the NDP.

Although the County Council does not have any statutory duty to assist in the preparation of a NDP, we do hold a vast array of information that can be used to inform it and for that reason we encourage those involved in the NDP process to make use of the links above or to contact us for further information.
