

## Bishop's Itchington Neighbourhood Development Plan

### Regulation 16 Representations: By Contributor

Rep.No.	Name	Policy/Section	Representation
BI01	Harris Lamb on behalf of David Wilson Homes	Policies BINDP1, BINDP2, BINDP4 and BINDP12	<p>BINDP1 – Object            BINDP2 – Object            BINDP4 – Object            BINDP12 - Object</p> <p>Our comments should be read in the context that land north of Hambridge Road is already identified as a proposed housing allocation in the emerging Stratford-upon-Avon Site Allocations Plan (BISH.02) with the potential capacity for 24 dwellings. The representations submitted previously advised that as a minimum, the Neighbourhood Plan should be consistent with the emerging Site Allocations Plan. However, the most appropriate approach is for the Neighbourhood Plan to allocate the full extent of the land within the loop of the River Itchen as an allocation for residential development with public open space.</p> <p>See <b>Appendix 1</b> for full comments and <b>Appendix 2</b> for Site Plan.</p>
BI02	Natural England	General	No specific comments
BI03	National Highways	General	<p>We have undertaken a review of the Bishops Itchington NDP and note that the SRN closest to the NDP area is the M40 Motorway, with M40 Junction 12 just outside the boundary of the plan area.</p> <p>However, as the plan does not introduce any new development sites or transport related policies that are likely to impact upon our network, we consider that the contents of the plan are for local determination, and we have no further comments to make.</p>

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BI04	CPRE Warwickshire	General	Good for you, Bishop's Itchington. If you want assistance do consult CPRE Warwickshire, because we'll be very willing to help you!
BI05	Harbury Parish Council	General	No comment to make on this consultation.
BI06	Historic England	General	<p>We are pleased to note that our suggestions at Regulation 14 stage have been taken account of. Our other comments on the Regulation 14 Plan remain entirely relevant, that is:</p> <p>"Historic England is supportive of both the content of the document and the vision and objectives set out in it.</p> <p>We commend the general emphasis placed upon the maintenance of local distinctiveness through good design and the conservation of landscape character, building upon the findings of the local authority Historic Environment Assessment and associated Sensitivity Analysis. This and other documentation including from the Warwickshire Historic Environment Record provides a very thorough evidence base providing a solid platform for the policies and proposals put forward.</p> <p>In this respect we fully support the well thought out policies for the conservation of local distinctiveness and the protection of the built environment and archaeology and rural landscape character including green space, biodiversity and important views. We also commend the approaches taken in the Plan to ensuring that the design of new development is positively guided by the considerable research undertaken and thus can take cues from the historic character and vernacular of each locality....."</p> <p>Beyond those observations we have no further substantive comments to make on what Historic England considers is a very good example of community led planning.</p>

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BI07	Warwickshire County Council Transport	General	Overall Warwickshire County Council (WCC) is broadly supportive of the approach the NDP takes in developing transport, particularly in relation to the proposals which seek to reduce reliance on motorised vehicles and encourage both active travel and the use of public transport. Active travel particularly can have a positive effect on traffic within a community and with it bring wider environmental and public health benefits, albeit the extent of these benefits will be more limited in a village/rural setting compared to an urban environment.
		Policy BIND7	It could be advantageous to encourage the provision of safe/secure bicycle parking at these communal locations. This could further enable the promotion of sustainable living by helping promote a change in transport choice for residents accessing these amenities which would bring improved health and wellbeing benefits, but also could alleviate on street parking concerns at these locations and bring an improvement to the air quality within the community.
		Policy BINDP11	WCC is supportive of the principle of developing cycle routes which help people to travel by cycle. Any changes to the highway network will need the support of the County Council. But suggest the allocation of cycle parking should also be encouraged.
		Policy BINDP12	WCC supports the principle of electric vehicle charging being provided at residential developments.
		Parish Council Supporting Action 5	WCC supports the parish council in seeking commuted sums from developers and would also like to make the NDP team aware of the possibilities of car share schemes in helping to alleviate transport shortfalls within a local community and the recent work carried out by WCC to develop a Warwickshire Bus Service Improvement Plan (BSIP).  As part of the Bus Back Better - National Bus Strategy for England (outside London) we are committed to publish a Warwickshire Bus Service Improvement Plan setting out how we will use our Enhanced Partnership with bus operators to deliver an ambitious vision for travel by bus, meeting

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			the goals and expectations in the National Bus Strategy and driven by the needs and wants of passengers and would-be passengers. <a href="https://www.warwickshire.gov.uk/buses">https://www.warwickshire.gov.uk/buses</a>
BI08	Warwickshire County Council Flood Risk	<p>Paragraph 6.4, 6.4 Table 2 and Section 8. Natural and Built Heritage</p> <p>Background/justification to Policy BINDP1 and Policy BINDP2</p> <p>Policy BINDP4 – Design</p>	<p>We support the protection of open spaces and river corridors– this could be developed to mention the benefits of open space as flood risk management to retain water. Above ground SuDS could be utilised in open spaces.</p> <p>In this point it is mentioned that approximately 450 homes will be provided over the plan period 2011-2031. If a site is for over 10 houses it is classed as a major planning application, therefore in line with the National Planning Policy Framework, a site specific Flood Risk Assessment and Surface Water Drainage Strategy must be submitted to the Lead Local Flood Authority for review.</p> <p>You could add to your objective a specific point about new developments needing to consider their flood risk and sustainable drainage systems when building on Greenfield and brownfield sites. All developments will be expected to include sustainable drainage systems.</p> <p>You could include an additional point that encourages new developments to open up any existing culverts on a site providing more open space/green infrastructure for greater amenity and biodiversity; and the creation of new culverts should be kept to a minimum. New culverts will need consent from the LLFA and should be kept to the minimum length.</p> <p>In this policy you make reference to the drainage hierarchy. You could develop this point to include the SuDS hierarchy. The hierarchy is a list of preferred drainage options that the LLFA refer to when reviewing planning applications. The preferred options are (in order of preference): water re-use, infiltration (water into the ground), discharging into an existing water body and discharging into a surface water sewer. Connecting to a combined sewer system is not suitable and not favourable.</p>

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		Section 8.6	<p>In this policy you make reference to SuDS. You could include a point to say all developments will be expected to include sustainable drainage systems.</p> <p>This is a well written section. You make reference to one benefit of SuDS being water quantity. It would be good to include the other benefits being water quality, amenity, and biodiversity. These benefits are also referred to as the four pillars of SuDS</p> <p>You make reference to the CIRIA 753 SuDS manual. It would also be good to refer to the WCC Local Guidance for Developers. A link has also been included below.  <a href="https://api.warwickshire.gov.uk/documents/WCCC-1039-95">https://api.warwickshire.gov.uk/documents/WCCC-1039-95</a></p>
		General	<p>It has been noted that there is not a section dedicated to flood risk and drainage despite Bishops Itchington being in close proximity to the River Itchen, and a number of smaller watercourses running through the village. A section detailing how development will be controlled around these watercourses would be welcomed.</p>
BI09	Coal Authority	General	No comments.
BI10	McLoughlin Planning on behalf of Mactaggart and Mickel	Policies BINDP 1 and BINDP5	<p>BINDP1 – Object BINDP5 – Object</p> <p>In respect of the BINDP, the Respondent wishes to raise several concerns regarding the Submission Draft. Of particular note are the Respondent’s objections to Policy BINDP1 &amp; Policy BINDP5, which the Respondent considers should, at the very least, be modified to ensure compliance with the basic conditions set out under Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.</p> <p>Full representations attached at <b>Appendix 3.</b></p>

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BI11	Terra	General	<p>Whilst we welcome the production of the Neighbourhood Plan, we are extremely concerned that it misses the opportunity to proactively plan for the Housing Needs of Bishop's Itchington. The Neighbourhood Plan steering group should be taking the lead in addressing local housing need for Bishop's Itchington, in particular affordable housing need. We therefore urge the steering group to engage with the Rural Housing Officer and the Council's previous comments on the Neighbourhood Plan, conducting a refreshed Housing Needs Survey to inform the evidence base. To be future proof, the Neighbourhood Plan needs to proactively plan for Bishop Itchington's housing need in its entirety. Terra have previously engaged with the steering group regarding land at Plough Lane, which is ideally located to deliver much need affordable housing for the village.</p> <p>Full representations attached at <b>Appendix 4.</b></p>
BI12	Sport England	Policy BINDP8	<p>Do you support or object to Policy BINDP8?</p> <p>Object - The policy as proposed is not in general conformity with NPPF. Sport England recommends that the wording of BINDP8 better reflects the criteria set out in NPPF paragraph 99 in particular replacement provision being at least equivalent in quality and quantity; and the loss of provision being demonstrated through an assessment which has clearly shown the open space, buildings or land to be surplus to requirements.</p>
BI13	Boyer Planning on behalf of Braemar Property Developments Ltd	Policies BINDP1, BINDP2, BINDP5, BINDP11 and BINDP12	<p>Do you support or object to Policy BINDP1?</p> <p>Object - Policy BINDP1 identifies that new development will be supported in principle when consistent with Core Strategy Policies CS.15 Distribution of Development, Policy CS.16 Housing Development and Policy AS.10 Countryside and Villages. Development outside of the built-up area boundary (BUAB) will be restricted to those supported by policies in the NDP and development plan. We contend that this policy takes a restrictive approach to new development rather than the approach required by the NPPF. The NPPF requires policies to be sufficiently flexible to adapt to a rapid change and prepared positively. Paragraph 29 of the NPPF states that neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies. Paragraph 7.13 sets out the position in Core Strategy Policy CS.16 of the</p>

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			<p>distribution of growth to Category 1 Local Service Villages. Paragraph 7.15 sets out that 117 dwellings have been completed, whilst 370 units have been approved against an indicative target of 112.5 new dwellings based on the indicative 25% maximum threshold. As such the Parish Council responded to the Regulation 14 consultation on the draft NDP to make the comment that the NDP is not required to allocate housing sites on the basis that the requirement based on the 25% of 450 dwellings to be allocated in Category 1 Local Service Villages have been exceeded. The PPG states that; "Neighbourhood Planning Bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it. A sustainable choice of sites to accommodate housing will provide flexibility if circumstances change and allows plan to remain up to date over a longer time scale." We support the PPG guidance and consider that the Neighbourhood Plan should enable the future development of housing to come forward both inside and outside the settlement boundary in order to take a flexible approach to future changes. Given the emerging South Warwickshire Local Plan is proceeding forward to replace the Stratford Core Strategy, the reference in the NDP to specific policies within the Core Strategy may render the Neighbourhood Plan out-of-date prematurely. We would recommend that specific reference to policies within the Core Strategy are removed and flexibility is introduced into the wording of the policy to reflect the emerging SWLP. Whilst it is not necessary to put the proposed reserve sites in the emerging Site Allocations Plan forward as allocations in the NDP, we strongly suggest that the NDP consider allocating future sites for residential development. It is highly likely that new sites will need to be allocated as part of the South Warwickshire Local Plan process which will look forward beyond the life of the 2031 end date of the current Stratford plan period to 15 years ahead on adoption of the SWLP. Whilst the NDP could be reviewed on adoption of the SWLP, building in flexibility and making a local community choice over future locations for housing growth at this stage now, would provide a Neighbourhood Plan that is robust and aspirational. Our client has been promoting Land off Gaydon Road through the Site Allocations Plan and NDP process for up to 57 dwellings and consider that this location would be suitable for the NDP to consider allocating as a location for future residential development to meet the housing needs of the parish through the SWLP in the future. Previous early community</p>

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			<p>consultations for the NDP, identified possible future 'reserve' sites for future residential developments. Overall, given the NDP does not propose to plan to meet the future housing requirement or plan positively for the future by identifying any reserve housing allocations or future areas for residential development it will be ineffective at meeting the aspirations and objectives it aims to achieve, particularly in regard to SO1, SO2 and SO6. It is welcome that Policy BINDP1 has been amended to remove and separate out the previous wording that also included design matters.</p> <p>Do you support or object to Policy BINDP2?</p> <p>Object - The wording of the policy refers to the word bona fide. This is not defined or made clear exactly what is considered to be (or not considered to be) a bona fide community-led housing scheme. The policy also refers to applicants carrying out an up-to-date housing needs survey. The last survey was carried out in 2016 and is somewhat dated as previously referenced by the NDP. It is considered that the policy should commit the Parish Council to undertaking a new and updated housing needs survey. This is considered particularly important given that the last survey identified a need for 14 new homes in the parish for households with a local connection. The local connection criteria appears to be an important element of the policy, but without an updated housing needs survey, there is no actual up-to-date evidence that a local housing need exists or is not greater than that identified in 2016. The policy also makes reference to development within the Built Up Area Boundary. It is considered that the policy should be amended to reflect the opportunity for affordable housing exception sites to be brought forward outside of the Built Up Area Boundary as per paragraph 72 of the NPPF.</p> <p>Do you support or object to Policy BINDP5?</p> <p>Object - It is considered that this policy relates to two separate matters, landscape character and views which should be separated out into two policies. The first part of the policy reflects new development having regard to landscape character and historic landscape character. This also requires amendment as landscape character and historic landscape character are two completely</p>



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			<p>separate facets when considering development proposals. Reference should be made to paragraphs 201 and 202 of the NPPF in regard to the historic landscape and substantial harm and less than substantial harm. Turning to the views, these are distinct and separate from landscape character and should be split into separate policies for completeness as a proposed new development may not have any impact on one of the protected views but may have an impact on landscape character that would require consideration. Further detail should be set out within the policy or supporting text to outline exactly what makes each of these specific views special or worthy of protection, other than just being an open view of the countryside, to ensure there is a clear understanding and expectation from developers over what aspects of the view are considered to be worthy of policy protection.</p> <p>Do you support or object to Policy BINDP11?</p> <p>Object - The policy wording seeks to protect existing Public Rights of Way and other walking and cycling routes. Whilst the protection of Public Rights of Way is covered by existing legislation, it is would be prudent to make provision within the policy to include that Public Rights of Way may be diverted as part of new developments subject to the necessary approval from the County Council under Section 119 of the Highways Act 1980. Otherwise a development proposal could be contrary to this policy by legitimately seeking to divert a right of way.</p> <p>Do you support or object to Policy BINDP12?</p> <p>Support</p>
BI14	Stratford-on-Avon District Council	<p>General</p> <p>Paragraph 3.5</p>	<p>There are several references throughout the NDP to a “Policies Map”, but there does not seem to be a single overarching Policies Map in the NDP. Instead, there are several maps showing various features, which are distributed throughout the Plan.</p> <p>“district council” needs capitalising.</p>

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		Paragraphs 4.5 and 4.6, Figure 2	These paragraphs and Figure 2 will need amending at the next stage as they will be out of date.
		Strategic Objective 1	The inclusion of Strategic Objective 01 is welcomed, especially with regard to the objective of “..... enabling families to stay together through all stages of life.” However, it is difficult to identify how this is translated into specific policies or proposals.
		Policy BINDP1	<p>It is welcomed that Policy BINDP1 has been re-focussed from the original Reg. 14 version so as to provide greater clarity on the intended local strategy for the location of new development. However, there are concerns about a lack of clarity in relation to the scope for ‘Local Need’ schemes (in conjunction with Policy BINDP2).</p> <p>It is noted that Policy BINDP1 provides that outside the BUAB (defined as “countryside”) development is restricted to that “supported by policies in this plan and elsewhere in the development plan, including Core Strategy Policy AS.10 Countryside and Villages”.</p> <p>The reference to development supported by policies “..... and elsewhere in the development plan” is vague and requires clarifying. It could be taken to refer to any sites allocated or identified in the District Council’s Site Allocations Plan (SAP). It is acknowledged that preparation of the SAP is, of course, subject to a separate process. Nevertheless, it is disappointing that the Plan fails to engage with relevant emerging proposals for reserve housing sites in the District Council’s SAP in a more positive and proactive manner.</p> <p>It would be useful if the Plan could identify (as a minimum, and on a ‘without prejudice’ basis) any specific criteria or local issues to guide development that the local community would like to see addressed in the event of any of the proposed sites being released for development.</p>

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			<p>More importantly, the cross-reference to Policy AS.10 implies endorsement of (amongst other things) the principle of small-scale community-led housing schemes as envisaged under criterion (a) of that Policy. However, when the wording of Policy BINDP1 is read in conjunction with that of BINDP2 (see further below) the two appear incompatible.</p> <p>It also appears that reference is intended to that shown to Figure 5 in the Plan. It is recommended that consideration be given to amending the wording of the Policy to make this clear.</p>
		Paragraph 7.15	<p>It seems that the 370 dwellings figure does include the development at Bishops Hill which was granted permission in accordance with Policy AS.10 as acknowledged in para 7.14. According to our housing monitoring, as at 31 March 2021 163 dwellings had been completed at Bishop's Itchington itself and a further 41 had permission, making 204 in total. That is still nearly double the indicative provision expected of a Category 1 Local Service Village in Policy CS.16, ie. 112.5 (113) dwellings.</p>
		Paragraph 7.16	<p>Because the provisions of the SAP could change, it is suggested the wording be amended to read 'In addition, the District Council will consider whether any reserve housing sites should be identified in the NDP area through the Site Allocations Plan'</p>
		Figure 5	<p>This does not use the most up-to-date SAP map. The boundaries to the newly built southern edge of the village does not include all elements of newly formed residential curtilage and access road and needs amending, accordingly.</p>
		Policy BINDP2	<p>The opening paragraph of Policy BINDP2 has been redrafted, compared to the original (2021) version. It now provides that "within the BUAB, development of bona fide community-led housing schemes of up to 10 properties, brought forward to meet a need identified in Bishops Itchington will be supported"</p>

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		Paragraph 7.24	<p>There are two concerns about the above approach:</p> <ul style="list-style-type: none"> <li>a) The restriction of the scope for such schemes to locations within the BUAB is at odds with the strategy set out in Policy BINDP1 by virtue of the cross-reference in that Policy to CS Policy AS.10. In other words, it is internally contradictory. This could give rise to the question of whether Policy BINDP2 fully meets the Basic Conditions having regard to the strategic framework provided by the CS. But, irrespective of any conclusions that may be draw on that issue, in practical terms it is considered that the Policy is unlikely to assist in delivering any 'Local Need' scheme or schemes: this is because Policy BINDP1 provides for unrestricted open market housing on sites within the BUAB, making the prospects for delivery 'Local Need' schemes uncertain, at best.</li> <li>b) The restriction on the scale of any schemes for up to 10 properties seems unhelpful. Policy CS.15 criterion G contains no corresponding upper limit in size. Moreover, given the issues discussed at (a) above concerning open market housing coupled with the thresholds for affordable housing contained in Core Strategy Policy CS.18, the prospects for delivery of additional affordable housing appear remote. Whilst it is arguable that a policy could have been included seeking to apply a lower threshold for affordable housing provision – as envisioned by paragraph 64 of the NPPF – the fact is that no such policy is included.</li> </ul> <p>It is recommend that, as a minimum, consideration be given to amending the wording of Policy BINDP2 to:</p> <ul style="list-style-type: none"> <li>a) State that development “within and adjoining” the BUAB can be considered for small-scale community-led housing schemes.</li> <li>b) The apparently arbitrary limitation on schemes to a maximum of 10 dwellings be removed, with reliance instead being placed on the “small-scale” criterion, unless a specific case for this limitation can be made out.</li> </ul>

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		First Homes	<p>Paragraph 7.24 of the explanatory text references the Housing Needs Survey commissioned by Bishops Itchington Parish Council in 2016. The text goes on to – correctly – identify that the Survey has neared the end of its useful life. But – unhelpfully – it then indicates that applicants seeking approval for Local Need schemes under Policy BINDP2 may have to provide more up-to-date evidence of local need; further, that at the time of writing the Parish Council “has not committed to updating the Housing Needs Survey”.</p> <p>It is considered that the 2016 Survey is now out-of-date in the sense of no longer being a reliable source of information about the extent and nature of local unmet housing need. This is partly on account of its age, but also in view of the considerable amount of housing developed in the intervening period (readily acknowledged in the Plan itself). It is recommend that, as a minimum, consideration be given to amending the wording of paragraph 7.24 in consultation with the Rural Housing Enabler to better reflect the current position.</p>
		Policy BINDP5	<p>National Planning Practice Guidance (Paragraph: 018 Reference ID: 70-018-20210524) indicates that new development plans (including Neighbourhood Plans) should “take account” of the new First Homes requirement. Whilst, in practice, including for the reasons outlined above, any affordable housing yield is likely to be limited or even non-existent within the policy framework set by the Plan, it is not clear from either the Plan itself or the Basic Conditions Statement that the national guidance on First Homes has been considered</p>
		Policy BINDP7	<p>It is suggested that the 1st line in the last paragraph is amended to read ‘...should provide a Landscape Visual Impact Assessment to identify any mitigation...’</p> <p>Do sites 2, 3, 8, 9 and 10 comply with the criteria set out in CS Policy CS.25? They are businesses, rather than community facilities. Will the policy protect the shops/businesses given the revised Use</p>

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		Policy BINDP9	Classes Order and new regime for permitted change of use without the requirement for prior planning consent?
		Policy BINDP10	<p>Policy BINDP9 (Local Green Space) refers to four sites “shown on the Policies Map”. Clarity as to their location and extent is essential for all parties. However, there does not appear to be a “Policies Map”. It may be that this is intended as a reference to Figure 10. If this is indeed the case, it must be pointed out that this Figure includes two additional areas (5 and 6) not named in Policy BINDP9 itself. Additionally, the numbering on Figure 10 does not match up with the numbering of the LGS in the policy wording.</p> <p>It is not clear how site 4 (land off Knightcote Road) meets the NPPF tests and therefore meet the Basic Conditions.</p> <p>The term ‘open space’ is a very vague term. What land does such a term include? Is it public realm, or private land (or both)? How can you provide equivalent or better ‘space’ elsewhere in the village? The policy as written is not precise.</p> <p>Paragraph 9.31 refers to Policy BINDP8, not BINDP10 and needs updating. There appears to be no Map identifying the open spaces the policy refers to.</p>
		Paragraph 11.1 - 11.3	These paragraphs will need to be deleted in the next version of the Plan.